



# Environment Act 2021

## 2021 CHAPTER 30

### PART 1

#### ENVIRONMENTAL GOVERNANCE

### CHAPTER 1

#### IMPROVING THE NATURAL ENVIRONMENT

#### *Environmental targets*

### **1 Environmental targets**

- (1) The Secretary of State may by regulations set long-term targets in respect of any matter which relates to—
  - (a) the natural environment, or
  - (b) people's enjoyment of the natural environment.
- (2) The Secretary of State must exercise the power in subsection (1) so as to set a long-term target in respect of at least one matter within each priority area.
- (3) The priority areas are—
  - (a) air quality;
  - (b) water;
  - (c) biodiversity;
  - (d) resource efficiency and waste reduction.
- (4) A target set under this section must specify—
  - (a) a standard to be achieved, which must be capable of being objectively measured, and
  - (b) a date by which it is to be achieved.

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- (5) Regulations under this section may make provision about how the matter in respect of which a target is set is to be measured.
- (6) A target is a “long-term” target if the specified date is no less than 15 years after the date on which the target is initially set.
- (7) A target under this section is initially set when the regulations setting it come into force.
- (8) In this Part the “specified standard” and “specified date”, in relation to a target under this section, mean the standard and date (respectively) specified under subsection (4).
- (9) The Secretary of State may not by regulations under this section make any provision which, if contained in an Act of Senedd Cymru, would be within the legislative competence of the Senedd.

## **2 Environmental targets: particulate matter**

- (1) The Secretary of State must by regulations set a target (“the PM<sub>2.5</sub> air quality target”) in respect of the annual mean level of PM<sub>2.5</sub> in ambient air.
- (2) The PM<sub>2.5</sub> air quality target may, but need not, be a long-term target.
- (3) In this section “PM<sub>2.5</sub>” means particulate matter with an aerodynamic diameter not exceeding 2.5 micrometres.
- (4) Regulations setting the PM<sub>2.5</sub> air quality target may make provision defining “ambient air”.
- (5) The duty in subsection (1) is in addition to (and does not discharge) the duty in section 1(2) to set a long-term target in relation to air quality.
- (6) Section 1(4) to (9) applies to the PM<sub>2.5</sub> air quality target and to regulations under this section as it applies to targets set under section 1 and to regulations under that section.
- (7) In this Part “the PM<sub>2.5</sub> air quality target” means the target set under subsection (1).

## **3 Environmental targets: species abundance**

- (1) The Secretary of State must by regulations set a target (the “species abundance target”) in respect of a matter relating to the abundance of species.
- (2) The specified date for the species abundance target must be 31 December 2030.
- (3) Accordingly, the species abundance target is not a long-term target and the duty in subsection (1) is in addition to (and does not discharge) the duty in section 1(2) to set a long-term target in relation to biodiversity.
- (4) Before making regulations under subsection (1) which set or amend a target the Secretary of State must be satisfied that meeting the target, or the amended target, would halt a decline in the abundance of species.
- (5) Section 1(4) to (9) applies to the species abundance target and to regulations under this section as it applies to targets set under section 1 and to regulations under that section.
- (6) In this Part “the species abundance target” means the target set under subsection (1).

