Department
for Environment,
Food & Rural Affairs

Environment Act 2021: Post Legislative Scrutiny Memorandum

November 2026

CP 1695



Government of the United Kingdom

Department for Environment, Food and Rural Affairs

Environment Act 2021: Post Legislative Scrutiny Memorandum

Presented to Parliament
by the Secretary of State for Environment, Food and Rural Affairs
by Command of His Majesty

November 2026

CP 1695

We are responsible for improving and protecting the environment. We aim to grow a green economy and sustain thriving rural communities. We also support our world-leading food, farming and fishing industries.

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Executive summary

This memorandum provides a detailed post-legislative scrutiny of the Environment Act 2021 (the Act), focusing on its implementation, achievements, and challenges. It primarily covers England, with references to Wales, Northern Ireland, and Scotland where applicable.

Post-legislative scrutiny of the Act finds it has largely established the legal and institutional framework needed to deliver stronger environmental governance. Most core provisions have commenced with key statutory mechanisms in place. The Act has also enabled important reforms across governance, waste, air quality, water, nature and biodiversity. In several areas, implementation is still in progress, and the evidence base is not yet mature enough to determine whether the intended environmental outcomes are being achieved.

The review found good progress has been made in establishing the Act's governance mechanisms in line with the objective to create a comprehensive legal framework to strengthen environmental oversight and provide clarity and certainty. The statutory cycle of Environmental Improvement Plans, targets, monitoring and annual reporting are all operational, and the Office for Environmental Protection has been established as an independent scrutiny body in England and Northern Ireland. The Environmental Principles Policy Statement has also introduced a cross-government framework for considering environmental principles in policy development. These reforms have strengthened transparency and accountability. However, data lags and uneven evidence across the environment remain constraints on assessing real-world environmental improvement.

The Act has also provided the legislative basis for significant policy reforms. In relation to resources and waste, its objective was to support the transition to a more circular model. The review found that the Act has enabled extended producer responsibility for packaging, deposit return scheme legislation and future digital waste tracking. However, many of these reforms are newly operational or not fully commenced, limiting the extent to which their effectiveness can be currently assessed.

The Act has strengthened the local air quality management framework and smoke control enforcement, improving accountability and collaboration to meet the Act's objectives on public health and accountability. It has also improved transparency on storm overflows and placed drainage and wastewater management planning on a statutory footing to help secure long-term resilient water services. However, many of the intended environmental benefits across the air and water sectors will only become apparent over longer timescales as investment programmes, infrastructure improvements and regulatory interventions take effect.

Overall progress on the Act's objectives of creating the change required to reverse long-term decline in nature and biodiversity is positive. Strengthened biodiversity duties, Local Nature Recovery Strategies, conservation covenants and related measures have created new tools to support nature recovery and embed environmental considerations in planning and decision making. Some delivery challenges remain, particularly around capacity,

publication timelines, monitoring and the time needed for ecological outcomes to become measurable.

Overall, this review finds that the Act has been effective in creating the framework and powers intended by Parliament, and in many areas those powers are being used constructively. It has improved scrutiny, enabled major reforms, and established clearer mechanisms for planning, monitoring and reporting. The principal limitations are in the pace of implementation, the maturity of delivery systems and the delay before environmental outcomes can be evidenced. Future scrutiny could focus on the delivery of long-term policy changes through Environmental Improvement Plans, which is a key part of the governance framework and covers policies from across the broad policy areas covered by the Act.

1. Introduction

This memorandum has been prepared by the Department for Environment, Food and Rural Affairs (Defra) for submission to the Environment, Food and Rural Affairs Committee. It is published in accordance with the process for post-legislative scrutiny set out in the Guide to making legislation document.

Environmental protection is a devolved matter, subject to a small number of reserved areas. Most of the provisions in the Act are applicable only to England. However, several provisions also extend to and apply in Wales with a significant number of provisions having Great Britain, UK or England, Wales and Northern Ireland extent. Where provisions apply to Wales, Scotland or Northern Ireland, the devolved governments were consulted. Preliminary assessments on relevant provisions were provided by the Scottish and Northern Ireland governments, and the Welsh government will provide any necessary assessment to the Senedd.

The purpose of post-legislative scrutiny is to systematically identify problems with the implementation of Acts. It allows lessons to be learned and disseminated to benefit other legislation. Significant achievements can be identified and highlighted.

Annual progress reports (APR) for the Environmental Improvement Plan (EIP) set out environmental progress since the Act received Royal Assent. These provide more information on the impact of implementation of the Act. The most recent Annual progress report was published in July 2026.

Structure of the report

Given the breadth and complexity of the Act, this memorandum is structured around the principal parts of the Act, with each part broken down into the relevant chapters, provisions and policy themes. This approach reflects the Act's legislative framework and enables related provisions to be considered together. For each section, the memorandum summarises the objectives of the relevant provisions, their implementation and commencement, any legal or review activity, and a preliminary assessment of how they have operated in practice since Royal Assent.

1.1. Origins of the Act

Environmental governance (Part 1)

In January 2018, the government published the 25 Year Environment Plan (25YEP). The Draft Environment (Principles and Governance) Bill 2018 was published for parliamentary pre-legislative scrutiny on 19 December 2018. This fulfilled the requirement to publish a draft Bill under section 16 of the European Union (Withdrawal) Act 2018.

Pre-legislative scrutiny reports by the Environment, Food and Rural Affairs Select Committee and the Environmental Audit Committee in the previous parliament were published on 30 April 2019 and 24 April 2019 respectively. The government of the day

responded to these reports when it introduced its Environment Bill in October 2019, which Part 1 of the Act largely took forward.

Environmental governance: Northern Ireland (Part 2)

Under the Northern Ireland Act 1998, the Northern Ireland Assembly had legislative competence for several areas of law. Part 2 of the Act allowed the Office for Environmental Protection (OEP) to exercise its functions in Northern Ireland, subject to the approval of the Northern Ireland Assembly.

Waste and resource efficiency (Part 3)

In December 2018, the government published Our waste, our resources: a strategy for England. Part 3 of the Act provided the legislative framework needed to deliver on many of the commitments in those strategies. It introduced new powers and amended existing legislation such as the Environment Act 1995 and Environmental Protection Act 1990.

Air Quality and environmental recall (Part 4)

The previous government published the Clean Air Strategy (CAS) in January 2019. The Act implemented key proposals outlined in the CAS and amended the Environment Act 1995, the Clean Air Act 1993 and the Environmental Protection Act 1990.

Water (Part 5)

Part 5 of the Act set out measures to achieve the water related objectives set out in the 25YEP. It amended the Water Industry Act 1991, Water Resources Act 1991 and the Land Drainage Act 1991 to do so.

Nature and biodiversity (Part 6)

Part 6 of the Act put in place specific nature and biodiversity legislative requirements set out in the 25YEP. It amended the Natural Environment and Rural Communities (NERC) Act 2006, Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), and The Forestry Act 1967.

Conservation covenants (Part 7)

The Law Commission examined the case for conservation covenants and concluded that legislation should be introduced, preparing a draft Bill in 2014. In 2019, the government consulted on whether to introduce legislation for conservation covenants in England, proposing the use of the Law Commission's draft Bill as the basis for legislating. This became part 7 of the Act.

Miscellaneous and general provisions (Part 8)

The use of chemicals in the EU is regulated by Regulation (EC) No.1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency (the "REACH Regulation"). The REACH Regulation forms part of retained EU law by virtue of the European Union (Withdrawal) Act 2018 ("the Withdrawal Act"). The REACH Enforcement Regulations 2008 (S.I. 2008/2852) provide for the contravention of various provisions of the REACH Regulation to be a

criminal offence and set out which domestic bodies enforced those offences. Part 8 and Schedule 21 gave the Secretary of State the power to amend the REACH Regulation and the REACH Enforcement Regulations 2008 (S.I. 2008/2852) as they applied in the UK at the end of the transition period.

1.2. Objectives of the Act

The Act was introduced to Parliament by the Conservative government between 2019 and 2024. It was intended to provide a clearer and more robust framework for environmental governance on leaving the European Union. It aimed to manage the impact of human activity on the environment, create a more sustainable and resilient economy, and enhance well-being and quality of life. It sought to deliver outcomes by engaging and empowering citizens, local government and business.

Environmental governance

Part 1 of the Act was intended to provide a comprehensive legal framework for environmental governance tailored specifically to a UK context. The new system was designed to strengthen environmental oversight and be clear and accessible, providing certainty to businesses and citizens.

By placing a statutory requirement on government to publish and maintain an EIP, it created a statutory cycle of monitoring, planning and reporting which was intended to ensure continuous improvement to the environment. The government established a new framework for setting environmental targets including targets on PM2.5 and species abundance.

The requirement for an Environmental Principles Policy Statement (EPPS) within the Act was meant to protect the environment from damage by making environmental considerations central to the policy development process across government.

The Act created the OEP, a domestic independent body that was designed to contribute to environmental protection and the improvement of the natural environment. The OEP was created to monitor progress in improving the natural environment in accordance with the EIP and targets. It included powers to act on serious breaches of environmental law. Provision was made for it to provide advice on proposed changes to environmental law and manage compliance with environmental law in a proportionate way.

The Act sought to increase transparency, strengthen scrutiny for Parliament of future environmental legislation and inform environmental domestic work through statements to Parliament and reviewing other countries' environmental legislation.

Part 2 of the Act enabled the OEP to exercise its functions in Northern Ireland and have appropriate Northern Ireland representation on the OEP board. It also made provision for a separate EIP and environmental principles in Northern Ireland.

Implementation of the environmental governance provisions is considered in sections 2.1 to 3.1 of this report.

A new direction for resources and waste management

Part 3 of the Act was intended to move the economy to a more circular model, keeping resources in use for longer and maximising their value.

The provisions helped consumers make purchasing decisions that support the market for more sustainable products, such as powers to introduce clearer labelling and setting minimum eco-design requirements for products. The government wanted a shift towards durable, repairable and recyclable products.

Extended producer responsibility was intended to make producers responsible for the full net cost of managing their products at end of life, helping to prevent waste.

The Act introduced powers for modulated fees to incentivise producers to design their products building in re-use and recycling. It created charges for single-use items and established deposit return schemes.

Waste tracking measures were intended to encourage businesses to adopt legitimate waste management practices. Regulators and local authorities could then effectively combat waste crime with better access to evidence, improved powers of entry and the ability to keep fixed penalty notices at appropriate levels.

It also included powers to allow government to stop the export of waste, including plastic, to developing countries.

Through provisions in Part 3, the government sought to support recycling by making collection services from households and businesses more consistent across the country. Other provisions were intended to promote proportionate and effective enforcement against littering.

Implementation of the resources and waste management provisions is considered in sections 4.1 to 4.4 of this report.

Improving the air we breathe

Part 4 of the Act intended to deliver public health benefits by addressing air pollution. Through reductions in fine particulate matter, it aimed to deliver benefits to public health as well as wider benefits, resulting in benefits for the economy.

Provisions within Part 4 were intended to strengthen the ability for local authorities to address air quality issues through updating, simplifying and strengthening the local air quality management framework and sharing responsibility across relevant bodies.

New measures aimed to reduce emissions from domestic solid fuel burning and provide the power to compel recall of vehicles of environmental non-conformity.

Implementation of the air quality and environmental recall provisions is considered in sections 5.1 to 5.2 of this report.

Delivering sustainable water resources

The Act intended to help secure long-term resilient water and wastewater services, ensuring a cleaner, greener and more resilient country for the next generation.

Part 5 of the Act reformed elements of abstraction licensing to link them more tightly to the goal of restoring water bodies to as close to their natural state as possible. This included enabling variation or revocation of abstraction licences without the regulator being liable to pay compensation in certain conditions.

The Act introduced additional requirements on water companies planning for future water supply, wastewater and drainage networks. These measures were intended to enable more resilient solutions to drought and flooding.

It improved effective oversight by ensuring the regulator could obtain relevant information through strengthened enforceable information-gathering powers in the Water Industry Act, 1991. It amended the process for modifying the condition of companies' licences, creating a more transparent and flexible process that gave Ofwat the powers it needed to respond to changing priorities.

Provisions in Part 5 provided powers to update the list of priority substances and their respective standards which are potentially harmful to surface water and groundwater. This was to keep pace with scientific and technical knowledge after EU exit.

It aimed to enhance flood and coastal erosion risk management by addressing a current barrier to the expansion of existing, or creation of new, internal drainage boards (IDBs). This included allowing updates to the valuation IDBs use to charge for their work, through secondary legislation.

Implementation of the water provisions is considered in sections 6.1 to 6.6 of this report.

Restoring and enhancing nature and green spaces and delivering environmental ambition at the local level

The Act was intended to create the change required to reverse the long-term decline in nature by supplementing existing legislation and policy on protected sites and species and introducing new incentives, actions and planning tools to drive further improvements for nature.

Provisions in Part 6 established spatial mapping and planning tools to inform nature recovery. These Local Nature Recovery Strategies (LNRS) were intended to support better spatial planning for nature by setting out priorities and opportunities for protecting and investing in nature within a local area. This included a map of existing nature assets and identifying key opportunities for enhancement.

Introduction of strategies for protected sites and species was intended to tackle on and offsite pressures, restore protected sites, to help the government meet its environmental targets and create environmental headroom for growth.

Mandating biodiversity net gain in the planning system was intended to ensure development enhanced biodiversity, created new green spaces for local communities and stimulated nature markets. This was expected to result in the creation and avoidance of loss of several thousand hectares of habitat for wildlife each year and to increase the public benefits of ecosystems.

