



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.

Status: This is the original version (as it was originally enacted).

- (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_{2.5} air quality target”) in respect of the annual mean level of PM_{2.5} in ambient air.
- (2) The PM_{2.5} air quality target may, but need not, be a long-term target.
- (3) In this section “PM_{2.5}” means particulate matter with an aerodynamic diameter not exceeding 2.5 micrometres.
- (4) Regulations setting the PM_{2.5} 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_{2.5} 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_{2.5} 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_{2.5} 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_{2.5} 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_{2.5} 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.

- (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).

Environmental improvement plans

8 Environmental improvement plans

- (1) The Secretary of State must prepare an environmental improvement plan.
- (2) An “environmental improvement plan” is a plan for significantly improving the natural environment in the period to which the plan relates.
- (3) That period must not be shorter than 15 years.
- (4) An environmental improvement plan must set out the steps Her Majesty’s Government intends to take to improve the natural environment in the period to which the plan relates.
- (5) It may also set out steps Her Majesty’s Government intends to take to improve people’s enjoyment of the natural environment in that period (and if it does so references in this Part to improving the natural environment, in relation to that plan, include improving people’s enjoyment of it).
- (6) The Secretary of State’s functions in relation to environmental improvement plans are not exercisable in relation to the natural environment in Wales.
- (7) The document entitled “A green future: our 25 year plan to improve the environment” published by Her Majesty’s Government on 11 January 2018 is to be treated as an environmental improvement plan prepared by the Secretary of State under this section.
- (8) References in this Part—
- (a) to the first environmental improvement plan, are to that document;
 - (b) to the current environmental improvement plan, are to the environmental improvement plan for the time being in effect.

9 Annual reports on environmental improvement plans

- (1) The Secretary of State must prepare annual reports on the implementation of the current environmental improvement plan.
- (2) An annual report must—

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- (a) describe what has been done, in the period to which the report relates, to implement the environmental improvement plan, and
 - (b) consider, having regard to any data obtained under section 16, whether the natural environment has, or particular aspects of it have, improved during that period.
- (3) In considering the matters in subsection (2)(b) an annual report must consider the progress that has been made towards achieving—
- (a) any targets, or any relevant targets, set under sections 1 to 3, and
 - (b) any interim targets, or any relevant interim targets, set under sections 11 and 14.
- (4) The first annual report on the first environmental improvement plan may relate to any 12 month period that includes the day on which this section comes into force.
- (5) The first annual report on a subsequent environmental improvement plan must relate to the first 12 months of the period to which the plan relates.
- (6) Subsequent annual reports on an environmental improvement plan must relate to the 12 month period immediately following the 12 month period to which the previous annual report relates.
- (7) An annual report must be laid before Parliament before the end of the 4 month period beginning immediately after the last day of the period to which the report relates.
- (8) The Secretary of State must publish annual reports laid before Parliament under this section.

10 Reviewing and revising environmental improvement plans

- (1) The Secretary of State must—
- (a) review the current environmental improvement plan in accordance with this section, section 11 and section 12, and
 - (b) if the Secretary of State is required to revise the plan under section 11, or considers it appropriate to revise the plan as a result of the review, revise the plan.
- (2) The period to which a revised plan relates must end at the same time as the period to which the current plan relates.
- (3) The first review of the first environmental improvement plan must be completed by 31 January 2023.
- (4) The first review of a subsequent environmental improvement plan must be completed before the end of the 5 year period beginning with the day on which it replaces the previous plan (see section 13(4)).
- (5) Subsequent reviews of an environmental improvement plan must be completed before the end of the 5 year period beginning with the day on which the previous review was completed.
- (6) If as a result of a review the Secretary of State revises the environmental improvement plan, the Secretary of State must lay before Parliament—
- (a) the revised environmental improvement plan, and
 - (b) a statement explaining the revisions and the reasons for them.

- (7) If as a result of a review the Secretary of State does not revise the environmental improvement plan, the Secretary of State must lay before Parliament a statement explaining that and the reasons for it.
- (8) The Secretary of State must publish the documents laid under subsection (6) or (7).
- (9) A review is completed when the Secretary of State has laid and published the documents mentioned in subsection (6) or (7).
- (10) References in this Act to an environmental improvement plan include a revised environmental improvement plan.

