

Status: Point in time view as at 17/11/2021. This version of this schedule contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, SCHEDULE 2. (See end of Document for details)

SCHEDULES

VALID FROM 25/07/2022

SCHEDULE 2

Section 48

IMPROVING THE NATURAL ENVIRONMENT: NORTHERN IRELAND

PART 1

ENVIRONMENTAL IMPROVEMENT PLANS

Environmental improvement plans

- 1 (1) The Department must prepare an environmental improvement plan.
- (2) An “environmental improvement plan” is a plan for significantly improving the natural environment.
- (3) The plan may—
 - (a) relate to a period specified in the plan, or
 - (b) be of no specified duration.
- (4) An environmental improvement plan must set out—
 - (a) the steps that the Department intends to take to improve the natural environment, and
 - (b) any steps that any other Northern Ireland department intends to take to improve the natural environment.
- (5) It may also set out steps that any Northern Ireland department intends to take to improve people’s enjoyment of the natural environment (and if it does so references in this Schedule to improving the natural environment, in relation to that plan, include improving people’s enjoyment of it).
- (6) In preparing an environmental improvement plan, the Department must consult such other Northern Ireland departments as it considers appropriate.
- (7) The Department must lay before the Northern Ireland Assembly, and publish, an environmental improvement plan before the end of the 12 month period beginning with the day on which this paragraph comes into force.
- (8) References in this Schedule to the current environmental improvement plan are to the environmental improvement plan for the time being in effect.

Commencement Information

- II** Sch. 2 para. 1 not in force at Royal Assent, see [s. 147\(3\)](#)

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Annual reports on environmental improvement plans

- 2 (1) The Department must prepare annual reports on the implementation of the current environmental improvement plan.
- (2) An annual report must—
- (a) describe what has been done, in the period to which the report relates, to implement the environmental improvement plan, and
 - (b) consider, having regard to any data obtained under paragraph 5, whether the natural environment has, or particular aspects of it have, improved during that period.
- (3) Annual reports on an environmental improvement plan must relate to—
- (a) the 12 month period beginning with the day on which the plan is published, and
 - (b) each subsequent 12 month period.
- (4) An annual report must be laid before the Northern Ireland Assembly before the end of the 4 month period beginning immediately after the last day of the period to which the report relates.
- (5) The Department must publish annual reports laid before the Northern Ireland Assembly under this paragraph.

Commencement Information

I2 Sch. 2 para. 2 not in force at Royal Assent, see [s. 147\(3\)](#)

Reviewing and revising environmental improvement plans

- 3 (1) The Department must—
- (a) review the current environmental improvement plan in accordance with this paragraph, and
 - (b) if the Department considers it appropriate as a result of the review, revise the plan.
- (2) The first review of an environmental improvement plan must be completed before the end of the 5 year period beginning with—
- (a) if it is the first environmental improvement plan, the day on which it is published, and
 - (b) otherwise, the day on which it replaces the previous plan (see paragraph 4(6)).
- (3) Subsequent reviews of an environmental improvement plan must be completed before the end of the 5 year period beginning with the day on which the previous review was completed.
- (4) In reviewing an environmental improvement plan, the Department must—
- (a) consider what has been done to implement the plan in the period since it was published or (if it has been reviewed before) last reviewed,
 - (b) consider whether, having regard to data obtained under paragraph 5^[F1] and reports made by the OEP under paragraph 1 of Schedule 3], the natural

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- environment has, or particular aspects of it have, improved during that period, and
- (c) consider whether any Northern Ireland department should take further or different steps to improve the natural environment (compared to those set out in the plan).
- (5) In reviewing and revising an environmental improvement plan, the Department must consult such other Northern Ireland departments as it considers appropriate.
- (6) If as a result of a review the Department considers it appropriate to revise the plan, the Department must lay before the Northern Ireland Assembly—
- (a) a revised environmental improvement plan, and
- (b) a statement explaining the revisions and the reasons for them.
- (7) If as a result of a review the Department does not consider it appropriate to revise the plan, the Department must lay before the Northern Ireland Assembly a statement explaining that and the reasons for it.
- (8) The Department must publish the documents laid under sub-paragraph (6) or (7).
- (9) A review is completed when the Department has laid and published the documents mentioned in sub-paragraph (6) or (7).
- (10) References in this Schedule to an environmental improvement plan include a revised environmental improvement plan.

