



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 6

#### ENVIRONMENTAL OUTCOMES REPORTS

##### *Power to require environmental outcomes reports*

#### **153 Environmental outcomes reports for relevant consents and relevant plans**

- (1) EOR regulations may make provision requiring an environmental outcomes report to be prepared in relation to a proposed relevant consent or a proposed relevant plan.
- (2) Where an environmental outcomes report is required to be prepared in relation to a proposed relevant consent—
  - (a) the proposed relevant consent may not be given, unless an environmental outcomes report has been prepared in relation to it, and
  - (b) that report must be taken into account or given effect, in accordance with EOR regulations, in determining whether and on what terms the proposed consent is to be given.
- (3) Where an environmental outcomes report is required to be prepared in relation to a proposed relevant plan—
  - (a) no step may be taken which would have the effect of bringing the proposed relevant plan into effect, unless an environmental outcomes report has been prepared in relation to it, and
  - (b) that report must be taken into account or given effect, in accordance with EOR regulations, in determining whether and on what terms the proposed relevant plan is to have effect.
- (4) An “environmental outcomes report”, in relation to a proposed relevant consent or proposed relevant plan, means a written report which assesses—
  - (a) the extent to which the proposed relevant consent or proposed relevant plan would, or is likely to, impact on the delivery of specified environmental outcomes,

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*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 153. (See end of Document for details)*

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- (b) any proposals for increasing the extent to which a specified environmental outcome is delivered,
  - (c) any steps that may be proposed for the purposes of—
    - (i) avoiding the effects of a specified environmental outcome not being delivered to any extent;
    - (ii) so far as the effects of a specified environmental outcome not being delivered to any extent cannot be avoided, mitigating those effects;
    - (iii) so far as the effects of a specified environmental outcome not being delivered to any extent cannot be avoided or mitigated, compensating for the specified environmental outcome not being delivered, and
  - (d) any proposals about how—
    - (i) the impact of the proposed relevant consent or proposed relevant plan on the delivery of a specified environmental outcome, or
    - (ii) the taking of any proposed steps of the kind mentioned in [paragraph \(c\)](#),
 should be monitored or secured.
- (5) The reference in [subsection \(4\)\(c\)](#) to steps includes—
- (a) reasonable alternatives to the relevant consent, to the project to which the relevant consent relates or to any element of either, or (as the case may be)
  - (b) reasonable alternatives to the relevant plan or any element of it.
- (6) Subsection (2) does not apply in relation to a relevant consent where—
- (a) the requirement for the consent is imposed under [subsection \(4\)](#) of [section 154](#), and
  - (b) the consent is to be given or refused in an environmental outcomes report in accordance with provision under [subsection \(5\)](#) of that section.
- (7) EOR regulations may include provision about or in connection with—
- (a) what is to be taken to constitute the giving of a relevant consent for the purposes of [subsection \(2\)](#);
  - (b) the proposed relevant consents and proposed relevant plans for which an environmental outcomes report is, or may be, required;
  - (c) in relation to proposed relevant consents and proposed relevant plans for which an environmental outcomes report may be required, the circumstances in which a report is required;
  - (d) an environmental outcomes report not needing to assess the extent to which a proposed relevant consent or proposed relevant plan would, or is likely to, impact on the delivery of a specified environmental outcome, where an adequate assessment of the impact on delivery of the outcome has in effect already been, or is to be, carried out in a different environmental outcomes report;
  - (e) what proposals an environmental outcomes report may or must deal with under [subsection \(4\)\(b\)](#), [\(c\)](#) and [\(d\)](#);
  - (f) how any of the assessments mentioned in [subsection \(4\)](#) are to be carried out;
  - (g) the information to be included in, and the content and form of, an environmental outcomes report, including provision requiring, or permitting a public authority to require, a report to deal with matters in addition to those provided for in [subsection \(4\)](#);

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- (h) how, and to what extent, environmental outcomes reports are to be taken into account or given effect by public authorities in considering, and making decisions in relation to, relevant consents or relevant plans;
- (i) the carrying out of any proposals assessed in an environmental outcomes report under [subsection \(4\)\(b\)](#), [\(c\)](#) and [\(d\)](#).

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**Commencement Information**

**II** [S. 153](#) in force at 26.12.2023, see [s. 255\(5\)](#)

**Status:**

Point in time view as at 31/01/2024.

**Changes to legislation:**

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 153.