

Environment Act 2021

This online resource paper provides information about the Act, which sets priorities for biodiversity, air quality, water and waste

Definition and purpose

The **Environment Act** (<https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>) is a piece of environmental legislation introduced in November 2021. This Act sets statutory targets in four priority areas: biodiversity, air quality, water, and waste, and includes a new target to reverse the decline in species abundance by the end of 2030. It sets in law new tools that Natural England and other bodies can use to help meet those targets, which can enable local authorities to help slow and possibly reverse species declines in England.

The Act received royal assent in November 2021, which means that it went from the Environment Bill to the Environment Act and is now part of UK law. At the time of writing, the Act in the main is yet to come into force with the relevant areas likely to be brought into effect in the coming year as the necessary regulations are put in place. Hence, because of its current status, some of its provisions have not yet become mandatory.

Key points to consider

- The inclusion of five Environmental Principles in the Environment Act (namely integration, prevention, rectification at source, polluter pays and precautionary), ensures the need for all Government Ministers to consider them when making policy;
- There will also be a new Office for Environmental Protection (OEP). The OEP will now hold governmental and public bodies to account on their environmental obligations;
- The Act will also enable reform of the Habitats Regulations following public consultation;
- The Act aims to tackle water companies that discharge sewage into rivers, waterways and coastlines. It will see a duty written in law to ensure water companies secure a progressive reduction in the adverse impacts of discharges from storm overflows;
- Defra and Natural England are working with local authorities and place-based stakeholders such as the Wildlife Trusts to deliver Local Nature Recovery Strategies which will help deliver nature recovery within a national framework;
- Natural England are helping develop the use of Conservation Covenants and will apply to become a responsible body, enabling this statutory body to enter into voluntary agreements with landowners to conserve their land's natural or heritage features for the long term;
- Clauses 98-101 of the Act address biodiversity gain in planning. The Act includes a provision for mandatory Biodiversity Net Gain. Mandatory biodiversity net gain applies in England only by amending the Town & Country Planning Act and is likely to become law in 2023. Mandatory means that BNG will be required nationally and will not be entirely dependent on the local plan

policies of individual planning authorities. In Craven, BNG is already required by **Policy ENV4 (/planning/accessible-craven-local-plan/#BIODIVERSITY)** of the Craven Local Plan.

What this means for spatial planning and development management

The principles of long-term environmental management and new opportunities within the context of the Environment Act 2021 have been outlined above. Local authorities across England now need to ensure that these matters (in particular biodiversity) are communicated, implemented and regulated effectively, and in a manner that encourages enthusiasm from individuals, developers and the business community.

In relation to biodiversity, the Act promotes Biodiversity Net Gain to ensure developments deliver at least 10% increase in biodiversity, and Local Nature Recovery Strategies to support a Nature Recovery Network (see **Biodiversity Metric 3.0 (/planning/spatial-planning/spds-and-information/green-infrastructure-and-biodiversity/biodiversity-metric-30/)** resource paper and **Local Nature Recovery Strategies (/planning/spatial-planning/spds-and-information/green-infrastructure-and-biodiversity/local-nature-recovery-strategies-lnrss/)** resource paper, respectively). The Act also puts forward a duty upon local authorities to consult on street tree felling and includes strengthened woodland protection enforcement measures.

The Act promotes Conservation Covenants as a mechanism to secure conservation measures on land which endure changes in ownership, and encourages Protected Site Strategies and Species Conservation Strategies to support the design and delivery of strategic approaches to deliver better outcomes for nature (see **Conservation Covenants (/planning/spatial-planning/spds-and-information/green-infrastructure-and-biodiversity/conservation-covenants/)** resource paper and **Species Conservation and Protected Site Strategies (/planning/spatial-planning/spds-and-information/green-infrastructure-and-biodiversity/species-conservation-and-protected-site-strategies/)** resource paper, respectively).

Part 6 of the Act makes provision for “biodiversity gain in planning” which will apply to applications under the Town and Country Planning Act 1990. The Act amends the Town and Country Planning Act 1990 so that (subject to any transitional provisions contained in regulations) all planning permissions granted after the provisions come into force are deemed to be subject to a condition prohibiting the start of development before a biodiversity gain plan has been submitted to and approved by the local planning authority. The biodiversity gain plan must demonstrate a net gain of at least 10% in the biodiversity value of the development site “as at the time the development is completed”.

Subsequent resource papers in this series relate to different aspects of the Environment Act. These other resource papers are as follows:

- Environmental Net Gain
- Biodiversity Metric 3.0
- Small Sites Metric
- Biodiversity Offsetting
- Conservation Covenants

- [Species Conservation and Protected Site Strategies](#)
- [Wildlife Corridors](#)
- [Local Nature Recovery Strategies](#)
- [Mitigation Hierarchy](#)

Relevant Craven Local Plan policies

- [ENV4: Biodiversity \(/planning/accessible-craven-local-plan/#BIODIVERSITY\)](#)
- [ENV5: Green Infrastructure \(/planning/accessible-craven-local-plan/#GREENINFRASTRUCTURE\)](#)

Relevant Craven Local Plan policy guidance

- [Green Infrastructure and Biodiversity Supplementary Planning Document](#)
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March 2022. This webpage provides general information about relevant planning topics and we hope you find it helpful. Please be aware that it is not a statement of Council policy and does not provide formal policy guidance. For those things, please refer to the Craven Local Plan and supplementary planning documents.