Textual Amendments

- F1** Words in [Sch. 2 para. 3\(4\)\(b\)](#) inserted (28.2.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(6)(7), [Sch. 3 para. 30\(2\)](#) (with s. 144); S.R. 2022/54, art. 2(1)(a)

Commencement Information

- I3** Sch. 2 para. 3 not in force at Royal Assent, see [s. 147\(3\)](#)

Renewing environmental improvement plans

- 4 (1) This paragraph applies where an environmental improvement plan relates to a period specified in the plan.
- (2) Before the end of the period to which the environmental improvement plan (the “old plan”) relates, the Department must prepare a new environmental improvement plan (the “new plan”).
- (3) If the new plan relates to a period specified in the plan, that period must begin no later than immediately after the end of the period to which the old plan relates.
- (4) In preparing the new plan the Department must—
- (a) consider what has been done to implement the old plan,
- (b) consider whether, having regard to data obtained under paragraph 5^{F2} and reports made by the OEP under paragraph 1 of Schedule 3], the natural environment has improved since the beginning of the period to which the old plan relates,

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- (c) consider whether any Northern Ireland department should take further or different steps to improve the natural environment (compared to those set out in the old plan) after the end of that period, and
 - (d) consult such other Northern Ireland departments as it considers appropriate.
- (5) At or before the end of the period to which the old plan relates the Department must lay before the Northern Ireland Assembly, and publish, the new plan.
- (6) The new plan replaces the old plan when—
- (a) it has been laid and published, and
 - (b) if it relates to a period specified in the new plan, that period has begun.

Textual Amendments

- F2** Words in [Sch. 2 para. 4\(4\)\(b\)](#) inserted (28.2.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(6)(7), [Sch. 3 para. 30\(3\)](#) (with s. 144); S.R. 2022/54, art. 2(1)(a)

Commencement Information

- I4** Sch. 2 para. 4 not in force at Royal Assent, see [s. 147\(3\)](#)

Environmental monitoring

- 5 (1) The Department must make arrangements for obtaining such data about the natural environment as the Department considers appropriate for the purpose of monitoring whether the natural environment is, or particular aspects of it are, improving in accordance with the current environmental improvement plan.
- (2) The Department must lay before the Northern Ireland Assembly, and publish, a statement setting out the kinds of data to be obtained under sub-paragraph (1).
- (3) The first statement must be laid before the end of the 4 month period beginning with the day on which this paragraph comes into force.
- (4) The Department may revise the statement at any time (and sub-paragraph (2) applies to any revised statement).
- (5) The Department must publish any data obtained under sub-paragraph (1).

Commencement Information

- I5** Sch. 2 para. 5 not in force at Royal Assent, see [s. 147\(3\)](#)

PART 2

POLICY STATEMENT ON ENVIRONMENTAL PRINCIPLES

Policy statement on environmental principles

- 6 (1) The Department must prepare a policy statement on environmental principles in accordance with this paragraph and paragraph 7.

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

Commencement Information

16 Sch. 2 para. 6 not in force at Royal Assent, see [s. 147\(3\)](#)

Policy statement on environmental principles: process

- 7 (1) The Department must prepare a draft of the policy statement on environmental principles.
- (2) The Department must consult—
 - (a) the other Northern Ireland departments,
 - (b) the Secretary of State, and
 - (c) such other persons as the Department considers appropriate,in relation to the draft statement.
- (3) The Department must lay the draft statement before the Northern Ireland Assembly.
- (4) If before the end of the 21 day period the Northern Ireland Assembly passes a resolution in respect of the draft statement, the Department must produce a response and lay it before the Assembly.
- (5) The Department must prepare and lay before the Northern Ireland Assembly the final statement, but not before—
 - (a) if sub-paragraph (4) applies, the day on which the Department lays the response required by that sub-paragraph, or
 - (b) otherwise, the end of the 21 day period.