Strengthening the Natural Environment and Rural Communities (NERC) duty was intended to ensure public authorities played their part in enacting meaningful environmental change. This required public authorities to carry out strategic assessment of how they can improve biodiversity.

The duty to consult on street tree felling aimed to ensure local people could express their views over the proposed management of street trees in their locality. Other provisions strengthened the enforcement powers of the Forestry Commission and the courts to reduce illegal tree felling.

Implementation of environmental governance is considered in sections 7.1 to 7.7 of this report.

Conservation covenants

Part 7 of the Act was intended to establish a legal tool that landowners can use to secure conservation benefits when land is sold or passed on, as set out in the Conservation Covenants Law Commission project. The objective was to provide for the conservation of the natural environment and heritage assets for public good.

Implementation of the conservation covenant provisions is considered in section 8.1 of this report.

Part 8 Chemical regulation (REACH)

Part 8 of the Act amended retained EU law on chemicals aiming to ensure a smooth transition to a UK chemicals regime following the UK's exit from the EU. This was meant to keep chemicals legislation up to date and respond to emerging needs or ambitions for the effective management of chemicals. Devolved governments were given the equivalent power to amend the REACH Enforcement Regulations 2008.

Implementation of the chemical regulation provisions are considered in sections 9.1 to 9.2 of this report.

1.3. Territorial extent

Most of the Act formed part of the law of England and Wales and applied to England. Around half of the Act's provisions extended to and applied in Wales, with a significant number of provisions having Great Britain, UK or England, Wales and Northern Ireland extent. Sections 48, 59, 61, 65, 67, 71, 91 and Schedule 2 formed part of the law of Northern Ireland and applied to Northern Ireland only. Sections 90 and 95 applied to Wales only.

Full details of the extent and application of different provisions were provided in the Environment Act 2021 explanatory notes.

1.4. Commencement

The provisions of the Act were commenced by 10 commencement orders. Full details are provided at Annex B.

1.5. Secondary legislation

The provisions of the Act were built on via 16 instruments of secondary legislation. Full details are provided at Annex C.

2. Environmental governance (Part 1)

2.1. Improving the natural environment (Chapter 1)

Environmental targets (sections 1 to 7)

Sections 1, 2 and 3 required the government to set long-term, legally binding environmental targets. Targets were required in at least 4 priority areas:

- air quality
- biodiversity
- water
- resource efficiency

This included specific targets on PM2.5 and species abundance.

Sections 4, 5 and 6 set out the Secretary of State's duties in relation to the target-setting process, ensuring the targets were met and reporting on this to Parliament. It placed a statutory duty on government to monitor progress and to maintain a cycle of planning, monitoring and reporting.

Section 7 required the Secretary of State to review all relevant environmental targets to consider whether they would significantly improve the natural environment in England.

Environmental improvement plans (EIP) (sections 8 to 15)

Sections 8 to 15 required the government to have and maintain an EIP to significantly improve the natural environment. They created a statutory duty to set interim targets to keep government on track for statutory targets, as well as setting out the statutory cycle of monitoring, planning, and reporting. This included reviewing or renewing the EIP based on implementation progress and changes in the natural environment.

Environmental monitoring (section 16)

Section 16 established a duty on the Secretary of State to obtain and publish data to monitor environmental improvement in England. This required the collection of information needed to:

- assess outcomes delivered through the EIP through the Environmental Indicator Framework
- measure progress towards long-term and interim statutory targets
- inform updates to the EIP

The section required the Secretary of State to publish a statement specifying the types of data to be collected and to lay it before Parliament.

Implementation

Sections 1 to 16 of the Act commenced on 24 January 2022.

Target legislation was due to be laid before Parliament by 31 October 2022. Laying of the Statutory Instruments (SIs) was delayed due to the volume of consultation responses received, as explained in the Environmental targets consultation summary of responses and government response.

Environmental target SIs were introduced and debated through an affirmative procedure in Parliament in December 2022 (House of Lords 16 December, and House of Commons 19 December). The SIs came into force on 30 and 31 January 2023.

Other reviews

The OEP provides an assessment of the government's progress towards improving the environment in accordance with Environment Act targets and interim targets through their APRs:

- in its 2023 report, Progress in improving the natural environment in England, 2021 to 2022
- in its 2024 report, Progress in improving the natural environment in England 2022 to 2023
- in its 2025 report, Progress in improving the natural environment in England 2023 to 2024
- in its 2026 report, Progress in improving the natural environment in England 2024 to 2025. The 2026 report covered 2024 to 2025, but followed the publication of EIP25. The OEP published a briefing note alongside the report to share an initial assessment of the EIP25

During the second revision of the EIP, the Defra Secretary of State requested and received OEP advice on the Government's review of its Environmental Improvement Plan outside of this cycle under section 30(1)(b) of the Act.

Legal issues

There have been 2 pre-action protocol letters on the governance section of the Act, which were subsequently withdrawn.

In 2024, there was a challenge on the Secretary of State's decision not to review the 2023 EIP, which was withdrawn when the government announced the review of the EIP.

In 2026, there was a challenge on the decision not to include a commitment on Forest Risk Commodities in EIP25, which was withdrawn following further engagement on the government's plans for the policy area.

Preliminary assessment

Environmental targets

The government successfully set statutory Environment Act targets under the provisions of the Act. An environmental targets policy paper published in August 2020 set out the approach to setting targets under the Act. The process required:

1. Setting the scope.
2. Developing proposals using a systems approach and robust evidence gathered through expert groups, meeting the objective for independent advice to be sought.
3. Public consultation on proposals, factoring in responses to inform targets.
4. Drafting target legislation and laying before Parliament.

A public consultation on setting targets under the Act was conducted from March to June 2022, with the Environmental targets consultation: summary of responses and government response published in December 2022. Whilst responses to the consultation generally called for more stretching targets, the then government's response was that the targets need to be ambitious but be based on evidence that they are achievable as per requirements of the Act.

Six Environment Act SIs covering air quality, water, waste, biodiversity, tree canopy and woodland cover and Marine Protected Areas targets, came into force in January 2023. Full details are provided at Annex C: Secondary Legislation.

The first review of environmental targets (the Significant Improvement Test) concluded that meeting the Environment Act statutory targets, alongside the broader suite of statutory targets, would lead to significant improvement in all 6 components of England's natural environment assessed in the review.

EIPs

The EIP is achieving its objectives to set out the government's vision for the natural environment and its plan to improve it.

To date, the government has produced 3 EIPs for England:

- the 25 Year Environment Plan, created prior to the Act and retrospectively designated the first EIP in the Act
- the first revision, EIP23 Environmental Improvement Plan 2023, laid in January 2023, setting the first interim targets for the Act targets
- the second revision, EIP25 Environmental Improvement Plan 2025, laid in December 2025, setting the second set of interim targets. Delivery plans for each interim target were first published alongside EIP25

There have been 2 section 16 statements laid in Parliament and published setting out the types of data used for monitoring the condition of the natural environment.

The most recent iteration of the plan, EIP25, was the second revision of the first EIP, the 25 Year Environment Plan. EIP25 sets out measurable commitments across every priority – from cleaner air and water to restoring nature and resilient landscapes. The EIP sets out how the government will work alongside individuals, communities and businesses to achieve its nature ambitions.

It was developed in response to feedback, including from the OEP, to provide a more robust and coherent delivery plan for the interim targets and EIP commitments. The latest EIP was largely well received, including by the OEP, which welcomed the way government had considered its advice during its development. Feedback from Natural England indicated that the EIP helps it align delivery of its work with government priorities and environmental targets.

As the EIP is a statutory plan it cannot be amended without revising or renewing the plan. The EIP cycle has benefits for long-term planning and prioritisation, however it presents challenges for adjusting the plan to urgent pressures or new policy developments because it presents a snapshot of delivery plans approximately every 5 years.

To balance this, the government published delivery plans for the Environment Act statutory targets alongside the EIP, these are live plans that can be amended between EIP reviews and revisions based on the latest evidence and delivery information.

The government also intends to use the EIP APRs to update the EIP as new policies or programmes become important for the delivery of the goals. This will improve transparency and make the plan more reactive to change. The first APR published since the publication of EIP25 included a new commitment following the publication of the Land Use Framework.

If government chooses to create other cross-cutting policy delivery plans, like the EIP, for other policy areas, Defra recommends considering how plans can remain live to emerging issues in a proportionate way.

EIP Annual progress reports

There have been 3 APRs since the implementation of the Act. APRs effectively set out implementation progress of the EIP and whether the natural environment has improved over the preceding years. The assessment of progress is based on the Environmental Indicator Framework and other key data trends. Progress towards statutory targets is also considered. The OEP uses the APR to inform its own annual reports, to which the government then responds.

The OEP views the annual cycle of government and OEP reporting as the key mechanism for transparency and accountability on target delivery. However, in its view, there is insufficient data in some areas and a risk that some targets will not be met without a significant increase in the pace of cohesive actions taken to achieve them.

Responding to OEP feedback, the government changed its approach to APRs based on the more coherent outcomes-based framework in the latest revision of the EIP. The OEP welcomed the change to APRs and the inclusion of the government's response to the OEP's recommendations to help shorten the reporting cycle.

Similar provisions in future legislation should consider what is the most effective frequency for APRs. Understanding changes in the natural environment depends on trends across years. Five years' worth of data is required for short term trend assessment, and key data is published 2 to 3 years after it is collected. Annual reports do not allow time for any changes to be reflected in data or trends. A progress report on a 2 to 3 year basis rather than annually could allow more focus on programme delivery and see more change in the data between reporting periods.

Reviewing and revising EIPs

Both reviews of the EIP clearly set out how statutory requirements were met, including consideration of:

- what had been done to implement the plan
- whether the natural environment had changed
- whether the government should take further or different steps to improve the natural environment

For EIP23, the government held a one-stage EIP review process. For EIP25, the government held a 2-stage EIP review process. An initial rapid review was held to take stock of progress and inform the development of the revision. The rapid review was then built on over the full revision process culminating in a report covering the full review period. Taking a phased approach front-loaded analysis to better inform the revision. The department recommends this approach for future reviews for the revision or replacement of the EIP.

Environmental monitoring

EIPs, EIP reviews and Environment Act targets are developed using varied data, including the Environmental Indicator Framework. The indicators relate to the 10 goals of the EIP but are not themselves targets. They are a way to objectively monitor the high-level changes happening in the natural environment. The indicators support the statutory cycle of monitoring, planning and reporting.

To date, 2 dedicated statements on Monitoring the condition of the Natural Environment (section 16) on the types of data used have been tabled and published.

The latest EIP also has a dedicated in-depth Environmental Improvement Plan monitoring plan which sets out how evidence is effectively used to monitor the EIP and targets, including theories of change, key metrics for all commitments and an assessment of the contribution commitments make to deliver the outcomes.

Defra is undertaking an evaluation of the latest EIP. The evaluation uses research and analysis to understand the EIP's impact and processes and will identify lessons for improving the design and delivery of future EIPs.

2.2. Policy statement on environmental principles (sections 17 to 19)

Sections 17 to 19 require the Secretary of State to prepare a statutory policy statement on the environmental principles, explaining how the 5 principles must be interpreted and applied proportionately when making policy.

Implementation

A consultation on the Environmental principles draft policy statement was held between 10 March 2021 and 2 June 2021. The interim OEP provided advice at Defra's request, published on 16 August 2021. The Environmental Audit Committee provided recommendations on the government's draft EPPS in a report published on 28 July 2022. The Environmental Principles Policy Statement (EPPS) was published on 31 January 2023 and the duty came into force on 1 November 2023. Policies made after this date are in scope of the EPPS duty.

Legal issues

The EPPS sets out how ministers should interpret and proportionately apply the 5 environmental principles, so that they are used effectively to shape policy to protect the environment.

Proceedings were brought by Rights: Community: Action Ltd against the Secretary of State for Housing, Communities and Local Government. The issue concerned the duty under section 19(1) of the Act to have 'due regard' to the EPPS when making policy. As "making policy" includes developing, adopting or revising policy, the duty applies throughout the policy development process rather than only at the point of adoption.

This question was considered in litigation that progressed from the Rights Community Action Ltd v Secretary of State for Levelling Up to the Court of Appeal, before the Supreme Court refused the claimant permission to appeal. The Court of Appeal held that a later, section 19-compliant EPPS assessment cannot remedy a breach that occurred when the policy was adopted, nor can it retrospectively validate the original decision. However, Rights Community Action Limited v Secretary of State for Housing, Communities and Local Government (Court of Appeal) confirmed that the subsequent consideration itself was lawful and proportionate.

Other reviews

EPPS implementation has been examined through 2 formal reviews: the OEP review of implementation of the duty to have due regard to the Environmental Principles Policy Statement, published in February 2025, and Defra's internal review completed in November 2025 (Environmental Principles Policy Statement Implementation - Early-Stage Review - ES0146). The government published its response to the OEP review of

implementation of the duty to have due regard to the Environmental Principles Policy Statement on 19 May 2025.

Both reviews found that the EPPS framework is functioning broadly as intended. The EPPS duty is well implemented and used constructively across government, the support provided by Defra has been well received. Neither review suggested that Defra should direct or oversee departmental policy development. Rather, individual departments remain responsible for their own implementation and monitoring, with Defra's role focused on enabling, facilitating, and maintaining a coherent cross government approach. They also identified opportunities to strengthen support for policymakers, which Defra continues to take forward through proportionate, targeted provisions. These include opportunities to update EPPS to drive consideration of how policies can contribute to government's environmental targets, greater clarity in departmental guidance, and more effective cross-government guidance covering EPPS (such as the Green Book).

