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Environmental Principles within policy making – origins and application in GB and Ireland

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A brief overview of the origins of Environmental Principles and their application
in the policy making process in GB and Ireland

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

Introduction

This briefing paper provides a concise summary of the origins of the Environmental Principles that are currently utilised in policy development within GB and Ireland. It should be noted that this briefing paper is a summary only, intended to provide a brief overview and a set of links to further sources and data.

It should also be stated that this paper is prepared to support Members in their consideration of DAERA's draft Environmental Principles Policy Statement (EPPS) which was shared with the AERA Committee on 4 December 2025.

1 Global commitments

The concept of agreed Principles for human interactions with the natural environment are not a recent creation.

The first United Nations Conference on the Human Environment took place in Stockholm in 1972 and there were 113 participant nations including the UK and Ireland.

The Conference saw the agreement and publication of both an Action Plan for the Human Environment and a Declaration on the Human Environment.

The Declaration¹ specifically referenced 26 Principles relating to the Human Environment with notable highlights including the following:

- **Principle 4** - Man has a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat, which are now gravely imperilled by a combination of adverse factors. Nature conservation, including wildlife, must therefore receive importance in planning for economic development.
- **Principle 13** - In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an

¹ [Declaration on the Human Environment, United Nations Conference on the Human Environment, 1972, Stockholm](#)

integrated and co-ordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve environment for the benefit of their population.

All 26 Principles and the associated Action Plan can be accessed [here](#).

In addition to the 1972 UN Conference it is worth mentioning the United Nations Conference on Environment and Development held in Rio de Janeiro in 1992. This conference, which is commonly referred to as the 'Earth Conference', saw a number of key outputs including the Rio Declaration on Environment and Development. With specific regard to Environmental Principles, the Declaration on Environment and Development contained 27 Principles² with notable examples including the following:

- **Principle 11** - States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries.
- **Principle 15** - In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

2 EU origins and current status

The EU only effectively sought to specifically develop and sign up to its own dedicated set of Environmental Principles in 2007.

² [The Rio Declaration on Environment and Development 1992](#)

The development and adoption of these Environmental Principles were an integral part of the Treaty for the Functioning of the European Union (TFEU). TFEU effectively provides the basis for all EU law by determining the principles and objectives of the EU across all of its policy areas and came into force on 1 December 2009.

Within this context, Article 191(2)³ of TFEU identifies the following four Environmental Principles that must guide policy within the scope of EU law:

- **The Precautionary Principle**, which allows regulatory action to be taken even if a risk has not been established with full certainty;
- **The Prevention Principle**, which aims to prevent environmental damage; such as to protected species or to natural habitats, water and soil; rather than to react to it;
- **The Rectification at Source Principle**, which seeks to prevent pollution at its source rather than remedy its effects;
- **The Polluter pays Principle**, which requires polluters to bear the financial cost of their actions.

A number of these Principles were directly written into specific EU legislation. By way of example, the Precautionary principle is referenced in chemicals⁴ and fisheries management⁵ legislation.

At the time of writing there appears to be no indication of any impending review or revision of the EU Environmental Principles contained in TFEU.

3 Ireland – Environmental Principles

Unlike the approach taken in the UK, Ireland appears to have not written the Environmental Principles outlined in the Treaty for the Functioning of the European Union (TFEU) into national statute at this time. It should be noted that there was no EU requirement for Member States to do so.

³ [The Treaty on the Functioning of the European Union 2007](#)

⁴ Article 1(3) of [Regulation \(EC\) No 1907/2006](#)

⁵ Article 2(2) of [Regulation \(EU\) No 1380/2013](#).

Within this context it is harder to see how the EU's Environmental Principles are explicitly utilised within the policy making and consideration processes, particularly in nationally instigated processes. The approach taken within Ireland rather appears to be seeking to embed Environmental Principles and the thinking behind them into all the processes and outputs around legislation, strategy and policy frameworks. This is perhaps easiest to determine for legislation emanating from the EU as the consideration of the EU's Environmental Principles is integral to the EU legislative process.