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- (6) The final statement has effect when it is laid before the Northern Ireland Assembly.
- (7) The Department must publish the statement when it comes into effect.
- (8) The “21 day period” is the period of 21 sitting days beginning with the first sitting day after the day on which the draft statement is laid under sub-paragraph (3).
- (9) “Sitting day” means a day on which the Northern Ireland Assembly sits.
- (10) The requirements in sub-paragraphs (1) and (2) may be met by the preparation of a draft statement, and consultation, before this paragraph comes into force.
- (11) The Department may prepare a revised policy statement on environmental principles at any time (and sub-paragraphs (1) to (9) apply in relation to any revised statement).

Commencement Information

I7 Sch. 2 para. 7 not in force at Royal Assent, see [s. 147\(3\)](#)

Policy statement on environmental principles: effect

- 8
- (1) A Northern Ireland department must, when making policy, have due regard to the policy statement on environmental principles currently in effect.
 - (2) A Minister of the Crown must, when making policy so far as relating to Northern Ireland, have due regard to the policy statement on environmental principles currently in effect.
 - (3) Nothing in this paragraph requires a Northern Ireland department or a Minister of the Crown to do anything (or refrain from doing anything) if doing it (or refraining from doing it)—
 - (a) would have no significant environmental benefit, or
 - (b) would be in any other way disproportionate to the environmental benefit.
 - (4) Sub-paragraph (1) does not apply to policies so far as relating to taxation, spending or the allocation of resources within government.
 - (5) Sub-paragraph (2) does not apply to policies so far as relating to—
 - (a) the armed forces, defence or national security, or
 - (b) taxation, spending or the allocation of resources within government.

Commencement Information

I8 Sch. 2 para. 8 not in force at Royal Assent, see [s. 147\(3\)](#)

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PART 3

INTERPRETATION

Meaning of “natural environment”

- 9 In this Schedule the “natural environment” means—
- (a) plants, wild animals and other living organisms,
 - (b) their habitats,
 - (c) land (except buildings or other structures), air and water,
- and the natural systems, cycles and processes through which they interact.

Commencement Information

I9 Sch. 2 para. 9 not in force at Royal Assent, see [s. 147\(3\)](#)

Meaning of “environmental protection”

- 10 In this Schedule “environmental protection” means any of the following—
- (a) protection of the natural environment from the effects of human activity;
 - (b) protection of people from the effects of human activity on the natural environment;
 - (c) maintenance, restoration or enhancement of the natural environment;
 - (d) monitoring, assessing, considering, advising or reporting on anything in paragraphs (a) to (c).

Commencement Information

I10 Sch. 2 para. 10 not in force at Royal Assent, see [s. 147\(3\)](#)

General interpretation

- 11 (1) In this Schedule—
- “current environmental improvement plan” has the meaning given by paragraph [1\(8\)](#);
 - the “Department” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;
 - “environmental improvement plan” has the meaning given by paragraph [1](#) (and see also paragraph [3\(10\)](#));
 - “environmental principles” has the meaning given by paragraph [6\(5\)](#);
 - “improving the natural environment”, in relation to an environmental improvement plan, is to be read in accordance with paragraph [1\(5\)](#);
 - “making” policy includes developing, adopting or revising policy;
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
 - [^{F3}“OEP” has the meaning given by section 22;]
 - “policy” includes proposals for legislation, but does not include an administrative decision taken in relation to a particular person or case (for

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example, a decision on an application for planning permission, funding or a licence, or a decision about regulatory enforcement);

“policy statement on environmental principles” has the meaning given by paragraph 6.

- (2) Section 41(3) of the [Interpretation Act \(Northern Ireland\) 1954 \(c. 33 \(N.I.\)\)](#) applies in relation to the laying of a document before the Northern Ireland Assembly under this Schedule, as it applies in relation to the laying of a statutory document under an Act of the Northern Ireland Assembly.

Textual Amendments

- F3** Words in [Sch. 2 para. 11\(1\)](#) inserted (28.2.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(6)(7), [Sch. 3 para. 30\(4\)](#) (with s. 144); S.R. 2022/54, art. 2(1)(a)

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- I11** Sch. 2 para. 11 not in force at Royal Assent, see [s. 147\(3\)](#)

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