Recommendations were also made for greater transparency in application of the EPPS, and ongoing support for embedding of the duty in departmental cultures, including stronger leadership across government.

Preliminary assessment

This section includes an update on further progress or developments since the publication of the 2 reviews.

The EPPS duty has ensured that ministers are provided with information on the potential environmental effects of policy proposals and how the principles may be considered. The duty does not prescribe policy outcomes or determine the balance of considerations in policy decision making. The policy statement has allowed Ministers to continue to weigh EPPS considerations alongside other factors. This assessment describes the role of the duty in informing ministerial policy decision making, but it is not a requirement of EPPS to assess the direct causal impact of those government decisions on environmental outcomes pre- or post-implementation of the individual policy.

The policy statement requires policymakers to identify the potential environmental effects of their policy and use the principles to inform and influence the design of the policy. The Environmental Principles Toolkit is a comprehensive, practical internal support package to help government policymakers, analysts and lawyers understand and apply the EPPS when making policies. It provides clear, accessible guidance on how Ministers should have due regard to the EPPS when developing policy. It includes internal templates, examples, training materials and explanatory notes that support the integration of the 5 principles in policymaking.

Addressing OEP Recommendations 1, 2 and 3, new toolkit material is developed and undergoes user testing, where a need is identified. Examples include improved accessibility, and guidance on applying the principles across the 4 UK nations.

Regular onboarding sessions support new colleagues and ensure consistent understanding of the duty across government. Cross-government forums are used to build

wider awareness and capability, including an EPPS specific all-government working group, with governance arrangements providing a route of escalation to senior leaders. Work is progressing to enhance senior leaders' role in promoting the EPPS, in line with OEP Recommendations 2 and 7. This will help ensure that the duty continues to be embedded at the right strategic level. Defra is developing a horizon scanning approach across government to identify policies that have the greatest environmental implications (positive or negative) to facilitate early engagement and support.

In response to OEP recommendations 3, 4 and 5, we have refreshed the EPPS communications strategy with 3 complementary strands: to engage, enable and educate. The engage strand involves supporting individual departments on high impact policies; early intervention aims to improve EPPS application, outcomes and impact. The second strand, targeted raising awareness, is designed to enable those who most need to know about EPPS to understand it through targeted engagement. The final strand is to provide comprehensive, accessible guidance and training for all officials.

Enhanced visibility across government has been achieved through referencing EPPS in major cross-government guidance, including the Green Book, the Guide to Making Legislation, the Better Regulation templates, and the Business Case guidance. This aims to normalise consideration of the principles across policy development.

There have been 4 Defra-led implementation exercises since the duty came into force. The latest exercise (March to April 2026) gathered information on the extent of guidance and training uptake (amongst other activities) that departments are undertaking. It showed that most respondents feel confident with EPPS and regularly draw on (or adapt) Defra's central guidance. Departments have their own governance, communication, and awareness raising in place. Legal support was noted as being available but sometimes inconsistent, and this is an area that Defra intends to explore further.

In response to OEP recommendation 8, and additional to our implementation exercises the EPPS policy team developed and tested a light touch submission sampling tool, now released across government to help departments to understand how ministers are being enabled to have due regard to the EPPS.

The EPPS duty does not require departments to publish information on how the duty was considered. Departments may choose to make such information available where appropriate, but this remains a matter for them and does not establish precedent.

Transparency is supported through existing processes and statutory frameworks, including the Freedom of Information Act 2000 and Environmental Information Regulations 2004 (EIR), alongside public authorities' duty to cooperate with the OEP under section 27 of the Act. These processes are managed by departments in line with their established procedures and governance arrangements.

2.3. Environmental protection: statements and reports (sections 20 to 21)

Section 20 required Ministers to provide a formal written statement to Parliament before second reading of a Bill should it contain provisions that would constitute environmental law, confirming either that the Bill would not reduce existing levels of environmental protection or, if the Minister cannot give that assurance, that they nevertheless wish to proceed. The duty applies only to legislation directly related to environmental law, excluding broader planning regimes except where they involve explicit environmental processes such as Environmental Impact Assessment or Strategic Environmental Assessment.

Section 21 requires the Defra Secretary of State to lay in the UK Parliament and publish every 2 years a report on significant developments in environmental protection legislation introduced by other countries, territories, or international organisations. There is no statutory deadline for the publication of the International Environmental Protection Report which is due ‘as soon as reasonably practicable’ after each 2-year reporting period.

Implementation

Ministers have made section 20 statements where the provisions of the bill have constituted environmental law since the introduction of the Act.

The first report, International Environmental Protection Report covering the period April 2022 to March 2024, was laid before UK Parliament and published on GOV.UK in April 2025. The second report, International Environmental Protection Report covering the period April 2024 to March 2026, was laid and published in July 2026.

Legal issues

Wild Justice sought to bring a judicial review challenge in relation to a section 20 statement made in relation to the Planning and Infrastructure Bill in 2025. Permission for the challenge was refused by the High Court on the basis that lawfulness of the section 20 statement made on the face of the Bill was non-justiciable by the courts due to Parliamentary privilege.

Other reviews

None.

Preliminary assessment

Section 20 has acted as intended by providing greater transparency and strengthening scrutiny by Parliament and stakeholders. The OEP has advised that where subsequent amendments to a bill have a material impact on environmental law, ministers should consider whether it would be appropriate to revisit and clarify their statements in the light of the changes.

The delay to publication of the first section 21 report prompted a formal complaint from Green Alliance to Defra and the OEP. Following publication, reaction from stakeholders

was broadly positive. The second report was published 16 July 2026 and at the time of writing of this memorandum has yet to receive stakeholder comment.

2.4. The Office for Environmental Protection (Chapter 2)

Sections 22 to 27 provided the framework for the creation of a new independent OEP. Powers in these sections establish the purpose of the OEP to hold the government to account on environmental law and its EIP. They define the scrutiny, complaints and enforcement functions and their scope and set out the process for defining the OEP's powers.

The OEP's functions in Northern Ireland, provided through section 49 and Schedule 3, are considered in Chapter 3.

Section 26 requires the OEP and Climate Change Committee (CCC) to avoid overlap in functions and requires cooperation of public authorities with the OEP.

Section 28 to 30 set out the OEP's scrutiny and advice functions. These require the OEP to:

- produce APR on the EIP and targets and for the Secretary of State to respond
- monitor the implementation of environmental law - this allows them to prepare reports on this, to which Secretary of State must respond
- give advice on changes to environmental law and other matters related to the natural environment when government requires it to. The OEP also has a power to provide advice about proposed changes to environmental law without being required by government

Sections 31 to 41 established the OEP's enforcement functions, setting out powers relating to complaints, investigations, Environmental Review and Judicial Review.

Implementation

Sections 22 to 24 and 26 commenced on 17 November 2021. Sections 25 and 27 to 43 commenced on 24 January 2022.

Legal issues

None.

Other reviews

Defra reviewed the OEP as part of the Public Bodies Review Programme (published August 2022). This concluded that "the OEP is in good health. It has plans and processes in place to meet minimum requirements for an arm's length body". The OEP commissioned its own stakeholder perception survey (published March 2025). This found that "Overall, the majority of stakeholders felt the OEP has been successful against its mission and objectives so far… Stakeholders felt that it is too soon to tell what impact the OEP could have and how it will 'show its teeth'."

Preliminary assessment

The OEP published its Strategy and Enforcement Policy in June 2022 and reviewed this in November 2024. The enforcement policy has regard to the importance of prioritising cases that it considers have or may have national implications. It sets out a staged approach, addressing the requirement for the OEP to have regard to the need to act proportionately.

The OEP and CCC have prepared a memorandum of understanding, most recently in 2025.

Defra and other public authorities have co-operated with the OEP, giving it such reasonable assistance as it requests including the provision of information. Information provision is subject to the duties on confidentiality and for the assistance given to be reasonable.

The OEP has published annual reports relating to the EIP in England, to which the Secretary of State has responded. The reporting timetable is problematic and considered confusing, as the Act sets out that Defra may publish its response to the OEP's progress report just before the next OEP progress report is published and almost 2 years after the period it is reporting on. To improve this, this year the government committed to publishing a response in the APR, within 6 months of the report it is responding to, as it did in 2026. The OEP has welcomed this.

The OEP has published 9 monitoring reports relating to the implementation of environmental law in England and the Secretary of State has responded to 8 out of 9, with the ninth expected shortly, at the time of writing. The requirement to publish a monitoring report response within 3 months does not consider the need to lay when Parliament is sitting. That can lead to having a much shorter period to respond, which is challenging when the OEP's report is complicated or addressed to multiple bodies. A July 2025 report on environmental inspections, for example, was 200 pages long and spanned multiple bodies within and outside Defra Group. Nevertheless, the government has responded to most section 29 reports within 3 months.

The OEP has used its powers to advise on changes to environmental law, for example, relating to the then Planning and Infrastructure Bill and the revision of the EIP.

The environmental review and judicial review - power to apply in urgent cases have not been tested as the OEP has not yet used these powers. The OEP has however intervened in a small number of significant judicial review proceedings.

The Secretary of State and The Department of Agriculture, Environment and Rural Affairs (DAERA) have between them paid to the OEP such sums as they consider are reasonably sufficient to enable the OEP to carry out its functions. The OEP's budget from Defra has been protected for 3 years from 2026 to 2027.

The OEP has launched 6 investigations in England but resolved a much larger number of interventions without a formal investigation. Defra has co-operated with these

investigations, providing timely responses to information notices. The OEP's report on combined sewer overflows (December 2025) found that "Throughout this process, all public authorities engaged constructively, with a focus on the outcome of protecting the environment." More recently, the OEP has closed an investigation into the emergency authorisation of neonicotinoids, with the Chief Regulatory Officer stating, "During the investigation there was significant and constructive engagement between the OEP and Defra." (July 2026).

Confidentiality of proceedings has not been tested in detail. In 2025 the Information Commissioner issued a decision notice relating to a decision the OEP made in relation to a request for information under the EIR. The Commissioner upheld the OEP's decision not to disclose, citing regulation 12(5)(b) of the EIR (disclosure would adversely affect the course of justice).

The OEP Board has been established and several extensions, re-appointments and new appointments made.

In exercising functions in respect of the OEP, the Secretary of State and the Northern Ireland department must have regard to the need to protect the OEP's independence. Secretary of State has taken this duty seriously. This has been demonstrated by Dame Glenys Stacey telling the Environment Audit Committee in January 2026 that the OEP had demonstrated its independence: "I cannot think of any single issue or moment where we have been anything other than completely independent and I think that pattern is set. I think that is what is needed and what Parliament expected, so that is really good." [HC1653 Q15].

3. Environmental governance: Northern Ireland (Part 2)

Objectives

Extend environmental governance system to Northern Ireland.

3.1 Northern Ireland provisions

Section 25A extends the application of the OEP to Northern Ireland.

Section 48 makes provisions for the preparation and reporting on an EIP and the preparation of a policy statement on environmental principles.

Section 49 makes provision for the functions of the OEP in terms of its activities in Northern Ireland, as well as amendments to this Act to reflect those functions.

3.1.1 Implementation

Section 25A of the Act commenced on 28 February 2022.

Section 48 introduces Schedule 2 and was commenced on 25 July 2022.

Section 49 which introduced Schedule 3 commenced on 28 February 2022.

3.1.2 Legal issues

In 2024, there were 2 applications for judicial reviews into the failure of DAERA to publish the EIP by the statutory deadline. The judicial reviews were discontinued upon its publication on 26 September 2024.

3.1.3 Other reviews

In 2024, the OEP initiated an investigation into the failure of DAERA to publish the EIP by the statutory deadline. The investigation was closed following its publication.

The OEP gave advice on the EIP, concluding it to be adequate and covering a breadth of issues to be appropriate. It did urge for greater detail and specificity, including on priorities, targets, actions, accountability and evaluation. This would result in a stronger plan, more likely to succeed in protecting, enhancing and restoring the environment. The OEP published its response to the first EIP APR on 24 June 2026. DAERA will provide a response to the OEP's 8 recommendations on Northern Ireland's EIP in 2027.

3.1.4 Preliminary assessment

EIP

Northern Ireland has now met the key legislative requirements under the Act in relation to Environmental Improvement Plans, although delivery was delayed due to the absence of

an executive. The first EIP was published in September 2024 and the first APR was published in January 2026, establishing the required statutory framework.

In practice, implementation has progressed from framework development to initial delivery. The EIP provides a comprehensive cross government framework structured around 6 Strategic Environmental Outcomes and supported by defined actions across departments. Governance arrangements, including the EIP Project Board, have enabled coordination across delivery partners.

APRs

The first EIP APR provides an initial evidence base for assessing progress. It demonstrates that systems for monitoring and reporting are in place, including the Outcome Indicator Framework. Early evidence indicates progress in areas such as air quality, marine protection, and climate governance, alongside improved transparency and data availability. However, implementation remains at an early stage, and measurable environmental outcomes are limited. A significant proportion of indicators show no change, while evidence gaps and data limitations remain. Progress has also been affected by resourcing constraints, delayed policy delivery, and the complexity of cross-departmental actions.

