STATUTORY INSTRUMENTS

2026 No. 492 (C. 40)

ENVIRONMENTAL PROTECTION

The Environment Act 2021 (Commencement No. 11) Regulations 2026

Made - - - - *5th May 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 147(3) of the Environment Act 2021(**a**).

Citation and interpretation

1.—(1) These Regulations may be cited as the Environment Act 2021 (Commencement No. 11) Regulations 2026.

(2) In these Regulations, "the Act" means the Environment Act 2021.

Provisions coming into force on 7th May 2026

2. The following provisions of the Act come into force on 7th May 2026—

(a) section 99 (biodiversity gain in nationally significant infrastructure projects);

(b) Schedule 15 (biodiversity gain in nationally significant infrastructure projects).

Mary Creagh
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

5th May 2026

(**a**) 2021 c. 30.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force provisions of the Environment Act 2021 (c. 30) ("the Act"). These are the eleventh commencement regulations made by the Secretary of State under the Act.

Regulation 2 brings into force on 7th May 2026 specified provisions of the Act concerning biodiversity gain statements in respect of nationally significant infrastructure projects.

Section 99 of, and Schedule 15 to, the Act amend the Planning Act 2008 (c. 29) ("the 2008 Act"), in particular by inserting new Schedule 2A. This Schedule requires the Secretary of State to include a biodiversity gain statement upon the next review of any relevant National Policy Statement ("NPS") concerning development in England and otherwise allows for the Secretary of State to issue a biodiversity gain statement where no NPS is in place. Paragraph 1 of the Schedule confers a regulation-making power on the Secretary of State to exclude descriptions of development from its scope. Sections 104 and 105 of the 2008 Act are amended so as to prevent the Secretary of State from granting an application for development consent to which a biodiversity gain statement applies unless satisfied that the biodiversity gain objective set out in that statement is met.

An impact assessment has not been published for these Regulations as they have no impact on cost to business, the public or voluntary sectors independent of the provisions these Regulations bring into force. A full impact assessment has been published in relation to the Act and copies can be obtained from the website of the Department for Environment, Food and Rural Affairs at www.gov.uk/defra or from the Department for Environment, Food and Rural Affairs at 2 Marsham Steet, London, SW1P 4DF, United Kingdom.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Environment Act 2021 (c. 30) have been brought into force by commencement Regulations made before the date of these Regulations.

Provision	*Date of Commencement*	*S.I. No.*
Sections 1 to 7	24th January 2022	S.I. 2022/48
Sections 8 to 15	24th January 2022	S.I. 2022/48
Section 16	24th January 2022	S.I. 2022/48
Sections 17 and 18	10th May 2022	S.I. 2022/518
Section 19	10th May 2022 (partially)	S.I. 2022/518
	1st November 2023 (for all remaining purposes)	S.I. 2023/381
Section 20	10th May 2022	S.I. 2022/518
Section 21	1st April 2022	S.I. 2022/48
Sections 22 to 24	17th November 2021	S.I. 2021/1274
Section 25	24th January 2022	S.I. 2022/48
Section 26	17th November 2021	S.I. 2021/1274
Section 27	24th January 2022	S.I. 2022/48
Sections 28 to 30	24th January 2022	S.I. 2022/48
Sections 31 to 41	24th January 2022	S.I. 2022/48
Sections 42 and 43	24th January 2022	S.I. 2022/48
Sections 44 to 47	17th November 2021	S.I. 2021/1274
Section 48	25th July 2022	S.R. 2022 No.54
Section 49	28th February 2022	S.R. 2022 No.54
Section 50	24th January 2022 (partially)	S.I. 2022/48