11 Reviewing and revising plans: interim targets

- (1) On the first review of the first environmental improvement plan, the Secretary of State must revise the plan so as to—
 - (a) set at least one interim target in respect of each relevant matter, and
 - (b) secure that there is at all times, until the end of the 5 year period beginning with the relevant date, an interim target set by the plan in respect of each relevant matter.
- (2) On any other review of an environmental improvement plan, the Secretary of State must make any revisions to the plan which are necessary in order to—
 - (a) set at least one interim target in respect of any matter that has become a relevant matter since the previous review, and
 - (b) secure that there is at all times, until the end of the 5 year period beginning with the relevant date, an interim target set by the plan in respect of each relevant matter.
- (3) A “relevant matter” means any matter in respect of which there is a target under sections 1 to 3.
- (4) Subsection (2)(b) does not apply in respect of a matter if the specified date for the target under sections 1 to 3 in respect of that matter is before the end of the 5 year period beginning with the relevant date.
- (5) On a review of an environmental improvement plan, the Secretary of State may revise or replace any interim targets set by the plan in respect of a relevant matter (subject to subsection (2)(b), where it applies in respect of the matter).
- (6) An interim target in respect of a matter 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.
- (7) The date must be no later than the end of the 5 year period beginning with—
 - (a) for the first interim target in respect of a matter, the relevant date;
 - (b) for subsequent interim targets in respect of a matter, the later of the relevant date and the date specified for the previous interim target.
- (8) Before setting or revising an interim target in respect of a matter the Secretary of State must be satisfied that meeting the target, or the revised target, would make an appropriate contribution towards meeting the target under sections 1 to 3 in respect of that matter.

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(9) The “relevant date” is the date on which the review is completed.

12 Reviewing and revising plans: other requirements

- (1) In reviewing an environmental improvement plan under section 10, the Secretary of State must consider—
 - (a) what has been done to implement the plan in the period since it was published or (if it has been reviewed before) last reviewed,
 - (b) whether, having regard to data obtained under section 16 and reports made by the OEP under section 28, the natural environment has, or particular aspects of it have, improved during that period, and
 - (c) whether Her Majesty’s Government should take further or different steps to improve the natural environment (compared to those set out in the plan) in the remainder of the period to which the plan relates.
- (2) In considering the matters in subsection (1)(b) the Secretary of State must consider the progress that has been made towards meeting—
 - (a) any targets, or any relevant targets, set under sections 1 to 3, and
 - (b) any interim targets, or any relevant interim targets, set under sections 11 and 14.
- (3) In considering the matters in subsection (1)(c) the Secretary of State must consider whether Her Majesty’s Government should take further or different steps towards meeting those targets (compared to those set out in the plan).

13 Renewing environmental improvement plans

- (1) Before the end of the period to which an environmental improvement plan (the “old plan”) relates, the Secretary of State must prepare a new environmental improvement plan (the “new plan”) for a new period in accordance with this section, section 14 and section 15.
- (2) The new period must begin no later than immediately after the end of the period to which the old plan relates.
- (3) At or before the end of the period to which the old plan relates the Secretary of State must lay before Parliament, and publish, the new plan.
- (4) The new plan replaces the old plan when—
 - (a) it has been laid and published, and
 - (b) the period to which it relates has begun.

14 Renewing plans: interim targets

- (1) A new plan prepared by the Secretary of State under section 13 must—
 - (a) set at least one interim target in respect of each relevant matter, and
 - (b) secure that there is at all times, until the end of the 5 year period beginning with the relevant date, an interim target set by the plan in respect of each relevant matter.
- (2) A “relevant matter” means any matter in respect of which there is a target under sections 1 to 3.

Status: This is the original version (as it was originally enacted).