Overall, the legislative framework is now operational and functioning as intended, but it is too early to assess its impact on environmental outcomes. Further scrutiny is likely, as additional reporting cycles are completed and more robust evidence emerges.

EPPS

The Environmental Principles Policy Statement (EPPS) has been developed and published, establishing the statutory framework required by the Act. The associated duty on departments to have due regard to the statement came into force on 2 September 2026. Implementation remains at an early stage. In practice, the EPPS provides a clear and comprehensive articulation of environmental principles and their application in policymaking. It aligns with principles previously embedded through EU law and provides a consistent domestic framework.

At present, there is limited evidence of the EPPS influencing policy outcomes. Departments are still developing awareness, capability, and processes to apply the due regard duty effectively. Consistency of application across departments will take time to establish, and further guidance and support will be required. The introduction of a statutory due regard duty represents a strengthening of environmental governance. However, effective implementation will depend on how well departments evidence consideration of the principles in policymaking.

Overall, the framework is in place and conceptually robust, but it is too early to assess effectiveness in practice. Further scrutiny may be required as evidence emerges of how the duty is applied across departments.

OEP

The OEP has been established and is operational in Northern Ireland, providing an independent oversight function that has begun to influence both compliance with statutory duties and the development of environmental policy.

In practice, the OEP has demonstrated its ability to drive compliance. This is evidenced by its investigation into DAERA's failure to publish the first Environmental Improvement Plan (EIP) by the statutory deadline, which was subsequently resolved following publication in September 2024. This indicates that the OEP is exercising its enforcement role in a proportionate and effective manner in response to systemic issues.

The OEP has also begun to influence policy development through its advisory and scrutiny functions. Advice provided by the OEP highlighted the need for clearer priorities, targets, and evaluation mechanisms, which is reflected in the structure of the EIP and subsequent reporting. This is also evidenced in the fact that the OEP was consulted on the creation of the Northern Ireland EPPS and all 16 of its recommendations were incorporated.

The introduction of independent monitoring and annual reporting has strengthened accountability arrangements, replacing the previous EU-level oversight framework. The requirement for DAERA to respond formally to OEP reports introduces a structured cycle of scrutiny and follow-up.

Since its establishment, the OEP has undertaken a small number of interventions in Northern Ireland, most notably its investigation into the delayed publication of the EIP. It also now has an ongoing statutory role in monitoring progress against the EIP and reporting annually within 6 months of DAERA's APR. The first report was published on 24 June 2026, following publication of the APR in January 2026, and DAERA will be required to respond to the findings. However, implementation remains at an early stage. The OEP has yet to complete a full monitoring and reporting cycle, and there is limited evidence of its impact on long-term environmental outcomes.

Overall, the OEP is operating as intended, providing independent scrutiny and reinforcing compliance with environmental law. A more definitive assessment of its effectiveness will depend on future reporting cycles and the extent to which its scrutiny drives measurable improvements in policy implementation and environmental outcomes.

4. Waste and resource efficiency (Part 3)

4.1. Producer responsibility (sections 50 and 51)

Section 50 allowed for obligations to be placed on producers in relation to redistribution, recovery and recycling of products. It clarifies that producer responsibility obligations can include prevention of waste and redistribution, so action can be taken on food waste.

Section 51 allowed the government to require producers to pay the full net cost of managing their products at end of life and incentivise them to design products with sustainability in mind.

Implementation

Section 50 and Schedule 4 of the Act commenced as set out below, by the making of regulations in respect of England, Scotland, Wales and Northern Ireland. Section 51 commenced automatically in relation to England, Scotland and Wales, 2 months after the Environment Act was passed, and commenced on 28 January 2022 by the making of regulations in respect of Northern Ireland.

Legal issues

The Secondary Legislation Scrutiny Committee (SLSC) reported SI 2024/1332 as an instrument of interest in relation to sections 50 and 51, specifically concerning monitoring and enforcement. Defra responded to the issues raised and no further action was required.

The SLSC also reported SI 2025/1369 as an instrument of interest in relation to sections 50 and 51, specifically concerning enforcement of closed loop provisions and the sufficiency of resources for regulator activities. Defra responded to the issues raised and no further action was required.

Other reviews

None.

Preliminary assessment

The Act has been used to successfully make regulations that resulted in the implementation of the Extended Producer Responsibility for Packaging (pEPR) scheme. The pEPR regulations came into force in January 2025. The pEPR scheme has now completed its first cycle of data collation, reporting and fee paying. Given that the scheme is still in early implementation, no formal assessment has yet been completed on the effectiveness of the scheme in achieving its aims. Defra is undertaking an interim process evaluation which should be finalised towards the end of 2026, a final process evaluation due in 2027, and a full impact and economic evaluation of the collection and packaging reforms as a whole in 2029.

Since the pEPR regulations came into force, the government has continued to refine the scheme to support effective implementation. The first amending Statutory Instrument (SI), which came into force 1 January 2026, made targeted framework changes to the scheme operation. Defra is using early operational learning, including issues raised through engagement with PackUK, regulators, producers, compliance schemes, local authorities and industry stakeholders, to understand operational impacts and support implementation as the scheme beds in. Further conclusions on effectiveness will be informed by planned process and impact evaluation activity.

4.2. Resource efficiency (sections 52 to 56)

Section 52 enables the relevant national authority to make regulations about resource efficiency information and enforcement. This allows for clear provision of information to enable customers to identify products that are, for example, more durable, repairable and recyclable. The intention is to help consumers make purchasing decisions that support the market for more sustainable products which will reduce the consumption of raw materials.

Section 53 allowed for the introduction of deposit return schemes to increase recycling and reuse and reduce littering.

Section 54 allowed for the introduction of charges for single-use items beyond plastic carrier bags.

Implementation

Sections 52 to 56 of the Act commenced automatically, other than in relation to Northern Ireland.

For section 52, the government aims to introduce regulations to provide for a Mandatory Water Efficiency Labelling Scheme. This will give consumers information on the water efficiency for selected water using products. The intention is that these regulations will apply across the UK, with the consent of the devolved governments. As the regulations are yet to be laid, we cannot currently assess the impact of section 52.

No legislation has been made to introduce charges for single-use items beyond plastic carrier bags, therefore Defra cannot currently assess whether these regulations have met their intended objectives. The 5p charge for single-use plastic carrier bags was introduced through the Single Use Carrier Bags Charges (England) Order 2015 (S.I. 2015/776). The charge was subsequently increased to 10p and extended to all retailers in the Single Use Carrier Bags Charges (England) (Amendment) Order 2021 (S.I. 2021/598). The use of single-use plastic carrier bags by the main supermarket retailers has reduced by almost 98% as a result. Defra will continue to review the latest evidence on problematic products and materials to take a systematic approach, in line with circular economy principles, to reduce the use of unnecessary single-use plastic products and encourage reuse solutions.

Legal issues

None.

Other reviews

None.

Preliminary assessment

Deposit Return Scheme (DRS) for drinks containers

The Act enabled government to create secondary legislation which introduces a Deposit Return Scheme for drinks containers (DRS). England and Northern Ireland have joint legislation using powers from the Act. Separately, Welsh Government have also developed legislation in Wales using the Act. A scheme is also being delivered in Scotland using different legislation. The DRS will go live on 1 October 2027. The England and the Northern Ireland SI has allowed government to successfully appoint an industry-led scheme administrator (known as the Deposit Management Organisation (DMO)), who are responsible for delivering the scheme. The DMO are currently in the process of implementing the scheme, working with wider industry, and delivery is progressing well. As the DRS does not go live until October 2027, Defra cannot yet comment on how effectively the policy aims are being met. Evaluation activity for DRS is planned as part of Defra's wider evaluation of the Collection and Packaging Reforms programme.

4.3. Managing waste (sections 57 to 63)

Section 57 stipulated a consistent set of materials which must be collected by local authorities, including food waste. It ensured businesses and public bodies in England present recyclable materials for separate collection and arrange for their separate collection.

Also allowed for The Separation of Waste (England) Regulations 2024 which set out the material streams and collection requirements, while the 2025 Regulations amended commencement and transitional arrangements for specific materials and sectors.

Section 58 helped to tackle waste crime by allowing for electronic waste tracking, ensuring all businesses adopt consistent waste movement recording practices.

Section 59 covers electronic waste tracking: Northern Ireland.

Section 60 covers hazardous waste: Northern Ireland.

Section 62 expanded powers to enable provisions to be made on, or in connection with, restricting or preventing the import and export of waste and the transit of waste for export.

Section 60 and 61 gave national authorities the power to make regulation on hazardous waste in England and Wales, and for Northern Ireland to retain powers following the UK's exit from the EU.

Section 63 required any orders or regulations made under section 88 of the Environmental Protection Act 1990 on littering from vehicles to be subject to the affirmative procedure.

Implementation

Section 57 commenced on 17 May 2024 with transitional arrangements to delay the coming into force of the obligations to 31 March 2025 for businesses and 31 March 2026 for local authorities. The Separation of Waste (England) Regulations 2025 exempt microfirms from compliance until 31 March 2027. Defra therefore cannot say at this stage whether they have met their objective.

Section 58 of the Act commenced automatically 2 months after the Act passed.

Section 59 has not been implemented. It will be implemented in 2 phases of the Digital Waste Tracking Regulations (Northern Ireland). The first regulations will be laid by January 2027, and the second set of regulations will be laid by March 2027, but neither phase has been made at this stage.

The first set of regulations on electronic waste tracking have been made in England, Scotland and Wales and were laid in England in April 2026. These regulations are not due to come into force until October 2026 in England and Wales and January 2027 in Scotland. We therefore cannot currently assess whether they have met their objective.

Section 60, so far as relating to England, and section 62 commenced on 24 January 2022.

Powers under hazardous waste and transfrontier shipments of waste have yet to be used, therefore Defra cannot currently assess whether these regulations have met their objectives.

Section 63 passed automatically on the day the Act passed.

Section 63(2) powers have not been used in relation to statutory nuisance.

Legal issues

None.

Other reviews

None.

Preliminary assessment

None.

4.4. Waste enforcement and regulation (sections 64 to 71)

Section 64 amended the Environment Act 1996 to allow the Environment Agency and equivalents to establish charging schemes to recover costs incurred by performing their functions.

Section 65 covers waste charging in Northern Ireland.

Section 66, through schedule 10, amended legislation about enforcement powers in relation to waste and other environmental matters to fill a gap in existing powers so waste can be collected and disposed of when normal process fails.

Section 67 covers enforcement powers in Northern Ireland and aims to tighten existing powers and provide more flexible enforcement powers.

Section 68 amended the Environmental Protection Act 1990 (EPA1990) to improve the proportionality and fairness of litter enforcement, by issuing statutory guidance on the use of enforcement powers and extending an existing power to set out conditions to be met by all those carrying out enforcement activity.

Section 69 amended EPA1990 to enable the Secretary of State to make regulations to amend the permitted range of penalties for existing Fixed Penalty Notices.

Section 70 amended schedule 1 of the Pollution Prevention and Control Act 1999 on regulation of polluting activities.

Section 71 covers waste regulation in Northern Ireland.

Implementation

Exemptions charging under section 64 has been implemented by the Regulators.

Sections 66 and 69 of the Act commenced automatically 2 months after the Act passed.

Section 68 of the Act came into force on 23 April 2023.

The powers under section 70 are not yet in regulations; we therefore cannot currently assess whether they have met their objective.

Legal issues

None.

Other reviews

None.

Preliminary assessment

Powers to make charging schemes

Waste exemptions charging was successfully introduced by the Environment Agency in England in 2025. Extant, free to register waste exemptions last for 3 years and remain valid until they expire so it will take time for a full picture to develop. The charges will cover the cost of expanded regulatory services. This will allow proactive checks and a presence on exemption activities including site visits, desk-based audits and analysis, targeted campaigns and an improved digital registration system or public register.

Consultations have been carried out for a waste crime levy and for fees for intervention. A waste crime levy was not implemented but a fee for intervention at illegal sites has been.

Previously action against persons operating without the required environmental permit was funded through grant in aid from general taxation revenue. The fee for intervention, that commenced from May 2026, bills an illegal operator from the moment a breach is identified until the regulatory activity concludes. The Environment Agency estimates up to £1 million will be recovered from applying the new charges.

The ability to charge for their services ensures that the Environment Agency has sustainable funding. The new money forecast to be raised from waste exemptions in 2028 to 2029 is £4.7 million. With this additional funding they now undertake more on-site checks, leading to better enforced regulation. This will reduce the abuse of waste exemptions.

The introduction of a charge scheme for pEPR has enabled costs associated with regulatory activity to be recovered from packaging producers, as well as waste treatment operators and exporters.

Enforcement powers

Amendments under section 66 have made minor changes which reflect how information is stored, these have made it easier to undertake investigation as the Environment Agency is less restricted in the information it can secure from suspected offenders.

The amendment on powers of direction is not a routine operational power. It exists as a back-stop where normal arrangements are not working. It is intended for exceptional, urgent, or nationally significant circumstances which have not arisen, in order for an assessment to be made.

Littering enforcement

The Litter Enforcement Guidance was laid before Parliament on 25 February 2026.

Fixed penalty notices

Fixed penalty powers can be used to reflect inflation, changes to the cost of waste disposal, or changing waste management practices. The exact level of fixed penalty notices can be set by local authorities to reflect local needs, within the range prescribed in legislation. The upper limit for fixed penalty notices was increased on 1 September 2026 from £500 to £750 for littering offences. These powers are not yet in regulations for Wales.

