
STATUTORY INSTRUMENTS

2023 No. 1170 (C. 77)

ENVIRONMENTAL PROTECTION

The Environment Act 2021
(Commencement No. 7) Regulations 2023

Made - - - - 2nd November 2023

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 147(3) of the Environment Act 2021⁽¹⁾.

Citation and interpretation

1.—(1) These Regulations may be cited as the Environment Act 2021 (Commencement No. 7) Regulations 2023.

(2) In these Regulations—

“the Act” means the Environment Act 2021;

“the 1990 Act” means the Town and Country Planning Act 1990⁽²⁾;

“the 1991 Act” means the Water Industry Act 1991⁽³⁾.

Provisions coming into force on 3rd November 2023

2. The following provisions of the Act come into force on 3rd November 2023—

(a) in section 82 (monitoring quality of water potentially affected by discharges)—

(i) subsection (1), for the purposes of making regulations under section 141DB of the 1991 Act⁽⁴⁾; and

(ii) subsection (2), except in respect of section 141DA of the 1991 Act;

(b) section 98 (biodiversity gain as condition of planning permission) in so far as it introduces the provisions commenced by sub-paragraph (d);

(c) section 100 (biodiversity gain site register), for the purposes of making regulations;

(d) paragraphs 1 and 2 of Schedule 14 (biodiversity gain as condition of planning permission)

(1) 2021 c. 30.

(2) 1990 c. 8.

(3) 1991 c. 56.

(4) Section 141DB was inserted by section 82 of the Environment Act 2021.

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- (i) for the purposes of making regulations under Schedule 7A to the 1990 Act⁽⁵⁾;
- (ii) in so far as they insert paragraphs 3, 4 and 12(2) of Schedule 7A into the 1990 Act.

Provision coming into force on 30th November 2023

3. Section 115 of the Act (local highway authorities in England to consult before felling street trees) comes into force on 30th November 2023.

Rebecca Pow
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

2nd November 2023

(5) Schedule 7A was inserted by paragraph 2 of Schedule 14 to the Environment Act 2021.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force provisions of the Environment Act 2021 (c. 30) (“the Act”). These are the seventh commencement regulations made by the Secretary of State under the Act.

Regulation 2 brings into force on 3rd November 2023 specified sections of the Act.

Section 82 is commenced for the limited purpose of enabling regulations to be made under section 141DB of the Water Industry Act 1991 (c. 56).

Section 98 and Part 1 of Schedule 14 of the Act are commenced for the limited purposes of enabling regulations to be made under Schedule 7A of the Town and Country Planning Act 1990 (c. 8) and to enable the biodiversity metric (defined in paragraph 4(1) of that Schedule) to be laid before Parliament.

Section 100 of the Act is commenced for the limited purpose of making regulations which would make provision for and in relation to a biodiversity gain site register.

Regulation 3 brings into force on 30th November 2023 section 115 of the Act. Section 115 inserts new section 96A into the Highways Act 1980 (c. 66) which places a duty on local highway authorities in England to consult before felling street trees.