- (3) Subsection (1) does not apply in respect of a matter if the specified date for the target under sections 1 to 3 in respect of that matter is before the end of the 5 year period beginning with the relevant date.
- (4) An interim target in respect of a matter 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.
- (5) The date must be no later than the end of the 5 year period beginning with—
 - (a) for the first interim target set by the new plan in respect of a matter, the relevant date;
 - (b) for subsequent interim targets set by the new plan in respect of a matter, the date specified for the previous interim target.
- (6) Before setting an interim target in respect of a matter, the Secretary of State must be satisfied that meeting it would make an appropriate contribution towards meeting the target under sections 1 to 3 in respect of that matter.
- (7) The “relevant date” is the first day of the period to which the new plan relates.
- (8) In this section references to the “new plan” are to be read in accordance with section 13.

15 Renewing plans: other requirements

- (1) In preparing a new plan under section 13 the Secretary of State must consider—
 - (a) what has been done to implement the old plan,
 - (b) whether, having regard to data obtained under section 16 and reports made by the OEP under section 28, the natural environment has improved since the beginning of the period to which the old plan relates, and
 - (c) whether Her Majesty’s Government should take further or different steps (compared to those set out in the old plan) to improve the natural environment in the period to which the new environmental improvement plan relates.
- (2) In considering the matters in subsection (1)(b) the Secretary of State must consider the progress that has been made towards meeting—
 - (a) any targets set under sections 1 to 3, and
 - (b) any interim targets set under sections 11 and 14.
- (3) In considering the matters in subsection (1)(c) the Secretary of State must consider whether Her Majesty’s Government should take further or different steps (compared to those set out in the old plan) towards meeting any targets set under sections 1 to 3.
- (4) In this section references to the “new plan” and the “old plan” are to be read in accordance with section 13.

Status: This is the original version (as it was originally enacted).

Environmental monitoring

16 Environmental monitoring

- (1) The Secretary of State must make arrangements for obtaining such data about the natural environment as the Secretary of State considers appropriate for the purpose of monitoring—
 - (a) whether the natural environment is, or particular aspects of it are, improving in accordance with the current environmental improvement plan,
 - (b) the progress being made towards meeting any targets set under sections 1 to 3, and
 - (c) the progress being made towards meeting any interim targets set under sections 11 and 14.
- (2) The Secretary of State must lay before Parliament, and publish, a statement setting out the kinds of data to be obtained under subsection (1).
- (3) The first statement must be laid before the end of the 4 month period beginning with the day on which this section comes into force.
- (4) The Secretary of State may revise the statement at any time (and subsection (2) applies to any revised statement).
- (5) The Secretary of State must publish any data obtained under subsection (1).

Policy statement on environmental principles

17 Policy statement on environmental principles

- (1) The Secretary of State must prepare a policy statement on environmental principles in accordance with this section and section 18.
- (2) A “policy statement on environmental principles” is a statement explaining how the environmental principles should be interpreted and proportionately applied by Ministers of the Crown when making policy.
- (3) It may also explain how Ministers of the Crown, when interpreting and applying the environmental principles, should take into account other considerations relevant to their policy.
- (4) The Secretary of State must be satisfied that the statement will, when it comes into effect, contribute to—
 - (a) the improvement of environmental protection, and
 - (b) sustainable development.
- (5) In this Part “environmental principles” means the following principles—
 - (a) the principle that environmental protection should be integrated into the making of policies,
 - (b) the principle of preventative action to avert environmental damage,
 - (c) the precautionary principle, so far as relating to the environment,
 - (d) the principle that environmental damage should as a priority be rectified at source, and
 - (e) the polluter pays principle.