Northern Ireland provisions

The enforcement provisions have been commenced but have had limited direct use in practice to date. Evidence from stakeholders suggests that while the powers provide additional flexibility, their application is limited to specific scenarios. For example, their use for large-scale waste contract issues was considered disproportionate, indicating practical constraints. This suggests the provisions function as an additional tool rather than a primary enforcement mechanism.

Overall, the powers are available and potentially useful, but limited use means their effectiveness cannot yet be fully assessed. Further scrutiny may be required to determine whether additional or alternative tools are needed.

5. Air quality and environmental recall (Part 4)

5.1. Air quality

Local air quality management framework

Section 72 amended the Local Air Quality Management Framework to ensure that Local Authorities regularly assessed and managed local air quality against statutory standards with improved accountability and partnership working. The new provisions also required the Secretary of State to review regularly the National Air Quality Strategy.

Implementation

Section 72 of the Act commenced on 1 May 2022. All parts of section 72 have been implemented.

Legal issues

The Environmental Audit Committee has launched an inquiry concerning air quality. One of the issues it is considering is whether local authorities in England have the resources to enforce existing legislation to improve local air quality and how effectively national government targets and local government actions are aligned. At time of writing, the inquiry is ongoing.

Other reviews

None.

Preliminary assessment

The amendments to the Local Air Quality Management Framework have improved transparency, accountability and collaboration between bodies on air quality issues.

In 2023, the previous government published a written statement reporting on progress in meeting air quality objectives and standards and the steps to achieve them. A statement covering both 2024 to 2026 was published in April 2026, in accordance with what was reasonably practicable. The statement added to the information already published by the government on air quality including the annual emissions inventory, emissions projections, compliance summary and EIP APR.

Local Authorities have incorporated the requirements of the Act into their Air Quality Action Plans (AQAPs). All AQAPs now include a specified date by when each measure will be carried out and demonstrate how adopted measures will secure required local air quality improvements within a set timeframe. This has placed greater accountability on Local Authorities about the progress they are making in designated Air Quality Management Areas.

The amended framework created by the Act has strengthened collaboration by increasing the number of bodies responsible for tackling air quality.

The Act required other Air Quality Partners, including upper tier authorities, neighbouring Local Authorities, Relevant Public Authorities (RPAs) and the Environment Agency to collaborate with Local Authorities and to commit to measures to assist in securing local air quality improvements. This has given Local Authorities greater powers and levers to make progress on air quality.

The amendments made by the Act have also been relied on to lay The Air Quality (Designation of Relevant Public Authorities) (England) Regulations 2022 which designated National Highways as an RPA, giving them clearer obligations to support Local Authorities in securing air quality improvements to address roadside emissions. National Highways maintains Designated Air Quality Contacts for each Local Authority. In response to a public consultation, Defra has updated guidance on local air quality management policy setting out how Local Authorities and National Highways should work together within the local air quality management framework. Defra continues to monitor how these arrangements are operating in practice and the extent to which they are achieving the intended outcome.

The national Air Quality Strategy was modified in 2023. The Strategy sets out actions to be taken by Local Authorities to support the air quality standards in:

- The Air Quality (England) Regulations 2000
- The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023
- The Air Quality Standards Regulations 2010
- The National Emission Ceilings Regulations 2018

Local Authorities and National Highways have a duty to have regard to this strategy.

The government continues to keep the local air quality statutory framework under review, including whether it is effective in enabling local action.

Smoke control areas: amendments of the Clean Air Act 1993

Section 73 aimed to improve the effectiveness of Local Authority enforcement of Smoke Control Areas (SCAs), including by making enforcement quicker, simpler and more proportionate.

Implementation

Section 73 partially commenced on 1 May 2022, with the remaining aspects commencing on 16 April 2025.

Legal issues

It was established in late 2024 that charging for certification of fuels and fireplaces, in relation to Part III of the Clean Air Act, which is what section 73 amended, lacked a legal basis. Secondary Legislation (S.I. 2025/287) aimed to put charges from 1 April 2025

onwards on a legal footing and work is ongoing to provide a retrospective basis in primary legislation for historic charges.

Other reviews

None.

Preliminary assessment

The Act changed enforcement of SCAs from a criminal to a civil regime and introduced a financial penalty system for failure to comply with SCA requirements. Many Local Authorities have been raising awareness of SCAs with the public, and Defra is aware of Local Authorities issuing warning letters and conducting inspections in response to complaints and breaches, with some cases of fines being issued.

Progress has been made in regulating the sale and acquisition of the most polluting solid fuels used in SCAs. The Act removed the limit on fines for non-compliant fuel sales and introduced a requirement that retailers must notify customers of relevant legal restrictions so that there is greater awareness that it is an offence. The introduction of the 'Ready to Burn' labelling for compliant fuels under the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 makes it easier for consumers and retailers to know which fuels meet the relevant requirements.

The Act also removed the statutory nuisance exemption for private dwellings in SCAs. This enabled Local Authorities to more easily act against those who emit smoke from their homes, where the smoke can be considered prejudicial to human health or causing a nuisance.

As these amendments required new enforcement activity by Local Authorities, Defra has provided additional funding to each Local Authority with a confirmed SCA from 2022 to 2023 through to 2025 to 2026. Defra will continue to support Local Authorities with advice and guidance about SCAs through the Air Quality Hub and will keep the ongoing effectiveness of the SCA statutory regime under review, including barriers to enforcement.

Additionally, the Act enabled Local Authorities to extend SCA orders to inland waterways vessels. A total of 7 Local Authorities have used these powers. To facilitate people with permanent moorings within SCAs to upgrade their solid fuel appliances, the Act introduced a requirement for Local Authorities to provide reimbursement for certain adaptations made. Through the Waterways Air Quality Grant Scheme, Defra provided £1.6 million to 7 Local Authorities between 2022 and 2026 to support this.

5.2. Environmental recall of motor vehicles (sections 74 to 77)

These provisions enabled the Secretary of State to make regulations about the recall of relevant products (vehicles, vehicle components and non-road mobile machinery) if they do not meet relevant environmental standards that are already enacted.

Implementation

Sections 74 to 77 of the Act commenced on 17 May 2024.

The regulatory position has changed since the clauses were first inserted into the Bill that became the Act.

The power to make regulations in section 74 has not yet been used and no decision has yet been made by the Secretary of State on whether new regulation is necessary. It is not expected that they will make that decision until the second half of 2026. Therefore, no decision has been made by the Secretary of State about proposals for a specific recall regime.

Legal issues

None.

Other reviews

None.

Preliminary assessment

None.

6. Water (Part 5)

6.1. Plans and proposals (section 78 and 79)

Section 78 changed the procedural requirements for Water Resources Management Plans (WRMPs) and Drought Plans and enables increased collaboration between different water undertakers to better manage water resources.

Section 79 placed drainage and wastewater planning to assess risk to sewerage network and network capacity on a statutory footing, through requiring the preparation of Drainage and Sewerage Management Plans (DWMPs) by sewerage undertakers, to better plan for the management of wastewater.

Implementation

Section 78 of the Act has not been commenced. The commencement had been paused until after the water companies published their 2024 WRMPs. Subsequently consideration of change to water company framework because of the Independent Water Commission have led to reconsideration of the provisions.

Section 79 of the Act commenced on 1 September 2024 in England, and 1 March 2025 in Wales.

Legal issues

None.

Other reviews

None.

Preliminary assessment

Drainage and wastewater planning to assess risk to sewerage network and network capacity has been placed on a statutory footing, meeting the objectives of this section. It is a major development in how the water industry identifies need, risk, and plans infrastructure delivery and upgrades to meet that need.

The preparation of the first statutory round of DWMPs is underway, with publication of the final plans by the end of August 2028 to inform the 2029 Price Review process (PR29). These are being produced using government guidance published in May 2025. The guidance was prepared in collaboration with industry, environmental regulators and Ofwat.

Effective long-term drainage and wastewater planning is essential to ensuring the sector is prepared for the risks facing their networks currently and, in the future. The full impact of statutory DWMPs will not be known until after PR29, when the measures identified in the first statutory round of DWMPs are delivered.

DWMPs produced because of the provisions will require companies to:

- properly assess the capacity of their drainage and sewerage network
- identify the risks currently facing that network
- project the impact of future risks (including population growth, climate change and urban development)
- plan necessary new or upgraded infrastructure to meet these risks

They will help water industry identify and tackle the root causes of problems in the network. As well as working with partners to deliver best-value solutions to these risks.

The requirements of the DWMP regime were expanded by section 5 of the Water (Special Measures) Act 2025. To require all DWMPs to address the “use that is made of nature-based solutions, technologies and facilities” within the undertakers’ networks. This ability to flexibly change the requirements of DWMP ensures an effective, relevant planning regime that can pivot to tackle new priorities.

6.2. Storm overflows (sections 80 to 84)

Section 80 placed new duties on government to prepare a plan for reducing storm overflow discharges and their adverse impacts on the environment and public health, and report on the progress of that plan. It also places duties on the Environment Agency and sewerage undertakers wholly or mainly in England to publish annual reports on storm overflows.

Section 81 set a duty for sewerage undertakers wholly or mainly in England to report in near real time on when a discharge from a storm overflow starts and stops.

Section 82 set a duty for sewerage undertakers wholly or mainly in England to continuously monitor the quality of water upstream and downstream of discharges from storm overflows and sewage treatment works.

Section 83 set a duty for sewerage undertakers wholly or mainly in England to secure a progressive reduction in the adverse impacts of discharges from their storm overflows.

Section 84 required government to publish a report on the actions which would be needed to eliminate discharges from the storm overflows of sewerage undertakers wholly or mainly in England and the costs and benefits of doing so.

Implementation

Sections 80 and 84 of the Act came into force automatically 2 months after the Act passed. Section 81 commenced partially on 17 May 2024 with the remaining elements commencing on 1 January 2025. Section 82 partially commenced on 3 November 2023 with other elements, but not all, commencing on 17 May 2024. In particular, subsection (1) is in force for the purposes of making regulations, but the duty on a sewerage undertaker to continuously monitor the quality of water upstream and downstream of an asset is not yet in force.

Water companies have been asked to install monitors at 25% of sites by 2030, aiming for 100% by 2035, with the pace of the rollout to be determined by the next price review.

Section 83 has not been commenced as it is considered for the time being that current water company actions, such as those to meet the targets under the Storm Overflows Discharge Reduction Plan (SODRP), are sufficient to meet the original policy aim.

Legal issues

A challenge was brought in relation to section 80 concerning the lawfulness of the SODRP published under section 80 in August 2022. The challenge was dismissed in the Summary of Judgment: Wildfish Conservation and Marine Conservation Society and others v Secretary of State for Environment, Food and Rural Affairs and The Environment Agency.

The judicial review was brought by Wildfish Conservation, the Marine Conservation Society, Richard Haward's Oysters, and Hugo Tagholm.

Other reviews (if applicable)

While not of direct relevance to Environment Act sections 80 to 84, the OEP launched an investigation into Defra, the Environment Agency and Ofwat on the regulation of network Combined Sewer Overflows (storm overflows) in England in 2022. In December 2025, the OEP published its final report, highlighting the corrective actions that Defra, Ofwat, and the Environment Agency have taken to rectify issues that the OEP had highlighted in its investigation.

Preliminary assessment

All storm overflows now have monitors installed recording the frequency and duration of their operation. The programme to install event duration monitors on storm overflows was completed in December 2023. As of January 2025, water companies have been publishing data through regional maps on their individual websites. Water UK's National Storm Overflow Hub consolidates live data from all 9 English water companies into a single, publicly accessible platform. The legislation has achieved the aim of monitoring the frequency and duration of discharges, including making that monitoring information publicly available.

The Environment Act places duties on the Environment Agency and sewerage undertakers to report Event Duration Monitoring (EDM) data annually. This is currently being achieved, with these reports being published annually.

This has led to the Environment Agency publishing consistent EDM data. This evidence, in its identifying of storm overflow operation, has led to development of compliance measures, and intelligence-led permitting.

The Storm Overflows Discharge Reduction Plan was first published in August 2022 and updated the Storm Overflows Discharge Reduction Plan in September 2023. The Storm Overflows Evidence Report and Storm Overflows Discharge Reduction Plan Impact

assessment on key targets proposed in the SODRP were published in November 2021 and September 2022, respectively.
A Progress report on the storm overflows discharge reduction plan was published in December 2025, covering the first 3 years of what will be a 28-year programme of work to 2050. Together, these have achieved the aim of publishing a report on the elimination of discharges from storm overflows, preparing a plan for reducing storm overflow discharges and their adverse impacts on the environment and public health, and reporting on the progress of that plan. Further progress reports are required to be published every 5 years, with the next iteration due in 2030.

To deliver on the SODRP, we are expecting £60 billion of investment to be delivered across England by 2050, which should result in a reduction of over 300,000 spills from storm overflows per year by 2050, and ensure that no storm overflow is permitted to spill more than 10 times per year on average.

6.3. Regulation of water and sewerage undertakers (sections 85 to 87)

Section 85 provided broadened powers to the regulator to request information from regulated companies wholly or mainly in England where needed to carry out its statutory duties to monitor their activities.

Section 86 amended the process for modifying the condition of companies' licences to operate to create a more transparent and flexible process which gives the water regulator the power it needs to respond to changing priorities, and to strengthen Ofwat's ability to improve water and sewerage undertakers' operations.

