

Environmental principles oversight triggers review of Industrial Strategy

To: Local Authorities in England

For information only: To all local authorities in the UK

1 Summary

Environmental campaigner Dr Andrew Boswell has successfully prompted a Government review of its new Industrial Strategy after revealing that ministers failed to apply the Environmental Principles Policy Statement (EPPS) when approving the plan.¹ The case, pursued through a Freedom of Information (FOI) request, has big implications for how environmental principles are embedded in national and local policy.

The Department for Energy Security and Net Zero (DESNZ) has now admitted that no EPPS assessment was carried out before the Industrial Strategy's publication, particularly regarding support for carbon capture and storage.² Ministers have agreed to review the decision-making process.

2 Background

Under the Environment Act 2021, ministers must "have due regard" to five environmental principles when developing policy:

1. Integration principle.
2. Prevention principle.
3. Rectification at source principle.
4. Polluter pays principle.
5. Precautionary principle.³

¹ <https://www.edp24.co.uk/news/25507680.ministers-cant-duck-environmental-duties-legal-win/>

² <https://www.leighday.co.uk/news/news/2025-news/legal-move-prompts-government-review-of-industrial-strategy/>

³ <https://www.gov.uk/government/publications/environmental-principles-policy-statement/environmental-principles-policy-statement>

Dr Boswell's legal argument is that the Government breached this duty when it approved its Industrial Strategy in June 2025 without carrying out a formal EPPS assessment. His FOI request revealed that DESNZ had chosen not to evaluate environmental-principles compliance at the policy stage, stating it would do so later for individual projects.

In September 2025, the department confirmed that it would now review the process and consider how to embed EPPS assessments in future strategy decisions

3 Why this matters

This challenge goes to the heart of how environmental governance is being implemented. The EPPS duty applies not only to project-level decisions but to the earliest stages of national policy-making. By admitting that very few EPPS assessments accompanied the Industrial Strategy, the Government effectively conceded that it had largely overlooked its legal obligation to demonstrate environmental due regard.

The Office for Environmental Protection (OEP) has similarly made the case that an EPPS assessment undertaken at a later stage of the process cannot rectify a failure to comply with the duty at an earlier stage.⁴

4 Implication for councils

While the EPPS duty sits formally with ministers, its responsibilities extend to councils developing plans and strategies. Local authorities can expect:

Greater scrutiny: Future local plans, regeneration strategies as well as transport and infrastructure projects will likely be examined for evidence of how environmental principles were considered and documented.

A need for clearer documentation: Councils should include short "environmental-principles statements" within plan-making and committee reports. These will show how the five principles influenced policy choices.

Opportunities for stronger governance: Embedding EPPS thinking early can strengthen the case for sustainability and reduce the risk of legal challenge.

Councils may also face an increase in FOI requests or pre-action correspondence seeking evidence of environmental-principles application. Maintaining a transparent record will be critical to managing that risk.

⁴ <https://www.theoep.org.uk/news/oep-notes-court-appeal-decision-application-epps>

5 APSE comment

Dr Boswell's intervention marks an important test of the Government's environmental-principles regime. The outcome reinforces that the duty to "have due regard" is not optional and that failure to assess environmental impacts at policy stage can expose decision-makers to legal and reputational risk.

For local authorities, it is important they make environmental-principles reasoning visible and explicit in all major policies and plans. Doing so strengthens environmental governance, builds public trust and aligns with councils' wider commitments on net zero.

APSE will continue to monitor developments in this case and provide further guidance for councils on integrating EPPS principles into local planning and policy frameworks.

APSE Energy associates can assist councils in integrating EPPS principles into local planning and policy frameworks. Support includes reviewing Local Plan documentation and embedding due-regard processes into project governance and reporting. You can read more about our full range of expert consultancy services [here](#).

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