



House of Commons

Tuesday 17 March 2020

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 188 to 193

ENVIRONMENT BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [10 March 2020]

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire

Alex Sobel

79

Clause 1, page 1, line 7, leave out “may” and insert “must”

Member’s explanatory statement

This amendment seeks to ensure the power given in this bill to the Secretary of State to set long term targets is exercised.

Neil Parish
 Alex Sobel
 Philip Dunne

103

Clause 1, page 1, line 10, at end insert—

“(1A) The Secretary of State must exercise the power in subsection (1) with the aim of establishing a coherent framework of targets he or she considers would, if met:

- (a) make a significant contribution towards the environmental objectives, and
- (b) ensure continuous improvement of the environment as a whole.

Environment Bill, continued

- (1B) Where the Secretary of State considers that a target is necessary but the means of expressing the target is not yet sufficiently developed, he or she must explain the steps being taken to develop an appropriate target.”

Member’s explanatory statement

The amendment aims to bind the target setting processes into the environmental objectives.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Oppong-Asare

Jessica Morden

Alex Sobel

1

Clause 1, page 1, line 11, leave out subsection (2) and insert—

- “(2) The Secretary of State must exercise the power in subsection (1) so as to set the appropriate long-term targets within each priority area for the purpose of achieving and maintaining a healthy environment on land and at sea”.

Member’s explanatory statement

This amendment seeks to provide legal clarification to show that the Secretary of State’s purpose when setting targets is to maintain a healthy environment. It also seeks to explicitly include the marine environment links to which are currently sparse in this Bill.

Kerry McCarthy
 Alex Sobel

76

Clause 1, page 1, line 17, at end insert—

- “(e) global footprint.”

Dr Matthew Offord

106

Clause 1, page 1, line 17, at end insert—

- “(3A) Targets set within the priority area of waste and resources must include matters relating to the reduction of overall material use and waste generation and pollution including, but not limited to, plastics.”

Member’s explanatory statement

The amendment aims to set a commitment to act on matters which relate to pollution and water, including plastic pollution and plastic waste.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire

178

Clause 1, page 1, line 17, at end insert—

- “(3A) Targets set within the priority area of air quality must include targets for—
 (a) the ambient 24 hour mean concentration of PM2.5 and PM10;
 (b) average human exposure to PM2.5 and PM10; and

Environment Bill, *continued*

- (c) annual emissions of NO_x, ammonia, PM_{2.5}, PM₁₀, SO₂ and non-methane volatile organic compounds.
- (3B) Targets set within the priority area of water must include, but are not limited to, matters relating to—
 - (a) abstraction rates; and
 - (b) the chemical and biological status and monitoring of inland freshwater and the marine environment.
- (3C) Targets set within the priority area of biodiversity must include, but are not limited to, matters relating to—
 - (a) the abundance, diversity and extinction risk of species; and
 - (b) the quality, extent and connectivity of habitats.
- (3D) Targets set within the priority area of waste and resources must include, but are not limited to, matters relating to the reduction of overall material use and waste generation and pollution, including but not limited to plastics.”

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire

Alex Sobel

80

Clause 1, page 2, line 4, at end insert—

“(4A) A target under this section must be set on the basis of the best available evidence and any advice given under section (3)(1).

(4B) In setting targets under this section, the Secretary of State must take into account relevant international best practices and seek to improve on them.”

Member’s explanatory statement

This amendment seeks to ensure that targets are evidence based and have considered international best practises.

Rebecca Pow

28

Clause 1, page 2, line 15, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

This amendment reflects the renaming of the National Assembly for Wales as “Senedd Cymru” by the Senedd and Elections (Wales) Act 2020. Similar changes are made by Amendments 29, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 67, 72, and 73.

Rebecca Pow

29

Clause 1, page 2, line 16, leave out “Assembly” and insert “Senedd”

Member’s explanatory statement

See Amendment 28.