Section 87 enables Ofwat and water companies to serve documents electronically. Documents may only be sent electronically to consumers with their consent.

Implementation

Sections 85 and 87 commenced so far as relating to undertakers whose areas are wholly or mainly in England and licensees using the systems of such undertakers on 10 May 2022 and section 86 commenced on 24 January 2022. See Annex B.

Legal issues

None.

Other reviews

None.

Preliminary assessment

Section 85 inserted information-gathering powers into the Water Industry Act 1991. These powers are routinely used by the regulator and are operating effectively.

Section 87 enabled Ofwat and water companies to serve documents electronically. Ofwat regularly serve documents to water companies electronically. All regional water companies offer customers the option of being served bills electronically (paperless billing). Serving documents (including customer bills) electronically reduces the time to receive documents, reduces use of paper and administration costs. Customers retain the right to continue receiving paper bills, if they wish.

6.4. Abstraction (section 88)

This section reformed elements of the abstraction licensing regime to link it more tightly to the government's objectives for water by removing abstractor compensation rights for the Environment Agency's modifications of abstraction licences, where the modifications are to protect the environment or to reduce licensed abstraction to the levels that are actually used.

Implementation

Section 88 of the Act commenced automatically 2 months after the Act passed.

The measures will come into effect on 1 January 2028.

The 2028 implementation date was set to allow time for a catchment-based approach to water resources to embed and develop solutions. This has been supported through measures including the Environment Agency providing early notice to licence holders, funding for catchment-level engagement and collaboration, priority catchment trials, and promotion of Water Abstractor Groups and local resource options.

Legal issues

None.

Other reviews

None.

Preliminary assessment

None.

6.5. Water quality (section 89 to 93)

Section 89 enables the Secretary of State to update the list of priority substances and specify associated environmental quality standards relevant to the assessment of the chemical status of surface water and groundwater.

Water quality: powers of Welsh Ministers

Section 90 sets out the powers of Welsh Ministers to amend or modify any legislation to which this section applies on the substances to be taken into account when assessing the chemical status of surface water or groundwater, and specifying standards in relation to those substances or in relation to the chemical status of surface water or groundwater.

Water quality: powers of the Northern Ireland department

Section 91 provides DAERA with powers to make Regulations for the protection and improvement of water quality in Northern Ireland, including surface water and groundwater. It supports alignment with broader environmental governance objectives and enables DAERA to respond to emerging risks (for example, pollution, nutrient enrichment) and to strengthen water management frameworks where required.

The Solway Tweed river basin district is an area which is partly in England and partly in Scotland, in which water quality is managed in a coordinated way by the UK and Scottish governments. Section 92 allows for changes to how the respective administrations exercise the functions under the regulations, either jointly, concurrently, or solely. It would enable, for instance, Scottish Ministers to exercise certain powers separately for the Scottish part of the river basin district. It would also allow them to reduce some of the administrative processes around the functions carried out jointly by the Environment Agency and Scottish Environment Protection Agency functions.

Implementation

Sections 89, 90, 91, 92 and 93 commenced on 9 January 2022.

In Northern Ireland section 91 commenced 28 February 2022. The provision largely confers enabling powers rather than imposing immediate new duties. DAERA has continued to deliver its existing water quality functions (for example, River Basin Management Planning under the Water Framework Directive framework) with section 91 acting as a supplementary power to introduce new regulatory measures if required.

Section 89 commencement in Northern Ireland relates to legislation within section 89(2)(d) to (f) and any regulations modifying that legislation made under or by virtue of the European Union (Withdrawal) Act 2018 that was commenced by Northern Ireland Statutory Rule (SR) 2022/54 art. 2(1)(n).

Exercise of section 89 powers is yet to happen in England. The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (WFDR) require the government to ‘aim to achieve’ Good Chemical Status (GCS) for all surface water bodies by 2027. Updates to the priority substance list used to inform GCS are being considered as part of broader reforms to the water sector.

Legal issues

None.

Other reviews

In July 2025, the Independent Water Commission recommended taking forward reforms to WFDR and to establish a new long-term, legally binding target for the water environment. In response to this, in the recently published White Paper titled ‘A New Vision for Water’, government stated the need to legislate to reform the regulatory framework, including exploring updates to the Water Framework Directive Regulations 2017. This included a commitment to explore setting new ambitious overarching targets for the water

environment in the upcoming Clean Water Bill. Any updates to the GCS framework are being considered as part of this broader reform package.

Preliminary assessment

Section 91 has expanded DAERA's regulatory flexibility, providing additional powers to address water quality issues where existing legislation may be insufficient. It has not fundamentally altered core duties but strengthens DAERA's ability to respond to evolving environmental pressures.

Increased policy focus on agricultural nutrient management and wastewater impacts suggests section 91 may become more significant in future regulatory responses.

Although section 92 came into force on 9 January 2022, the power has not yet been used. The Environment Agency and Scottish Environment Protection Agency continue to collaborate on the Solway Tweed river basin management plan to ensure they take a consistent approach to delivery for each water body. As most of the water bodies within the district lie in Scotland, the Scottish Environment Protection Agency takes the lead on producing those parts of the plan, with the Environment Agency producing the parts of the plan for the water bodies on the English side. The plan for the Solway Tweed river basin district requires sign-off from both Scottish Ministers and the Secretary of State.

6.6. Land drainage (section 94 to 97)

Sections 94 and 96 make amendments to the Land Drainage Act 1991, by inserting new provisions which enable updates to be made to the valuation calculation relevant to the apportionment of internal drainage board (IDB) charges for farmers, landowners and local authorities by secondary legislation. These updates will address the current barrier to the creation of new and expansion of existing IDBs, where there is local desire.

Section 95 makes amendments to the Environment (Wales) Act 2016 to enable making regulations for the value of other land in a Welsh internal drainage district; this provision is not yet in force.

Section 97 inserts a new provision in the Land Drainage Act 1991, introducing new rules for disclosure of revenue and customs information and restrictions on onward disclosure of that information.

Implementation

Sections 94 and 96 of the Act commenced on 29 September 2022; section 96 only came into force in relation to internal drainage districts which are wholly or mainly in England. Section 97 commenced automatically on 9 January 2022. Section 95 is yet to be commenced.

Defra consulted on the land drainage SI for English IDBs between 7 March and 19 April 2024. The technical SI sets out the updated valuation calculation for English IDBs in regulations. The SI is due to be finalised later this year and introduced into Parliament when parliamentary time allows.

As the SI has not yet been laid and made, we cannot assess the impact of sections 94 and 96.

Legal issues

None.

Other reviews

None.

Preliminary assessment

Section 97 has provided a clear and proportionate statutory gateway for HMRC and Valuation Office data to be disclosed for land drainage purposes, enabling policy development and preparatory engagement to proceed lawfully. This provision is not intended to operate in isolation, and its practical application is contingent on the land drainage SI, which provides the substantive valuation framework and operational requirement for the data.

7. Nature and biodiversity (Part 6)

7.1. Biodiversity gain in planning (section 98 to 101)

This section introduces the mandatory biodiversity net gain to the planning system in England, requiring a 10% increase in biodiversity after development, compared to the level of biodiversity prior to the development taking place, as measured by the Defra statutory biodiversity metric.

Implementation

Section 98 of the Act was partially commenced on 3 November 2023 for the purpose of making of regulations in relation to the laying of the statutory biodiversity metric before parliament.

Section 100(8) of the Act was also partially commenced on 3 November 2023 for the purpose of making affirmative regulations to provide for the imposition of a financial penalty and the payment of fees for the Biodiversity Gain Site register.

Section 98 (and paragraphs 1 and 2 of Schedule 14 to the Act), were further commenced on 12 February 2024 for new applications for planning permission under Part 2 of the Town and Country Planning Act 1990, excluding planning permissions relating to development to which section 73A of the Town and Country Planning Act 1990 (retrospective planning permission for development already carried out).

Section 100 for all remaining purposes, section 101 and paragraph 3 of Schedule 14 were commenced on 12 February 2024.

Section 98 was further commenced on 1 May 2025 in relation to planning permission granted on an application made under Part 13 of the Town and Country Planning Act 1990 (Crown development).

Defra laid secondary regulations in November 2023 and January 2024 to implement mandatory Biodiversity Net Gain (BNG). This came into force for major developments on 12 February 2024, and for minor development (small sites) on 2 April 2024. Mandatory BNG will apply to nationally significant infrastructure projects from 2 November 2026.

Section 99 (relating to Schedule 15) was commenced on 7 May 2026 to implement mandatory BNG for NSIPs. Biodiversity Gain Statements, which set out how NSIPs must calculate, deliver, and report on BNG and have the same effect as National Policy Statements were laid on 2 June 2026.

Defra also laid an SI in 2026 to extend the scope of the BNG register so that it can be used by NSIPs, once BNG comes into force for NSIPs (in November 2026).

Defra laid secondary regulations in July 2026 to amend BNG exemptions, including introducing a new 0.2 hectare exemption, and amend the biodiversity gain hierarchy for minor development (this came into force on 6 August 2026)

Legal issues

None.

Other reviews

The National Audit Office published a report on Implementing statutory biodiversity net gain on 17 May 2024, shortly after mandatory BNG went live on the scale needed to meet demand, ensuring compliance, and effective monitoring to assess performance.

Preliminary assessment

The feedback and evidence government has gathered suggests BNG implementation has been broadly successful for larger developments. With a greater number of developers seeking ecological advice earlier in the process and designing their site layouts to avoid impact to biodiversity and seeking to deliver more habitat onsite.

For those who are unable to meet all of their BNG onsite, an off-site market has also rapidly developed with over 10,000 hectares of habitat created or enhanced currently listed on the national register, and many more sites preparing for registration, thereby helping to increase private investment into nature recovery.

However, there was emerging evidence that some smaller developments and specific types of development were finding BNG a challenge. As a result, in May 2025, government consulted on “Improving the implementation of Biodiversity Net Gain for minor, medium and brownfield development”. It proposed changes to exemptions, the metric process, increasing flexibility to go off-site for minor development, and changes for brownfield developments on ecologically valuable sites.

At the same time, government launched a consultation on how mandatory BNG will apply for nationally significant infrastructure projects (NSIPs).

On 15 April 2026, government published responses to both consultations including a timeline for implementing the changes confirmed to the BNG system throughout 2026. This includes confirmation that BNG will apply to NSIPs from 2 November 2026.

Government has introduced a new exemption for sites of 0.2 hectares or below, a new exemption for temporary development, and repealed the current self and custom build exemption. There will also be further targeted changes to exemptions for parks and playing fields and biodiversity related development. Other changes include amendments to the biodiversity gain hierarchy for minor development, and targeted changes to the statutory biodiversity metric tool.

Also on 15 April, a further BNG consultation was launched on considering a targeted exemption for brownfield residential development. This closed on 10 June, and a government response will be published in due course.

Government provides funding to local authorities and other local planning authorities for BNG implementation. £46 million grant funding was provided over the period 2021 to 2022

through to 2025 to 2026, with a further £29 million committed for the 2026 to 2027 through to 2028 to 2029 period, which will be distributed through the Revenue Support Grant, a central part of the Local Government Finance Settlement.

Government continues to fund the Planning Advisory Service to help Local Planning Authorities prepare for and meet their BNG obligations.

7.2. Biodiversity objective and reporting (sections 102 and 103)

Sections 102 and 103 shifted the focus of the biodiversity duty to an active requirement to seek the further conservation and enhancement of nature to better align public authorities' action on biodiversity with government ambition.

Implementation

Sections 102 and 103 of the Act commenced on 1 January 2023.

Legal issues

None.

Other reviews

None.

Preliminary assessment

The objectives of the Act to create an active requirement to seek the further conservation and enhancement of nature have been met, however there have been some delivery challenges.

Defra has developed an evaluation framework, and consultants have conducted an initial process evaluation - NERC Biodiversity Duty Evaluation Framework and Initial Process Evaluation - NR2004. The initial evaluation found that while many public authorities are beginning to implement the strengthened Biodiversity Duty and integrate biodiversity into decision-making, awareness of the duty requires further improvement, with around one-third of survey respondents unaware of it or unsure whether it applied to them.

Constraints reported by public authorities include limited resources, ecological expertise, and organisational buy-in, as well as a lack of tailored guidance. However, collaborative working and policy integration are emerging as important enablers of implementation. The report recommends improving communication, providing additional sector-specific guidance, and supporting authorities to build capacity and align the duty with related initiatives such as BNG and LNRSs. Defra will respond to the recommendations of the process evaluation in due course.

7.3. Local nature recovery strategies (sections 104 to 108)

This section puts spatial planning for nature on a statutory footing and consistently maps important existing habitats and opportunities to create or restore habitat through Local Nature Recovery Strategies.

7.3.1 Implementation

Sections 104 to 108 of the Act commenced on 24 January 2024.

Regulations made under section 105(4) and statutory guidance made under section 106(5) were laid before Parliament on 23 March 2023. Regulations established the process by which an LNRS must be prepared, published, reviewed and republished and statutory guidance explained what an LNRS should contain, building on the requirements set out in section 106.

Legal issues

Baroness Willis of Summertown tabled a Motion of Regret on a Statutory Instrument in response to the laying of regulations made under section 105 and the associated statutory guidance under section 106.

The motion was debated in the Lords and withdrawn.

Other reviews:

The OEP published "A review of Local Nature Recovery Strategies and their role in contributing to nature recovery commitments in England" on 19 June 2025 on the crucial role of LNRS to inform local decision-making, set out local priorities and deliver the Environment Act targets. It found they need to be prepared and published at pace to substantially contribute. Government's response to the OEP's report was published on the 16 October 2025.