#### **4 Environmental targets: process**

- (1) Before making regulations under sections 1 to 3 the Secretary of State must seek advice from persons the Secretary of State considers to be independent and to have relevant expertise.
- (2) Before making regulations under sections 1 to 3 which set or amend a target the Secretary of State must be satisfied that the target, or amended target, can be met.
- (3) The Secretary of State may make regulations under sections 1 to 3 which revoke or lower a target (the “existing target”) only if satisfied that—
  - (a) meeting the existing target would have no significant benefit compared with not meeting it or with meeting a lower target, or
  - (b) because of changes in circumstances since the existing target was set or last amended the environmental, social, economic or other costs of meeting it would be disproportionate to the benefits.
- (4) Before making regulations under sections 1 to 3 which revoke or lower a target the Secretary of State must lay before Parliament, and publish, a statement explaining why the Secretary of State is satisfied as mentioned in subsection (3).
- (5) Regulations lower a target if, to any extent, they—
  - (a) replace the specified standard with a lower standard, or
  - (b) replace the specified date with a later date.
- (6) Regulations under section 2 may not revoke the PM<sub>2.5</sub> air quality target (but may amend it in accordance with this section).
- (7) For the purposes of this Part a target is met if the specified standard is achieved by the specified date.
- (8) Regulations under sections 1 to 3 are subject to the affirmative procedure.
- (9) A draft of a statutory instrument (or drafts of statutory instruments) containing regulations setting—
  - (a) each of the targets required by section 1(2),
  - (b) the PM<sub>2.5</sub> air quality target, and
  - (c) the species abundance target,must be laid before Parliament on or before 31 October 2022.

#### **5 Environmental targets: effect**

It is the duty of the Secretary of State to ensure that—

- (a) targets set under section 1 are met,
- (b) the PM<sub>2.5</sub> air quality target set under section 2 is met, and
- (c) the species abundance target set under section 3 is met.

#### **6 Environmental targets: reporting duties**

- (1) Regulations under section 1, 2 or 3 must specify a reporting date for any target set under that section.
- (2) On or before the reporting date the Secretary of State must lay before Parliament, and publish, a statement containing the required information about the target.

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- (3) The required information about a target is (as appropriate)—
  - (a) that the target has been met,
  - (b) that the target has not been met, or
  - (c) that the Secretary of State is not yet able to determine whether the target has been met, the reasons for that and the steps the Secretary of State intends to take in order to determine whether the target has been met.
- (4) Where the Secretary of State makes a statement that the target has not been met the Secretary of State must, before the end of the 12 month period beginning with the date on which the statement is laid, lay before Parliament, and publish, a report.
- (5) The report must—
  - (a) explain why the target has not been met, and
  - (b) set out the steps the Secretary of State has taken, or intends to take, to ensure the specified standard is achieved as soon as reasonably practicable.
- (6) Where the Secretary of State makes a statement that the Secretary of State is not yet able to determine whether the target has been met the Secretary of State must, before the end of the 6 month period beginning with the date on which the statement is laid, lay before Parliament, and publish, a further statement containing the required information.
- (7) Subsections (3) to (6) apply to further statements under subsection (6) as they apply to a statement under subsection (2).

## 7 **Environmental targets: review**

- (1) The Secretary of State must review targets set under sections 1 to 3 in accordance with this section.
- (2) The purpose of the review is to consider whether the significant improvement test is met.
- (3) The significant improvement test is met if meeting—
  - (a) the targets set under sections 1 to 3, and
  - (b) any other environmental targets which meet the conditions in subsection (8) and which the Secretary of State considers it appropriate to take into account, would significantly improve the natural environment in England.
- (4) Having carried out the review the Secretary of State must lay before Parliament, and publish, a report stating—
  - (a) whether the Secretary of State considers that the significant improvement test is met, and
  - (b) if the Secretary of State considers that the test is not met, the steps the Secretary of State intends to take in relation to the powers in sections 1 to 3 to ensure that it is met.
- (5) The first review must be completed by 31 January 2023.
- (6) Subsequent reviews must be completed before the end of the 5 year period beginning with the day on which the previous review was completed.
- (7) A review is completed when the Secretary of State has laid and published the report.

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- (8) The conditions mentioned in subsection (3)(b) are that—
- (a) the target relates to an aspect of the natural environment in England or an area which includes England,
  - (b) it specifies a standard to be achieved which is capable of being objectively measured,
  - (c) it specifies a date by which the standard is to be achieved, and
  - (d) it is contained in legislation which forms part of the law of England and Wales.
- (9) In this section “England” includes—
- (a) the English inshore region, and
  - (b) the English offshore region,
- within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act).