
Environmental Outcomes Reports: A new approach to environmental assessment

A response from the TCPA to the consultation by the Department
for Levelling Up, Housing and Communities

June 2023

1 About the TCPA

The Town and Country Planning Association (TCPA) works to challenge, inspire and support people to create healthy, sustainable and resilient places that are fair for everyone. Informed by the Garden City Principles, the TCPA's strategic priorities are to:

- Work to secure a good home for everyone, in inclusive, resilient and prosperous communities which support people to live healthier lives.
- Empower people to have real influence over decisions about their environments and to secure social justice within and between communities.
- Support new and transform existing places to be adaptable to current and future challenges, including the climate crisis.

The TCPA is a charity and company limited by guarantee.

2 Overarching comments

The TCPA recognises that there are significant issues with the current performance of the Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA) regimes. However, these approaches to the holistic assessment of environmental impacts have had a transformative effect on the planning system's approach to the protection of people and nature.

The problems with the current system in terms of the complexity of documentation and the effectiveness of the outputs could be resolved through specific changes to the current regulations rather than scrapping them altogether. Much more prescriptive guidance on the content of environmental reports as well as consideration of the independent commissioning of SEA and EIA are options which should be explored. The TCPA is clear that, taken as a whole, the proposed Environmental Outcomes Reports (EOR) regime is a clear regression in scope both in terms of human health and specifically carbon emissions. The new framework offers no clear benefit over the existing regime and its introduction will be highly disruptive. As a result, we do not support the introduction of EOR in its current form.

The TCPA believes that the holistic assessment of the environmental impacts of new development, including how these impacts interact and their cumulative effect, is at the heart of smart, evidence-based planning. We are concerned, therefore, at the implication of the consultation that both carbon emissions and human health will be dealt with through separate processes. This is both administratively inefficient but also methodologically illogical. Since carbon emissions and their impact on climate change have a systemic impact on the environment, and since the impacts of development on the natural and historic environment have complex impacts on human health, it makes clear sense for all of these factors to be considered together in one holistic assessment process.

3 The failure to address human health and wellbeing in EOR

It is now widely recognised that the places and environments in which people live have a profound influence on their health¹. Consequently, the way that places are planned and developed is an important factor in supporting – or undermining – health. Currently, the only legal requirement to consider the effect that new plans and development proposals will have on population health² is via two types of assessment:

- Strategic Environmental Assessment (SEA)³, used to assess plans and strategies (e.g. council-wide Local Plans and development strategies);
- Environmental Impact Assessment (EIA)⁴, used to assess individual planning proposals.

The consultation proposes to scrap these and replace them with a single assessment (EOR). The greater alignment of methodologies between the assessment regimes would be welcome but since SEA and EIA are designed to assess fundamentally different kinds of decision-making regimes, they will inevitably need distinctive methods. (Assessing the theoretical impact of a policy clearly requires a different emphasis from assessing the impact of a site-specific development consent.)

Our greatest concern is that unlike the SEA and the EIA, which both require consideration of how the plan or development proposal will affect population health, the new EOR **omits consideration of population health**.

This will have three negative consequences:

- Firstly, there will no longer be any requirement in law to consider the impact on population health of plans or development proposals.
- Secondly, as a consequence, individual plans and development proposals are less likely to be assessed as to whether they will be detrimental to population health, or whether they could be designed to positively improve it. This simply because non statutory requirements are not prioritized in the context of severely underfunded planning service.
- Thirdly, the removal of human health as a consideration in environmental assessment implies that human wellbeing is a separate issue to environmental quality, contradicting the overwhelming evidence that the environments in which we live are

¹ For evidence, see: [Spatial planning for health: evidence review - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

² For a definition of 'population health' see: [What is a population health approach? | The King's Fund \(kingsfund.org.uk\)](https://www.kingsfund.org.uk)

³ [Strategic environmental assessment and sustainability appraisal - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

⁴ [Environmental Impact Assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

inextricably linked to our health across the life course in complex and systemic ways⁵. People are part of the ecosystem upon which they depend, and the interaction of people and their environments requires a holistic and integrated assessment framework.

3.1 What will this mean in practice?

In practice this will mean that local planning authorities will still, voluntarily, be able to include a focus on population health in their plans and policies and will still be able to ask developers to consider health and wellbeing in their proposals. However, because there will no longer be a legal requirement to do this, councils' ability to insist on it will be significantly weakened. Councils that are struggling financially might decide to focus only on the essential legal requirements, so are less likely to insist that plans and developments address population health. Some councils might include a focus on health in their local plans but could find it is considered unnecessary by the Planning Inspectorate and might decide it is difficult, or too expensive, to defend.