Preliminary assessment

Overall, whilst some responsible authorities have taken longer to publish their LNRS than the government had hoped, the system of strategies created by sections 104 to 108 is now firmly established and the use of these strategies has been embedded in legislation and policy.

On 30 June 2023, 48 "responsible authorities" were appointed by the Secretary of State for the Environment Food and Rural Affairs to lead the preparation of the LNRS for their area. These 48 areas together cover the whole of England. On this date, Defra launched a 'data viewer' to provide responsible authorities with a national habitat map and other relevant datasets.

There is no legal deadline by when LNRSs must be published but the government estimated that it would take responsible authorities 12 to 18 months to complete the preparation of their LNRS based on 5 pilots. The first LNRS (for the West of England Combined Authority) was published on 7 November 2024. However, most LNRSs have

progressed slower than originally estimated. As of the end of September 2026, 45 of the 48 LNRSs have been published, and the final 3 are approaching publication.

Whilst preparation of LNRSs has generally been slower than expected, feedback on the preparation process and on the quality of LNRSs produced has been positive, as evidenced by the OEP's report.

The EIPs in 2023 and 2025 demonstrated consistent strong support from government for the importance of LNRSs in delivering environmental targets set under sections 1 and 3 of the Environment Act, and other national environmental commitments. The role of LNRSs in targeting habitat creation and improvement to meet biodiversity net gain requirements has been set out in the biodiversity metric user guide. This was first published on 29 November 2023.

The Levelling Up and Regeneration Act 2023 and the Planning and Infrastructure Act 2025 have, together, created duties for neighbourhood plans, local plans, minerals and waste plans, supplementary plans and spatial development strategies to "take account" of relevant LNRSs. Defra and its arms-length bodies use published LNRSs to inform decisions on the allocation of public funding across agriculture, tree planting and natural flood management.

The government's English Devolution policy, set out in the English Devolution White Paper and enabled by the English Devolution and Community Empowerment Act 2026 built on the roles and responsibilities set out in the Environment Act (which relate to the preparation, publication, review and republication of LNRSs) by establishing a role for responsible authorities to oversee the delivery of the strategy that they have prepared. The scope of this role has been co-developed with the responsible authorities and focuses on embedding the LNRS in planning and other local decision-making processes, working with partners to develop LNRS proposals into fundable projects and monitoring and reporting on progress made. Funding for this delivery role has been allocated by Defra until the end of the current Spending Review period.

The English Devolution White Paper also set out government's intention to appoint Strategic Authorities as responsible authorities over time. The English Devolution and Community Empowerment Act 2026 establishes the legal framework to empower these Authorities and sets out their areas of competence. The LNRS responsible authority role forms the core of the environment and climate change competence, while Defra reviews what else might be devolved. This enables strategic authorities to consider nature recovery and environmental improvement alongside other competences like transport, health and economic development and seek opportunities for them to support each other.

The LNRS regulations require the Secretary of State to announce when LNRSs are to be reviewed and republished every 3 to 10 years. The period when the first review and republication could be announced began on 13 April 2026 and continues until 12 April 2033. The Secretary of State has not yet decided when to call the first review and republication but has committed in the 2025 EIP to determine and announce the timing for this.

7.4. Conservation (sections 109 to 111)

Section 109 has provided Natural England with the power to prepare and publish Species Conservation Strategies (SCS) for improving the conservation status of any species of fauna or flora.

Section 110 provided Natural England with a power to prepare and publish Protected Site Strategies (PSS) to improve the conservation and management of protected sites and manage the impact of plans, projects or other activities on the conservation and management of the protected site. The Act specifies what may be included and who Natural England must consult in preparing a PSS. It also places a duty on the specified public authorities to cooperate with Natural England when they are preparing a PSS, so far as it is relevant to their functions, and gives Secretary of State a power to issue guidance on the application of that duty. The Act also includes a duty to have regard to a PSS so far as it is relevant to any duty the relevant person has under the legislation specified in the Act.

Section 111 introduced amendments to the licensing provisions in the Wildlife and Countryside Act 1981 (WCA81) and the Conservation of Habitats and Species Regulations 2017 ("2017 Regulations"), providing greater consistency across the licensing regimes. These:

- made it possible to grant licences for development related activities impacting certain species of animal and plant
- facilitates the wider implementation of landscape scale licensing for development purposes
- reduced the administrative burden of licensing on customers and the licensing authority (Natural England)

Implementation

Section 109 commenced on 30 September 2022.

Section 110 was commenced on 24 January 2022. An initial phase of 5 pilots was used to develop and test the delivery approach. Following the successful demonstration of their potential, the government committed to scaling up the programme and PSS will be expanded into priority areas through to 2029 to 2030, to deliver Protected Site Strategies for at least 20 sites, including the 5 current pilots.

Section 111 commenced on 30 September 2022. On 1 October 2022 Natural England launched a licensing option using the new 'overriding public interest' purpose for plants and animals listed under schedules 5, 6 and 8 to the WCA81. The new licensing approach was extended to the water vole on 1 January 2023.

Legal issues

Section 10(1)(c) of the WCA81, which was inserted by section 111(1)(b) of the Act, includes an error. Section 10 provides that offences under section 9 are also displaced by the granting of a licence under regulation 55 of the 2017 Regulations. However, the provision in subsection (1)(c) erroneously refers to the licence being granted by Natural

England under regulation 55. No such power vests in Natural England directly, it is instead given to the 'relevant licensing body', which includes Natural England in some cases, but the Secretary of State in others. The error has not yet been corrected as there has not been a suitable legislative vehicle.

Other reviews

The OEP report 'Review of implementation of laws for terrestrial and freshwater protected sites in England' published on 3 December 2025, highlighted that the most significant change in approach in this area (addressing the main causes of poor protected site condition) has been legislating for and piloting PSS, and the government's commitment to scaling up this work. It also highlights PSS development work with respect to green finance and green commerce (opportunities for private investment in nature restoration).

Annex E to the 2025 Habitats Regulations Post Implementation Review provides an analysis of wildlife licences issued under the Habitats Regulations but does not evaluate section 111 specifically.

Preliminary assessment

Species Conservation Strategies

The Act does not fully define the scope of Species Conservation Strategies (SCS). To advise Defra, Natural England refined thinking on how to define and realise the full power of SCS. Three pilot projects (for water vole, hazel dormouse, and widespread reptiles) tested whether strategic licensing approaches, as part of a SCS, could maximise conservation outcomes for certain species whilst enabling economic growth.

Natural England also explored the potential to use SCS in a more ambitious and holistic way, through workshop discussions, both internal and with external stakeholders.

Through these workshops, stakeholders formed consensus on a recommended purpose definition for SCS, species selection criteria and advice on practical implementation of the SCS. Stakeholder consensus was enthusiastic about the potential for SCS to achieve nature recovery.

Focus on the Planning and Infrastructure Act 2025, and associated resourcing decisions, has impacted Natural England's ability to progress the pilot projects and the timeline of delivery of advice to Defra on the future use of SCS. This has limited the implementation and benefit realisation of SCS to date.

Protected sites strategies

Natural England ran a 3 year research and development project (2022 to 2025), including running 5 pilots, to test components of the PSS approach and how and when to deploy PSS effectively. A key focus of the project was to refine the approach enabled by PSS by bringing together partners to tackle off-site pressures and improve site condition.

Building on the test and learn approach taken in the project, Natural England will deliver at least 20 Protected Site Strategies across England by 2030.

Wildlife conservation licences

The amendments introduced under section 111 have been successful in achieving their objectives. They have:

- allowed Natural England to develop and launch a Species Conservation Strategy for the water vole in East Anglia. Natural England is now developing a similar strategy for widespread reptiles. These strategies are primarily designed to benefit development and infrastructure projects
- allowed developers to apply for licences for activities that impact non-avian animals and plants protected under the WCA81. So far licences for 11 different species have been granted
- allowed Natural England to extend licences where appropriate, reducing the burden on customers and itself. This has been a particular benefit for District Level Licensing for great crested newts. Previously, these schemes required licences to be reissued every 2 years, creating a significant administrative burden for Natural England and partner organisations delivering schemes
- provided reassurance to stakeholders that licences are only granted in appropriate circumstances
- ensured that licensing provisions for animals and plants in the WCA81 are compliant with the Bern Convention

Use of the new exception (introduced by sub-section 111(1)) has been largely, if not entirely, obviated by Natural England issuing a single licence covering both the WCA81 and 2017 Regulations where both apply to the same activity. This became possible due to the amendment introduced by sub-section 111(2). This provision has, therefore, proved unnecessary.

7.5. Habitats regulations

This section introduced powers to amend the Conservation of Habitats and Species Regulations 2017 including the provisions relating to Habitats Regulations Assessment to ensure legislation adequately supports the government's strategy for nature while maintaining and, where possible, enhancing environmental protections. The overall aim of the provision is to provide the Secretary of State with flexibility to determine the best approach to conserving and enhancing biodiversity and enable improvements to be made for the sake of clarity and legal certainty of the process to improve the condition of protected sites and the broader natural environment.

Implementation

Sections 112 and 113 of the Act commenced on 24 January 2022.

Legal issues

None.

Other reviews

None.

Preliminary assessment

These powers have not yet been used as it has not been deemed necessary as primary legislation has been available to make necessary changes to the relevant parts of the Habitats Regulations. However, these powers may still be needed for any future amendments.

7.6. Tree felling and planting (section 114 and 115)

Section 114 introduces Schedule 16, which amends Part 2 of the Forestry Act 1967 to:

- increasing the level of fines that courts can impose
- make restocking and enforcement notices local land charges
- enables serving of enforcement notices and restocking orders
- gives the power to request information

Section 115 inserts a new section 96A into the Highways Act 1980. This requires local highway authorities to consult the public before felling a tree on an urban road (known as a 'street tree') where an exemption does not apply.

Implementation

Section 114 commenced on 1 January 2023. Section 115 commenced on 30 November 2023.

Legal issues

None.

Other reviews

None.

Preliminary assessment

The objectives of section 114 are met. There have been significant increases in the level of fines for illegal felling. In 2026 a landowner was ordered to pay fines and costs totalling £268,751 following the illegal felling of trees after an investigation by the Forestry Commission. Defra expects the increase in fines to act as a deterrent, reducing illegal felling.

Meeting the objectives of section 115 is still in progress. Defra has published Duty to Consult on Felling Street Trees: guidance for local authorities, which sets out how the duty to consult on street trees should be applied by local highway authorities and the

consultation process that should be used. We are paying section 31 grants to local highway authorities on an annual basis, so they can comply with the duty.

7.7. Use of forest risk commodities in commercial activity (section 116)

This section addresses illegal deforestation in supply chains by placing requirements on businesses prohibiting them from using forest risk commodities that were produced on land that was illegally occupied or used. Regulated businesses will have to establish, implement and report on their due diligence system that assesses and mitigates the risk of illegally produced commodities entering their supply chain. The Secretary of State will have power to enforce these requirements and will be required to report to Parliament on their effectiveness.

Implementation

Section 116 of the Act commenced on 30 September 2022. It has been implemented for the purpose of making regulations only.

Secondary legislation to operationalise Schedule 17 of the Act has not been laid.

Legal issues

None.

Other reviews

On 23 June 2026, the government announced it is strengthening its approach to tackling deforestation in UK supply chains. The government aims to introduce regulations to address the use of commodities that drive deforestation, including under the Act. We will consult later this year on proposed Great Britain deforestation policy. We will seek views from businesses, civil society and international partners on our proposed policy. We encourage all interested parties to engage with Defra by responding to the upcoming consultation.

Preliminary assessment

None.

8. Conservation covenants (Part 7)

8.1. Conservation covenants (section 117 to 139)

Part 7 of the Act provides for voluntary, legally-binding private agreements between landowners and responsible bodies designated by the Secretary of State, which conserve the natural or heritage features of the land, enabling long-term conservation.

Implementation

Sections 117 to 139 of the Act commenced on 30 September 2022.

Legal issues

None.

Other reviews

None.

Preliminary assessment

This section is achieving its objectives to facilitate voluntary, legally-binding private agreements to conserve the natural or heritage features of land.

Since the Act was introduced, Defra has set the criteria for designation as a Responsible Body (RB), published a list of approved RBs, and set up a quarterly RB forum to discuss best practice on development and implementation of conservation covenants. Applications to become an RB are reviewed by a panel, which approves them based on the published criteria. Current RBs include Local Authorities, environmental NGOs, and independent environmental consultancies.

RBs must submit an annual return showing how many conservation covenants they have entered into and the area of land covered. RBs may also submit additional information on the types of habitats covered, any work that has been done to create, enhance and restore habitats, and any potential future covenants.

As of 31 March 2026, there were 41 Responsible Bodies and at least 138 conservation covenants in place. This level of interest in obtaining RB status and the increasing use of conservation covenants shows that they are a respected legal tool to secure conservation benefits, supporting the Act's objective to allow land to be maintained for conservation over the long-term. However, since most covenants are relatively new, insight into their efficacy in securing those benefits when the land is sold or passed on is limited.

The majority of covenants, so far, are terrestrial. Some RBs have plans for this to expand into riverine and intertidal habitats. Most covenants are secured for Biodiversity Net Gain and other nature recovery projects, contributing to the Act's objective to protect and enhance biodiversity. They include meadow, scrub, mixed and native woodland, hedgerows, species rich traditional hay meadows, floodplains and ponds. There are also

some covenants secured for the purposes of securing land use change in connection with the sale of nutrient credits to developers (nutrient neutrality) with more in the pipeline.