	28th February 2022 (partially)	S.I. 2022 No. 223 (W. 71)
	9th November 2022 (for all remaining purposes)	S.S.I. 2022/305
Section 51	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54
Section 52	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54
Section 53	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54
Section 54	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54
Section 55	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54
Section 56	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54
Section 57	17th May 2024	S.I. 2024/639
Section 59	28th February 2022	S.R. 2022 No.54
Section 60	24th January 2022 (partially)	S.I. 2022/48
	7th March 2022 (for all remaining purposes)	S.I. 2022 No. 223 (W. 71)
Section 61	28th February 2022	S.R. 2022 No.54
Section 62	24th January 2022	S.I. 2022/48
Section 64	24th January 2022 (partially)	S.I. 2022/48
	7th March 2022 (partially)	S.I. 2022 No. 223 (W. 71)
	9th November 2022 (partially)	S.S.I. 2022/305
Section 65	28th February 2022	S.R. 2022 No.54
Section 67	28th February 2022	S.R. 2022 No.54
Section 68	1st April 2023 (partially)	S.I. 2023/381
Section 69	1st April 2023 (partially)	S.I. 2023/381
Section 71	28th February 2022	S.R. 2022 No.54
Section 72	1st May 2022	S.I. 2022/48
Section 73	1st May 2022 (partially)	S.I. 2022/48
Sections 74 to 77	17th May 2024	S.I. 2024/639
Section 79	1st September 2024 (partially)	S.I. 2024/639
Section 81	17th May 2024 (partially)	S.I. 2024/639
	1st January 2025 (for all remaining purposes)	S.I. 2024/639
Section 82	3rd November 2023 (partially)	S.I. 2023/1170
	17th May 2024 (for all remaining purposes)	S.I. 2024/639
Section 85	10th May 2022 (partially)	S.I. 2022/518
Section 86	24th January 2022	S.I. 2022/48
Section 87	10th May 2022 (partially)	S.I. 2022/518
Section 89	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54
Section 91	28th February 2022	S.R. 2022 No.54
Section 94	29th September 2022	S.I. 2022/988
Section 96	29th September 2022 (partially)	S.I. 2022/988
Section 98	3rd November 2023 (partially)	S.I. 2023/1170
	12th February 2024 (partially)	S.I. 2024/44
	1st May 2025 (partially)	S.I. 2025/447
Section 100	3rd November 2023 (partially)	S.I. 2023/1170
	12th February 2024 (for all remaining purposes)	S.I. 2024/44
Section 101	12th February 2024	S.I. 2024/44
Sections 102 and 103	1st January 2024	S.I. 2022/1266
Sections 104 to 108	24th January 2022	S.I. 2022/48
Section 109	30th September 2022	S.I. 2022/518
Section 110	24th January 2022	S.I. 2022/48
Section 111	30th September 2022	S.I. 2022/518

Sections 112 and 113	24th January 2022	S.I. 2022/48
Section 114	1st January 2023	S.I. 2022/1266
Section 115	30th November 2023	S.I. 2023/1170
Section 116	30th September 2022 (partially)	S.I. 2022/518
Part 7	30th September 2022	S.I. 2022/48
Section 140	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54
Schedule 1	17th November 2021	S.I. 2021/1274
Schedule 2	25th July 2022 (partially)	S.R. 2022 No.54
Schedule 3	28th February 2022	S.R. 2022 No.54
Schedule 4	24th January 2022 (partially)	S.I. 2022/48
	28th February 2022 (partially)	S.R. 2022 No.54
	7th March 2022 (partially)	S.I. 2022 No. 223 (W. 71)
	9th November 2022 (for all remaining purposes)	S.S.I. 2022/305
Schedule 5	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54
Schedule 6	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54
Schedule 7	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54
Schedule 8	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54
Schedule 9	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54
Schedule 11	1st May 2022	S.I. 2022/48
Schedule 12, Part 1	1st May 2022	S.I. 2022/48
Schedule 12, Part 3	1st May 2022	S.I. 2022/48
Schedule 13	24th January 2022	S.I. 2022/48
Schedule 14	3rd November 2023 (partially)	S.I. 2023/1170
	12th February 2024 (partially)	S.I. 2024/44
	1st May 2025 (partially)	S.I. 2025/447
Schedule 16	1st January 2023	S.I. 2022/1266
Schedule 17	30th September 2022 (partially)	S.I. 2022/518
Schedule 18	30th September 2022	S.I. 2022/48
Schedule 19	30th September 2022	S.I. 2022/48
Schedule 20	30th September 2022	S.I. 2022/48
Schedule 21	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54

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