18 Policy statement on environmental principles: process

- (1) The Secretary of State must prepare a draft of the policy statement on environmental principles.
- (2) The Secretary of State must consult such persons as the Secretary of State considers appropriate in relation to the draft statement.
- (3) The Secretary of State must lay the draft statement before Parliament.
- (4) If before the end of the 21 day period—
 - (a) either House of Parliament passes a resolution in respect of the draft statement, or
 - (b) a committee of either House of Parliament, or a joint committee of both Houses, makes recommendations in respect of the draft statement,the Secretary of State must produce a response and lay it before Parliament.
- (5) The Secretary of State must prepare and lay before Parliament the final statement, but not before—
 - (a) if subsection (4) applies, the day on which the Secretary of State lays the response required by that subsection, or
 - (b) otherwise, the end of the 21 day period.
- (6) The final statement has effect when it is laid before Parliament.
- (7) The Secretary of State must publish the statement when it comes into effect.
- (8) The “21 day period” is the period of 21 sitting days beginning with the first sitting day after the day on which the draft statement is laid under subsection (3).
- (9) “Sitting day” means a day on which both Houses of Parliament sit.
- (10) The requirements in subsections (1) and (2) may be met by the preparation of a draft statement, and consultation, before this section comes into force.
- (11) The Secretary of State may prepare a revised policy statement on environmental principles at any time (and subsections (1) to (9) apply in relation to any revised statement).

19 Policy statement on environmental principles: effect

- (1) A Minister of the Crown must, when making policy, have due regard to the policy statement on environmental principles currently in effect.
- (2) Nothing in subsection (1) requires a Minister to do anything (or refrain from doing anything) if doing it (or refraining from doing it)—
 - (a) would have no significant environmental benefit, or
 - (b) would be in any other way disproportionate to the environmental benefit.
- (3) Subsection (1) does not apply to policy so far as relating to—
 - (a) the armed forces, defence or national security,
 - (b) taxation, spending or the allocation of resources within government, or
 - (c) Wales.
- (4) Subsection (1) applies to policy relating to Scotland only so far as relating to reserved matters.

Status: This is the original version (as it was originally enacted).

- (5) Section 14(2) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (asp 4) (UK Ministers must have regard to guiding principles on the environment in making policies extending to Scotland) does not apply to policies so far as relating to reserved matters.
- (6) In this section “reserved matters” has the same meaning as in the Scotland Act 1998.

Environmental protection: statements and reports

20 Statements about Bills containing new environmental law

- (1) This section applies where a Minister of the Crown in charge of a Bill in either House of Parliament is of the view that the Bill as introduced into that House contains provision which, if enacted, would be environmental law.
- (2) The Minister must, before Second Reading of the Bill in the House in question, make—
- (a) a statement to the effect that in the Minister’s view the Bill contains provision which, if enacted, would be environmental law, and
 - (b) a statement under subsection (3) or (4).
- (3) A statement under this subsection is a statement to the effect that in the Minister’s view the Bill will not have the effect of reducing the level of environmental protection provided for by any existing environmental law.
- (4) A statement under this subsection is a statement to the effect that—
- (a) the Minister is unable to make a statement under subsection (3), but
 - (b) Her Majesty’s Government nevertheless wishes the House to proceed with the Bill.
- (5) In making a statement under this section the Minister may in particular take into account the possibility that a Bill, by making provision that is different from existing environmental law, might provide for the same or a greater level of environmental protection.
- (6) For the purposes of this section—
- (a) references to environmental protection provided for by any existing environmental law includes any protection which could be provided for under powers conferred by the existing environmental law, and
 - (b) in considering the effect of a Bill, any powers conferred by the Bill to provide for any environmental protection may be taken into account.
- (7) A statement under this section must be in writing and be published in such manner as the Minister considers appropriate.
- (8) “Existing environmental law”, in relation to a statement under this section, means environmental law existing at the time that the Bill to which the statement relates is introduced into the House in question, whether or not the environmental law is in force.

21 Reports on international environmental protection legislation

- (1) The Secretary of State must report on developments in international environmental protection legislation which appear to the Secretary of State to be significant.

Status: This is the original version (as it was originally enacted).

- (2) “International environmental protection legislation” means legislation of countries and territories outside the United Kingdom, and international organisations, that is mainly concerned with environmental protection.
- (3) The Secretary of State must report under this section in relation to each reporting period.
- (4) The reporting periods are—
 - (a) the 2 year period beginning with the day on which this section comes into force, and
 - (b) each subsequent 2 year period.
- (5) A report under this section may consider—
 - (a) particular countries, territories or international organisations, or
 - (b) particular aspects of environmental protection,as the Secretary of State considers appropriate.
- (6) A report under this section must be laid before Parliament, and published, as soon as reasonably practicable after the end of the reporting period to which it relates.