The use of conservation covenants to secure land use change for both regulatory compliance and voluntary purposes is in line with government's expectations for these instruments. The government will continue to monitor the uptake and efficacy of conservation covenants as their use expands and matures.

9. Miscellaneous and general provisions (Part 8)

9.1. Regulation of chemicals

This section allows for UK chemicals legislation to be updated to keep it up to date and respond to emerging needs or ambitions for the effective management of chemicals.

Implementation

Commenced on 9 November 2021 for England, Wales and Scotland and 28 February 2022 for Northern Ireland.

Legal issues

None.

Other reviews

None.

Preliminary assessment

This section is achieving its objectives to keep UK chemicals legislation updated.

Under paragraph 1 of Schedule 21 to the Act the Secretary of State may make regulations under this paragraph only if they consider that the provision made is consistent with Article 1 of the REACH Regulation, and they must publish an explanation to that effect. The statement must be published no later than the start of the consultation on the proposed provision. Two SIs have been made under this power to extend the deadlines by which companies must submit registration information and the statements for them were published alongside the consultations.

Under paragraph 5 of Schedule 21 to the Act the Secretary of State must consult before making provision to amend the REACH Regulation. Defra carried out public consultations on Extending the UK REACH Submission Deadlines in 2022 and Extending the UK REACH Transitional Registration Submission Deadlines in 2026 before making these SIs.

Responses to the consultations were from companies and representative trade bodies in the chemicals and related sectors, as well as from environmental and other NGOs. The government has published its response to each consultation: 2023 Regulations and 2026 Regulations. In each case the consultation response sets out the views of stakeholders alongside the government's intention of how to proceed.

As required by paragraph 3 of Schedule 21 to the Act, the Scottish and Welsh government also consented to the proposed regulations.

9.2. Concurrent functions in Wales

Section 141 removes restrictions that prevented the Senedd from amending certain concurrent powers in the Environment Act, allowing it to change these arrangements without requiring UK government consent.

Implementation

Section 141 of the Act commenced on 9 September 2021.

Legal issues

None reported.

Other reviews

None reported.

Preliminary assessment

None reported.

Annex A: Schedules

Schedule 1: The Office for Environmental Protection

Commentary on this Schedule is provided in commentary on section 22 of the EA21.

Schedule 2: Improving the natural environment: Northern Ireland

Commentary on this Schedule is provided in commentary on section 48 of the EA21.

Schedule 3: The Office for Environmental Protection: Northern Ireland

Commentary on this Schedule is provided in commentary on section 49 of the EA21.

Schedule 4: Producer responsibility obligations

Commentary on this Schedule is provided in commentary on section 50 of the EA21.

Schedule 5: Producer responsibility for disposal costs

Commentary on this Schedule is provided in commentary on section 51 of the EA21.

Schedule 6: Resource efficiency information

Commentary on this Schedule is provided in commentary on section 52 of the EA21.

Schedule 7: Resource efficiency requirements

Commentary on this Schedule is provided in commentary on section 53 of the EA21.

Schedule 8: Deposit schemes

Commentary on this Schedule is provided in commentary on section 54 of the EA21.

Schedule 9: Charges for single use items

Commentary on this Schedule is provided in commentary on section 55 of the EA21.

Schedule 10: Enforcement powers

Commentary on this Schedule is provided in commentary on section 66 of the EA21.

Schedule 11: Local air quality management framework

Commentary on this Schedule is provided in commentary on section 72 of the EA21.

Schedule 12: Smoke control in England and Wales

Commentary on this Schedule is provided in commentary on section 73 of the EA21.

Schedule 13: Modifying water and sewerage undertakers' appointments: procedure for appeals

Commentary on this Schedule is provided in commentary on section 86 of the EA21.

Schedule 14: Biodiversity gain as condition of planning permission

Commentary on this Schedule is provided in commentary on section 98 of the EA21.

Schedule 15: Biodiversity gain in nationally significant infrastructure projects

Commentary on this Schedule is provided in commentary on section 99 of the EA21.

Schedule 16: Controlling the felling of trees in England

Commentary on this Schedule is provided in commentary on section 114 of the EA21.

Schedule 17: Use of forest risk commodities in commercial activity

Commentary on this Schedule is provided in commentary on section 116 of the EA21.

Schedule 18: Discharge or modification of obligations under conservation covenants

Commentary on this Schedule is provided in commentary on section 130 of the EA21.

Schedule 19: Application of Part 7 to Crown land

Commentary on this Schedule is provided in commentary on section 137 of the EA21.

Schedule 20: Consequential amendments relating to Part 7

Commentary on this Schedule is provided in commentary on section 139 of the EA21.

Schedule 21: Amendment of REACH legislation

Commentary on this Schedule is provided in commentary on section 140 of the EA21.

Annex B: Commencement Orders

Statutory Instrument	Date of commencement	Sections / provisions commenced	Territorial extent / notes
S.I. 2021/1274 (C.72)	17 November 2021	Sections 22 to 24, 26, 44 to 47	England
S.I. 2022/48 (C.2)	24 January 2022	Sections 1 to 16, 20 to 21, 25, 27 to 43, 50 (England), 57 (part), 60 (England), 62, 72 (part), 73 (part)	England and Great Britain as applicable
S.I. 2022/518 (C.21)	10 May 2022	Sections 17 to 19 (partial)	England
S.I. 2022/54 (C.5)	28 February 2022	Sections 48, 49, 52 to 56, 59, 61, 65 (NI)	Northern Ireland
S.I. 2022/223 (W.71) (C.10)	7 March 2022	Sections 50 (Wales), 60 (Wales), enforcement-related provisions	Wales
S.I. 2022/305 (C.18)	9 November 2022	Section 50 (Scotland)	Scotland
S.I. 2022/988 (C.75)	29 September 2022	Sections 94 and 96	England
S.I. 2023/381 (C.18)	1 November 2023	Remainder of section 19	England
S.I. 2023/1170 (C.77)	3 November 2023	Sections 82 (partial), 98 (for regulation-making)	England
S.I. 2024/639 (C.40)	17 May 2024	Sections 57, 74 to 77, 79, 81 to 82 (partial)	England
S.I. 2024/44 (C.4)	12 February 2024	Sections 98, 100, 101 and Schedule 14	England
S.I. 2025/447	1 May 2025	Section 98 (Crown development)	England

Statutory Instrument	Date of commencement	Sections / provisions commenced	Territorial extent / notes
S.I. 2025/491 (Wales)	16 April 2025	Section 73 (Wales – Schedule 12 Part 2)	Wales
S.I. 2022 No. 518 (C. 21)	10 May 2022	Section 85	England
S.I. 2022 No. 48 (C. 2)	24 January 2022	Section 86	England

Annex C: Secondary legislation

Statutory Instrument	Date in force	Title	Summary / purpose	Related sections
S.I. 2023/90	30 January 2023	Environmental Targets (Woodland and Trees Outside Woodland) (England) Regulations 2023	Sets long-term tree canopy and woodland cover targets	ss.1, 4, 6
S.I. 2023/91	30 January 2023	Environmental Targets (Biodiversity) (England) Regulations 2023	Sets statutory biodiversity targets	ss.1, 3, 6
S.I. 2023/92	30 January 2023	Environmental Targets (Residual Waste) (England) Regulations 2023	Sets waste reduction targets	ss.1, 6
S.I. 2023/93	30 January 2023	Environmental Targets (Water) (England) Regulations 2023	Sets water targets	ss.1, 6
S.I. 2023/94	31 January 2023	Environmental Targets (Marine Protected Areas) Regulations 2023	Sets MPA targets	ss.1, 6
S.I. 2023/96	30 January 2023	Environmental Targets (Fine Particulate Matter) (England) Regulations 2023	Sets PM2.5 targets	ss.1, 2, 6

Statutory Instrument	Date in force	Title	Summary / purpose	Related sections
S.I. 2024/1332	December 2024	Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024	Establishes UK-wide pEPR scheme	ss.50, 51
S.I. 2025/1369	1 January 2026	Producer Responsibility Obligations (Packaging and Packaging Waste) (Amendment) Regulations 2025	Amends pEPR scheme operation	ss.50, 51
S.I. 2023/770	2023	Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023	Increases upper fixed-penalty limits	s.69
S.I. 2022/1292	7 December 2022	Air Quality (Designation of Relevant Public Authorities) (England) Regulations 2022	Designates National Highways as RPA	s.72
S.I. 2025/287	1 April 2025	Certification of Fuels and Fireplaces (Charges) (England) Regulations 2025	Provides lawful basis for certification charging	s.73 CAA 1993
S.I. 2024/45	12 February 2024	Biodiversity Gain Site Register Regulations 2024	Establishes biodiversity gain register	s.100

Statutory Instrument	Date in force	Title	Summary / purpose	Related sections
S.I. 2024/46	12 February 2024	Biodiversity Gain Site Register (Financial Penalties and Fees) Regulations 2024	Fees and penalties for register	s.100
S.I. 2024/666	30 June 2024	The Separation of Waste (England) Regulations 2024	Establishes Simpler Recycling	s.57
S.I. 2025/140	31 March 2025	The Separation of Waste (England) Regulations	Establishes commencement dates	s. 57
S.I. 2025/67	January 2025 to October 2027	Deposit Scheme for Drinks Containers (England and NI) Regulations 2025	Establishes DRS	s.54
SSI 2026/145	1 January 2027	Digital Waste Tracking (Scotland) Regulations 2026	Scotland waste tracking	s.58
WSI 2026/105	1 October 2026	Digital Waste Tracking (Wales) Regulations 2026	Wales waste tracking	s.58
S.I. 2023/722	19 July 2023	The REACH (Amendment) Regulations 2023	Extends REACH registration deadlines	sch. 21
S.I. 2026/849	6 August 2026	The REACH (Amendment) (No. 2) Regulations 2026	Extends REACH registration deadlines	sch. 21

Annex D: Guidance

Title	Link and information on who published	Details of what guidance covers
Extended producer responsibility for packaging: who is affected and what to do	Guidance on GOV.UK, published by Defra and the Environment Agency: Check if you must follow EPR for packaging	This guidance explains which UK organisations are affected by pEPR, the threshold tests, the packaging activities in scope, reporting requirements, and actions producers may need to take.
National Packaging Waste Database - Packaging Guidance - Producers	Guidance on npwd.environment-agency.gov.uk, published by the Environment Agency: National Packaging Waste Database	This guidance explains the regulators' agreed positions and technical interpretations for pEPR compliance, with links to supporting guidance on recycling obligations and other operational queries.
Local Air Quality Management Technical Guidance	UK Regions (exc. London) Technical Guidance | LAQM England (exc. London) Policy Guidance | LAQM	Defra updated statutory guidance for Local Authorities regarding Local Air Quality Management to incorporate the Environment Act changes.

Title	Link and information on who published	Details of what guidance covers
Storm overflows: policy and guidance	Storm overflows: policy and guidance Published by Defra.	Advice on the management and regulations of storm overflows, including additional information on how to implement the measures identified in the Storm Overflows Discharge Reduction Plan.
Biodiversity Net Gain Collection	Information you need for biodiversity net gain (BNG). Biodiversity net gain	Guidance for developers, land managers, local authorities and others on how to apply BNG.
Planning Practice Guidance on Biodiversity Net Gain	Planning practice guidance on biodiversity net gain. Biodiversity net gain	Statutory guidance on how to apply BNG in the planning system.
The Statutory Biodiversity Metric User Guide	The Statutory Biodiversity Metric	Detailed guidance on how to use the statutory biodiversity metric to calculate biodiversity value of a site before and after development.
Complying with the biodiversity duty	Complying with the biodiversity duty	As a public authority, understand what the biodiversity duty is and how to comply with it.
Reporting your biodiversity duty actions	Reporting your biodiversity duty actions	As a local authority or local planning authority, when to publish your biodiversity report and what to include.

Title	Link and information on who published	Details of what guidance covers
Protected Site Strategy Advisory guidance	Protected Site Strategies Advisory Guidance 1.0 - NE793	The PSS Advisory Guidance walks through the key steps of how to develop a PSS, based on lessons learned from the pilot projects. The guidance also includes links to various factsheets, providing the reader with further information on stakeholder engagement, private investment in nature, governance and evaluation.
FC guidance on the Forestry Act 1967	Tree felling: Getting permission Tree felling licence: when you need to apply Forestry Commission Enforcement Policy Guidance Notes Appeal against a restocking or enforcement notice	FC's guidance was updated to reflect changes from section 114 of the Environment Act.
Guidance: Duty to Consult on Felling Street Trees	Defra published a Duty to Consult on Felling Street Trees statutory guidance under powers granted by section 115 of the Environment Act.	The guidance sets out the consultation process that local authorities are expected to undertake. It also sets out the scope of the duty and relevant exemptions.

Title	Link and information on who published	Details of what guidance covers
Conservation covenants: criteria for being a responsible body **Conservation covenants: apply to become a responsible body**	Conservation covenants: criteria for being a responsible body Conservation covenants: apply to become a responsible body	Defra will use these criteria to decide whether an organisation can become a responsible body. An organisation will need to continue to meet these criteria to remain a responsible body. Defra's criteria for becoming and remaining a responsible body are: • eligibility • financial security • operational capacity and capability • ongoing suitability

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