In addition, nationally significant infrastructure projects (NSIPs), which are developed through a separate planning system⁶, will also be affected. These huge long-term projects – such as power stations and airports – inevitably have significant impacts on population health. Although these impacts can be negative, they can also be positive if carefully planned and designed. However, this is less likely to happen if there is no longer a legal requirement to assess the impact these developments will have on population health.

4 The government position health assessment

Paragraph 4.9 of the government consultation on Environmental Outcomes Reports states that *'We will also consider how we can best use EORs to achieve health related outcomes, and this will be subject to further policy development'* and there is the promise of further consultation. Without any details it is impossible to judge the adequacy of these measures. It is clear that, for the reasons stated above, a separate health impact assessment process which is disconnected from EOR is both methodologically illogical as well as administratively inefficient creating the risks for the unnecessary duplication of evidence gathering.

It has been suggested that the provisions relating to Environmental Outcomes Reports in section six of the Levelling Up and Regeneration Bill (LURB) provide some safeguards on the assessment of human health. Clause 138 of the LURB defines the scope of EOR. Clause 138 (2) requires: '(b) protection of people from the effects of human activity on the natural environment, cultural heritage and the landscape'.

Clause 138 (3) goes on to exclude 'buildings and other structures' from the definition of the natural environment. This exclusion creates significant uncertainty about the role of EOR in considering human health. For example, the effects on human populations of the demolition, construction and use of buildings and other structures would fall outside the EOR regime. At face value this means that the reliance on clause 138 to ensure that EOR will deal with human health is unsafe. At the very least it raises very significant legal uncertainty as to, for example, whether the health impacts of traffic arising from an urban redevelopment scheme would fall within the scope of impact to be considered by EOR. It is arguable that since the impacts arise

⁵ See, ['Health and the Natural Environment: a review of evidence, policy, practice and opportunities for the future.'](#) (2018) Defra, European Centre for Environment and Human Health and University of Exeter Medical School

⁶ The Planning Act (2008). [National Infrastructure Planning \(planninginspectorate.gov.uk\)](#)

from building and structures and do not impact on the ‘natural environment’ because this is an urban area comprising ‘buildings and structures’ that they would not be considered. Indeed, any kind of impact related to any aspect of the existing built environment appears, at face value, to be excluded.

The implementation of EOR as currently described will mean that impacts on human populations of policy in plans and major development schemes will be dealt purely on voluntary basis requiring LPAs to resource such work outside any statutory requirements. Any local policy included in development plans on health impact assessment could be subject to challenge at plan examination on the grounds of viability and that such assessments are not required by national law or policy.

4.1 Key recommendations

We have made clear that the TCPA favours retaining and improving SEA and EIA rather than replacing it. If EOR is to be taken forward the regime should address the following minimum requirements:

- EOR must consider the impact of the plan, strategy or development on population health and climate change;
- EOR must consider ways in which a plan, strategy or development proposal could positively contribute to the wider determinants of health⁷ ;
- The definition of ‘health’ in Environmental Outcomes Reports must be the World Health Organisation’s definition, i.e. that health is ‘a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity’. This is the definition used by the government’s Office for Health Improvement and Disparities (OHID), part of the Department of Health and Social Care.
- EOR must fully consider the carbon impacts of plan policy and those resulting from major development in relation to the requirements of the Climate Act (2008).
- EOR must provide an integrated assessment method in which cumulative impacts are considered.

5 Conclusion

Improving healthy life expectancy, and improving well-being, are two of the Levelling Up ‘missions’ that the government has committed to achieving⁸. Achieving these will be more difficult if the government omits population health from the scope of EOR. The government is committed to delivering the UN Sustainable Development Goals including Goal 3 ‘health and wellbeing’. As stated in the National Planning Policy Framework (NPPF), sustainable development is only possible when economic, social and environmental objectives are recognised as interdependent and are pursued in mutually supportive ways⁹. Removal of human health and carbon emissions as considerations of EOR damages the government’s commitments to sustainable development and risks decision making that unintentionally creates and sustains poor health outcomes and embeds and increases health inequalities.

6 For more information

Please contact Dr Hugh Ellis, Director of Policy, TCPA

hugh.ellis@tcpa.org.uk

⁷ The ‘wider determinants’ of health are the environmental, social and economic factors that shape people’s health.

⁸ [Levelling Up the United Kingdom: Executive Summary \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101311/levelling-up-executive-summary.pdf)

⁹ [National Planning Policy Framework \(2021\) paragraphs 7-8](#)