

SCHEDULES

SCHEDULE 2

IMPROVING THE NATURAL ENVIRONMENT: NORTHERN IRELAND

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.
- (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.

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

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- (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.
- (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).

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.