An impact assessment has not been published for these Regulations as they have no impact on cost to business, the public or voluntary sectors independent of the provisions these Regulations bring into force. A full impact assessment has been published in relation to the Act and copies can be obtained from the website of the Department for Environment, Food and Rural Affairs at www.gov.uk/defra or from the Department for Environment, Food and Rural Affairs at 2 Marsham Steet, London, SW1P 4DF, United Kingdom.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Environment Act 2021 (c. 30) have been brought into force by commencement regulations and orders made before the date of these Regulations:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 7	24th January 2022	S.I. 2022/48 (C. 2)
Sections 8 to 15	24th January 2022	S.I. 2022/48 (C. 2)
Section 16	24th January 2022	S.I. 2022/48 (C. 2)
Sections 17 and 18	10th May 2022	S.I. 2022/518 (C. 21)
Section 19	10th May 2022 (partially)	S.I. 2022/518 (C. 21)
	1st November 2023 (for all remaining purposes)	S.I. 2023/381 (C. 18)
Section 20	10th May 2022	S.I. 2022/518 (C. 21)
Section 21	1st April 2022	S.I. 2022/48 (C. 2)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 22 to 24	17th November 2021	S.I. 2021/1274 (C. 72)
Section 25	24th January 2022	S.I. 2022/48 (C. 2)
Section 26	17th November 2021	S.I. 2021/1274 (C. 72)
Section 27	24th January 2022	S.I. 2022/48 (C. 2)
Sections 28 to 30	24th January 2022	S.I. 2022/48 (C. 2)
Sections 31 to 41	24th January 2022	S.I. 2022/48 (C. 2)
Sections 42 and 43	24th January 2022	S.I. 2022/48 (C. 2)
Sections 44 to 47	17th November 2021	S.I. 2021/1274 (C. 72)
Section 48	25th July 2022	S.R. 2022 No. 54 (C. 5)
Section 49	28th February 2022	S.R. 2022 No. 54 (C. 5)
Section 50	24th January 2022 (partially)	S.I. 2022/48 (C. 2)
	28th February 2022 (partially)	S.R. 2022 No. 54 (C. 5)
	7th March 2022 (partially)	S.I. 2022 No. 223 (W. 71) (C. 10)
	9th November 2022 (for all remaining purposes)	S.S.I. 2022/305 (C. 18)
Section 51	28th February 2022 (for all remaining purposes)	S.R. 2022 No. 54 (C. 5)
Section 52	28th February 2022 (for all remaining purposes)	S.R. 2022 No. 54 (C. 5)
Section 53	28th February 2022 (for all remaining purposes)	S.R. 2022 No. 54 (C. 5)
Section 54	28th February 2022 (for all remaining purposes)	S.R. 2022 No. 54 (C. 5)
Section 55	28th February 2022 (for all remaining purposes)	S.R. 2022 No. 54 (C. 5)
Section 56	28th February 2022 (for all remaining purposes)	S.R. 2022 No. 54 (C. 5)
Section 59	28th February 2022	S.R. 2022 No. 54 (C. 5)
Section 60	24th January 2022 (partially)	S.I. 2022/48 (C. 2)
	7th March 2022 (for all remaining purposes)	S.I. 2022 No. 223 (W. 71) (C. 10)
Section 61	28th February 2022	S.R. 2022 No. 54 (C. 5)
Section 62	24th January 2022	S.I. 2022/48 (C. 2)
Section 64	24th January 2022 (partially)	S.I. 2022/48 (C. 2)
	7th March 2022 (partially)	S.I. 2022 No. 223 (W. 71) (C. 10)
	9th November 2022 (partially)	S.S.I. 2022/305 (C. 18)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 65	28th February 2022	S.R. 2022 No. 54 (C. 5)
Section 67	28th February 2022	S.R. 2022 No. 54 (C. 5)
Section 68	1st April 2023 (partially)	S.I. 2023/381 (C. 18)
Section 69	1st April 2023 (partially)	S.I. 2023/381 (C. 18)
Section 71	28th February 2022	S.R. 2022 No. 54 (C. 5)
Section 72	1st May 2022	S.I. 2022/48 (C. 2)
Section 73	1st May 2022 (partially)	S.I. 2022/48 (C. 2)
Section 85	10th May 2022 (partially)	S.I. 2022/518 (C. 21)
Section 86	24th January 2022	S.I. 2022/48 (C. 2)
Section 87	10th May 2022 (partially)	S.I. 2022/518 (C. 21)
Section 89	28th February 2022 (for all remaining purposes)	S.R. 2022 No. 54 (C. 5)
Section 91	28th February 2022	S.R. 2022 No. 54 (C. 5)
Section 94	29th September 2022	S.I. 2022/988 (C. 75)
Section 96	29th September 2022 (partially)	S.I. 2022/988 (C. 75)
Sections 102 and 103	1st January 2023	S.I. 2022/1266 (C. 100)
Sections 104 to 108	24th January 2022	S.I. 2022/48 (C. 2)
Section 109	30th September 2022	S.I. 2022/518 (C. 21)
Section 110	24th January 2022	S.I. 2022/48 (C. 2)
Section 111	30th September 2022	S.I. 2022/518 (C. 21)
Sections 112 and 113	24th January 2022	S.I. 2022/48 (C. 2)
Section 114	1st January 2023	S.I. 2022/1266 (C. 100)
Section 116	30th September 2022 (partially)	S.I. 2022/518 (C. 21)
Part 7	30th September 2022	S.I. 2022/48 (C. 2)
Section 140	28th February 2022 (for all remaining purposes)	S.R. 2022 No. 54 (C. 5)
Schedule 1	17th November 2021	S.I. 2021/1274 (C. 72)
Schedule 2	25th July 2022 (partially)	S.R. 2022 No. 54 (C. 5)
Schedule 3	28th February 2022	S.R. 2022 No. 54 (C. 5)
Schedule 4	24th January 2022 (partially)	S.I. 2022/48 (C. 2)
	28th February 2022 (partially)	S.R. 2022 No. 54 (C. 5)
	7th March 2022 (partially)	S.I. 2022 No. 223 (W. 71) (C. 10)

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	9th November 2022 (for all remaining purposes)	S.S.I. 2022/305 (C. 18)
Schedule 5	28th February 2022 (for all remaining purposes)	S.R. 2022 No. 54 (C. 5)
Schedule 6	28th February 2022 (for all remaining purposes)	S.R. 2022 No. 54 (C. 5)
Schedule 7	28th February 2022 (for all remaining purposes)	S.R. 2022 No. 54 (C. 5)
Schedule 8	28th February 2022 (for all remaining purposes)	S.R. 2022 No. 54 (C. 5)
Schedule 9	28th February 2022 (for all remaining purposes)	S.R. 2022 No. 54 (C. 5)
Schedule 11	1st May 2022	S.I. 2022/48 (C. 2)
Schedule 12, Part 1	1st May 2022	S.I. 2022/48 (C. 2)
Schedule 12, Part 3	1st May 2022	S.I. 2022/48 (C. 2)
Schedule 13	24th January 2022	S.I. 2022/48 (C. 2)
Schedule 16	1st January 2023	S.I. 2022/1266 (C. 100)
Schedule 17	30th September 2022 (partially)	S.I. 2022/518 (C. 21)
Schedule 18	30th September 2022	S.I. 2022/48 (C. 2)
Schedule 19	30th September 2022	S.I. 2022/48 (C. 2)
Schedule 20	30th September 2022	S.I. 2022/48 (C. 2)
Schedule 21	28th February 2022 (for all remaining purposes)	S.R. 2022 No. 54 (C. 5)