

# **AGS Webinar**

## **Sustainability in the Delivery of Brownfield Regeneration: Sustainable Remediation Solutions**

**The Environment Act- Targets , Consultations and Guidance**

# Introduction

1. Environment Act 2021 and impacts on the development sector
2. Office of Environmental Protection
3. Overview of current government Consultations ; Biodiversity Net Gain; Environmental Targets and Nature Recovery: Green Paper
4. The bigger picture and levelling up

## Environment Act

Described by the UK government as delivering “the most ambitious environmental programme of any country on earth. It will halt the decline of species by 2030, clean up our air and protect the health of our rivers, reform the way in which we deal with waste and tackle deforestation overseas. We are setting an example for the rest of the world to follow”.

## Environment Act (cont.)

- The Act introduces far-reaching statutory changes aimed at, amongst other things,
- increasing biodiversity,
- restoring natural habitats,
- reducing waste and making better use of our resources
- The Act contains a number of Environmental Targets which are a key commitment in the Act that will help deliver the government's vision of leaving the environment in a better state



## Environment Act (cont.)

- The Act requires the government to set at least one long-term target in each of the following areas;
- Air quality
- Water
- Biodiversity
- Resource Efficiency and waste reduction
- The Act also requires targets to be set for fine particulate matter (PM2.5) and species abundance
- Targets are legally binding
- Aim of the UK Government is for the targets to be laid before Parliament on 31<sup>st</sup> October 2022



## Air Quality Target

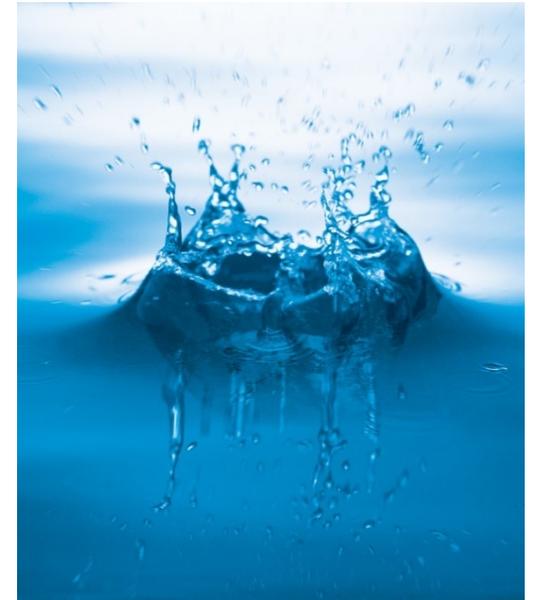
Target proposals for air quality and action by sectors namely:

- Road transport
- Manufacturing
- Construction
- Agriculture
- Energy



## Water Quality Target

- Improvement of Water Quality
- Nutrient Targets and reducing nitrogen and phosphorous
- Nutrient pollution from wastewater



## Biodiversity Targets

- Biodiversity net gain refers to an approach to development aiming to leave the natural environment in a measurably better condition than it was to begin with. The part of the Act securing the biodiversity net gain provisions is not currently in force but is expected to take effect for new planning applications in November 2023.
- Following implementation, the Act will require a pre-commencement condition to be attached to every applicable planning permission, requiring a Biodiversity Gain Plan to be submitted to and approved by the local planning authority (“LPA”). The Act provides that certain permissions are exempt, for example those granted by development order.

## Biodiversity Target (cont.)

The obvious impacts of the biodiversity net gain (BNG) duty include:

- An additional cost to developers in providing and thereafter maintaining the BNG;
- Where the BNG is secured on-site, it will reduce the land available for development and recreational use with potential adverse impacts on viability;
- It will be easier to demonstrate the BNG on biodiversity-poor land and harder to demonstrate on already biodiverse sites, potentially increasing the attractiveness of brownfield land;
- Anti-avoidance measures mean that works carried out since 20 January 2020 and which ‘dumb-down’ the biodiversity value of a site before submitting a planning permission must be disregarded in the assessment of the site’s pre-development baseline biodiversity value.
- Demonstrating the BNG “as at the time the development is completed” as opposed to when planting etc becomes mature is likely to be difficult and may further increase costs.

## Biodiversity Target (cont.)

- Landowners with sites that are not appropriate for development but with low biodiversity values are likely to be courted by developers looking to meet their BNG obligations off-site, creating a new market in conservation covenant sites.
- The BNG obligation increases the costs burden to LPAs of determining planning applications and monitoring developments without any clarity as to how that will be funded. At the same time, and as owners of public land, off-site BNG may offer a lucrative new income stream to Local Authorities support in rewilding of parts of city parks, as well as of other public land which is not suitable for development.



# Target Proposals for Resource Efficiency and Waste Reduction

- Visualisation of a circular economy
- Reducing residual waste from construction demolition and excavation
- Target ambitions



## Office of Environmental Protection (OEP)

- New public body
- Mission to protect and improve the environment by holding government and other public bodies to account
- Powers and enforcement
- Duty to monitor and scrutinise environmental improvement plans and targets under the Environment Act
- Advising government on environmental law

## Recent Government Consultations Arising from Environment Act Likely to Impact on Development

- Biodiversity Net Gains
- Environmental Targets
- Nature Recovery Green Paper: Protected Sites and Species



# Levelling Up and Regeneration Bill

- Seen as the great levelling up bill
- Includes:
  - Empowering local decision making
  - Creation of locally led development corporations
  - Reforms to Section 106 and Infrastructure Levy
  - For environmental:
    - **New** Environmental Outcome Regulations to come
    - **New** Environmental Outcome Reports – replacing SEA, EIA and Habitats Regulation requirements
    - Reports need to show how meeting conditions of environmental consents



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