4 UK - Environmental Principles

As an EU Member State in 2007, the UK was a signatory to the Treaty on the Functioning of the European Union (TFEU) and the environmental principles contained within it.

Following the UK's decision to leave the EU in 2016, the UK and EU began negotiations on the terms of withdrawal.

The ultimate outcome of this process was the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community which was signed on 24 January 2020 and entered into force on 31 January 2020. The Withdrawal Agreement made no reference to the EU's Environmental Principles nor was there any requirement for the UK to continue to apply them.

Following the UK's EU withdrawal in 2020, the UK government sought to bring forward a range of legislation designed to provide post Brexit governance frameworks within the UK. One such piece of legislation was the Environment Act 2021 and Section 17(5)⁶ of the Act was significant as it identified and embedded the following five Environmental Principles in UK law, which are broadly similar to those used by the EU:

- The Principle that environmental protection should be integrated into the making of policies;

⁶ [Section 17, Environment Act 2021](#)

- The Principle of preventative action to avert environmental damage;
- The precautionary Principle, so far as relating to the environment;
- The Principle that environmental damage should as a priority be rectified at source; and
- The polluter pays Principle.

Furthermore, Section 17(1) and 17(2) of the Environment Act 2021⁷ committed the Defra Secretary of State to prepare a “policy statement on environmental principles” which was defined as:

a statement explaining how the environmental principles should be interpreted and proportionately applied by Ministers of the Crown when making policy.

As set in Section 17(4), the Defra Secretary of State must also be satisfied that the Environmental Principles Statement will contribute to the following components when it comes into effect:

- The improvement of environmental protection, and
- Sustainable development.

With regards to Northern Ireland, the provisions identified above are actually provided by Schedule 2, Part 2 of the Environment Act. In effect these provisions require Northern Ireland to follow the approach taken in England, as set out in table 1 within section 4.2 this paper.

4.1 Territorial Extent of Environmental Principles within the Environment Act 2021 in GB

According to the [Scottish Government](#) and Welsh Parliament ([Senedd Research](#)), the policy statement on Environmental Principles under the UK Environment Act 2021 applies only in England, and only to the rest of the UK in respect to functions of the UK government Ministers (footnote Senned Research 2019 [Environmental Principles and governance post-Brexit: the draft](#)

⁷ [Section 17, Environment Act 2021](#)

[UK Bill and Wales](#)) under reserved matters (as stated in relation to [Scotland s.19 \(4\)](#)).

With Environment not being a reserved matter under the [Scotland Act 1998](#) and [Wales Act 2017](#), both Wales and Scotland are introducing the Principles distinctly through their own legislation:

- In 2019 Wales identified gaps in its own legislative framework with regards to the implementation of the five Environmental Principles and [consulted in 2019](#) on the introduction of legislation to fill those gaps. As a result, the [Environment \(Principles, Governance and Biodiversity Targets\) \(Wales\) Bill](#) was introduced and is currently at Stage 3 (Plenary Consideration of Amendments) since 12 December 2025. For more information see [Environmental Principles, Governance and Biodiversity targets for a Greener Wales](#) (p.12-16)
- The Scottish Government [conducted its own consultation on environmental governance and principles in 2019](#), and as a result included the Environmental Principles in Part 2 Chapter 1 of the [UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Act 2021](#). For more information see [Environment - guiding principles: statutory guidance - gov.scot](#).

Table 1 below provides a brief overview of the current status the Environmental Principles Statement process in GB.

Table 1: EPPS approaches taken across GB

Jurisdiction	Uses the UK EPPS approach	Source of utilised Environmental Principles	Implementation	Any review or recommendations and recent developments
England	Yes	Section 17 2021 Environment Act – five Principles set out in section 3 of this paper	EPPS in force since 1 November 2023. Govt guidance to policy makers ⁸ – not statutory though.	Office of Environmental Protection (OEP) produced a review of implementation of the duty to have due regard to the Environmental Principles Policy Statement in England in February 2025 ⁹ - generally positive but OEP concluded more can and must be done
Scotland	No – Scotland has	Section 13 UK Withdrawal from the European Union	Scottish Govt has produced Statutory Guidance on their	No evidence of any review of existing Act, guidance or implementation.