 Environment Bill, *continued*

Kerry McCarthy

77

Clause 1, page 2, line 16, at end insert—

- “(10) Without prejudice to subsection (6), the global footprint target is required to be met with regard to ecosystem conversion and degradation, and to deforestation and forest degradation, by 31 December 2020.”

Neil Parish
 Andrew Selous
 Tracey Crouch
 Steve Brine
 Sir Peter Bottomley
 Peter Aldous

Derek Thomas
 Geraint Davies
 Philip Dunne
 Luke Pollard
 Jessica Morden
 Alex Sobel

Rob Roberts
 Sir Robert Neill
 Caroline Nokes
 Ruth Jones
 Abena Oppong-Asare

David Warburton
 Anne Marie Morris
 Dr Alan Whitehead
 Daniel Zeichner
 Thangam Debbonaire

23

Clause 2, page 2, line 20, leave out subsection (2) and insert—

- “(2) The PM2.5 air quality target must—
 (a) be less than or equal to 10µg/m³;
 (b) have an attainment deadline on or before 1 January 2030.”

Member’s explanatory statement

This amendment is intended to set parameters on the face of the Bill to ensure that the PM2.5 target will be at least as strict as the 2005 WHO guidelines, with an attainment deadline of 2030 at the latest.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire

185

Clause 2, page 2, line 20, leave out subsection (2) and insert—

- “(2) The PM2.5 air quality target must—
 (a) follow World Health Organisation guidelines and;
 (b) have an attainment deadline on or before 1 January 2030.”

Member’s explanatory statement

This amendment ensures that the international standard on small particulate matter set by the World Health Organisation is followed, and that this target is reached by the end of the decade.

Environment Bill, continued

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire

Alex Sobel

81

Clause 3, page 2, line 33, leave out subsection (1) and insert—

- “(1) Before making regulations under sections 1 or 2, reviewing targets under section 6, setting interim targets under section 10, or considering actions required to achieve targets set under sections 1, 2, or 10, the Secretary of State must—
- (a) obtain, and take into account, the advice of a relevant independent and expert advisory body set up for this purpose;
 - (b) carry out full public consultation;
 - (c) publish that advice as soon as is reasonably practicable.
- (1A) If regulations laid under sections 1 or 2 or interim targets make provision different from that recommended by the advisory body, the Secretary of State must both publish the public interest reasons for those differences and make a statement to Parliament on them.
- (1B) Any advisory body set up under subsection (1)(a) must comprise 50 per cent of members nominated by the OEP and 50 per cent of members nominated by the Committee on Climate Change.”

Member’s explanatory statement

This amendment seeks to prevent the Secretary of State from breaking Articles 4 to 8 of the United Nations Aarhus Convention of which the UK is a party. It encourages the Secretary of State to set up and listen to an independent expert body, to consult with the public, and share information. Where discrepancies between what is advised and the regulations the secretary of state chooses to make arise, it requests explanation of that discrepancy. Finally it makes suggestions for how that advisory body should be set up.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire

181

Clause 3, page 2, line 35, at end insert—

- “(1A) The advice sought under section 3(1) must include advice on how the scope and level of targets should be set to significantly improve the natural environment and minimise, or where possible eliminate, the harmful impacts of pollution on human health and the environment.”

Environment Bill, continued

Neil Parish
Geraint Davies
Alex Sobel

24

Clause 3, page 3, line 20, leave out “31 October 2022” and insert “31 December 2020”

Member’s explanatory statement

This amendment is intended to bring forward the deadline for laying regulations setting the PM2.5 target to December 2020.

Dr Alan Whitehead
Luke Pollard
Ruth Jones
Daniel Zeichner
Jessica Morden
Abena Oppong-Asare

Thangam Debbonaire Alex Sobel

82

Clause 4, page 3, line 24, at end insert “and,
(c) interim targets are met.”

Member’s explanatory statement

This amendment places a duty on the Secretary of State to meet the interim targets they set.