⁸ [Environmental principles assessment guide, Department for Levelling Up, Housing and Communities, 2024](#)

⁹ [Review of implementation of the duty to have due regard to the Environmental Principles Policy Statement in England, OEP, 2025](#)

Jurisdiction	Uses the UK EPPS approach	Source of utilised Environmental Principles	Implementation	Any review or recommendations and recent developments
	a separate approach	(Continuity) (Scotland) Act 2021 ¹⁰ - largely mirrors EU principles	Environmental Principles ¹¹ and how they should be utilised in policy making.	
Wales	No – Wales has a separate approach	Section 4 Environment (Wales) Act 2016 ¹² - sets out Principles of sustainable management of natural resources. Section 5 Well-being of Future Generations	Two Welsh Acts embedded Environmental/Sustainability Principles and associated duties into the Welsh policy making process. Statutory guidance was produced for the Well-being	No specific review or recommendations of existing Acts, guidance or implementation. White Paper consultation, “Securing a Sustainable Future Environmental Principles, Governance and Biodiversity targets for a Greener Wales” on 30 January 2024.

¹⁰ [Section 13, UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Act 2021](#)

¹¹ [Scotland's Guiding Principles on the Environment: Statutory Guidance, Scottish Government, 2023](#)

¹² [Section 4, Environment \(Wales\) Act 2016](#)

Jurisdiction	Uses the UK EPPS approach	Source of utilised Environmental Principles	Implementation	Any review or recommendations and recent developments
		(Wales) Act 2015 ¹³ – focus on sustainable development principle	of Future Generations (Wales) Act 2015 ¹⁴ .	<p>The White Paper contained proposals for:</p> <ul style="list-style-type: none"> • embedding Environmental Principles into Welsh law; • establishing a new governance body to oversee the implementation of, and compliance with, environmental law in Wales by Welsh public authorities; • introducing a strategic nature recovery framework, which will include biodiversity targets.

¹³ [Section 5, Well-being of Future Generations \(Wales\) Act 2015](#)

¹⁴ [Well-being of future generations: statutory guidance, Welsh Government, 2021](#)

Jurisdiction	Uses the UK EPPS approach	Source of utilised Environmental Principles	Implementation	Any review or recommendations and recent developments
				Environment (Principles, Governance and Biodiversity Targets (Wales) Bill currently progressing through Welsh Senedd ¹⁵ - aims to establish a robust framework for environmental governance in Wales and could include revised Environmental Principles.

¹⁵ [Environment \(Principles, Governance and Biodiversity Targets\) \(Wales\) Bill, Senedd Cymru webpage, 21 Jan 2026](#)

5 Observations

- Codification of Environmental Principles is not a recent phenomenon, with work in this area commencing in the 1970s under the auspices of international agreement.
- Whilst early attempts at codification were extensive, there has been a trend towards a more concise and complementary approach as exemplified through the EU's four Environmental Principles.
- Within the UK, the decision to leave the EU in 2016 led to efforts to embed the EU's Environmental Principles in domestic law.
- Whilst the UK appears to have a common approach in this area by nature of the Environment Act 2021, the reality is that some devolved jurisdictions are taking individual approaches.
- More specifically, Scotland and Wales either have, or are in the process of, developing their own legislative tools and approaches, with a Bill currently before the Welsh Senned.
- Northern Ireland and England, as set out in Section 17 and Schedule 2 of the Environment Act 2021, are bound to adopt broadly comparable approaches in terms of provisions and requirements.
- The approach adopted in Ireland has been not to specifically write EU Environmental Principles into dedicated statute but rather to seek to embed Environmental Principles and the thinking behind them into all the processes and outputs around legislation, strategy and policy frameworks.
- England, Scotland and Wales have developed Statutory Guidance around the consideration of Environmental Principles within the policy making process.
- Available evidence suggests that England is the only part of the UK which has been subject to a review of the implementation and effectiveness of Environmental Principles in policy making.