Dr Alan Whitehead
Luke Pollard
Ruth Jones
Daniel Zeichner
Jessica Morden
Abena Oppong-Asare

Thangam Debbonaire Alex Sobel

83

Clause 4, page 3, line 24, at end insert “and,
(c) steps identified under section 5(5)(b) are taken.”

Member’s explanatory statement

This amendment places a duty on the Secretary of State to do what they have said needs to be done in their report.

Environment Bill, continued

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire Alex Sobel

84

Clause 5, page 4, line 1, at end insert—

- “(c) include a timetable for adoption, implementation and review of the chosen measures, and the authorities responsible for their delivery, and
- (d) an analysis of the options considered and their estimated impact on delivering progress against the relevant targets.”

Member’s explanatory statement

The amendment strengthens the Secretary of State’s reporting by including a timetable and analysis.

Neil Parish
 Geraint Davies
 Sir Robert Neill
 Anne Marie Morris
 Alex Sobel

25

Clause 6, page 4, line 21, after “England” insert—

“and minimise, or where possible eliminate, the harmful impacts of air pollution on human health and the environment as quickly as possible”

Member’s explanatory statement

This amendment is intended to strengthen the test against which targets are assessed, to ensure that the human health impacts of air pollution are considered, with the aim of minimising, or where possible eliminating, them.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire Alex Sobel

85

Clause 6, page 4, line 21, at the end insert “on land, and at sea.”

Member’s explanatory statement

This amendment makes explicit that the review of environmental targets should consider both marine and terrestrial environments

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire

183

Clause 6, page 4, line 21, at end insert—

“(3A) In considering whether the natural environment would be significantly improved, the Secretary of State must be satisfied that—

- (a) the terrestrial and marine natural environment in England has improved as a system; and
- (b) that the achievement of any targets which meet the conditions specified in subsection (8) would constitute significant improvement in that matter.”

Member’s explanatory statement

This amendment would require a review to consider whether significant improvement is achieved for the environment as a whole, as well as for certain individual aspects of the environment.

Neil Parish
 Geraint Davies
 Alex Sobel

26

Clause 6, page 4, line 29, after “2023” insert—

“or, in the case of the PM2.5 air quality target and any other long-term and interim target set within the air quality priority area, within 6 months of publication of updated guidelines on ambient air pollution by the World Health Organization, whichever is earlier”

Member’s explanatory statement

This amendment is intended to allow any new targets to reflect updated WHO guidelines.

Neil Parish
 Geraint Davies
 Alex Sobel

27

Clause 6, page 4, line 31, after “completed” insert—

“or, in the case of the PM2.5 air quality target and any other long-term and interim target set within the air quality priority area, within 6 months of publication of updated guidelines on ambient air pollution by the World Health Organization, whichever is earlier”

Member’s explanatory statement

This amendment is intended to trigger an early review of the PM2.5 target, and other air quality targets, within 6 months of the publication of the updated WHO guidelines.

Environment Bill, continued

Dr Alan Whitehead
Luke Pollard
Ruth Jones
Daniel Zeichner
Jessica Morden
Abena Oppong-Asare

Thangam Debbonaire Alex Sobel

86

Clause 6, page 4, line 41, at end insert—

- “(9) In carrying out a review under this section, the Secretary of State must consider whether any targets relating to the priority areas in section 1 that are contained in legislation which forms part of the law of England and Wales—
- (a) have expired, or
 - (b) are required to be achieved by a date which has passed.
- (10) If paragraph (a) or (b) applies, then the significant environmental improvement test is only met if a new target or targets are set relating to the same matters which specify a new standard and a future date by which such standards must be reached.”

Member’s explanatory statement

This amendment prevents the targets from meeting the significant improvement test through virtue of being out of date and so more easily achieved.

Dr Alan Whitehead
Luke Pollard
Ruth Jones
Daniel Zeichner
Jessica Morden
Abena Oppong-Asare

Thangam Debbonaire Alex Sobel

88

Clause 7, page 5, line 7, leave out subsection (4) and insert—

- “(4) The environmental improvement plan must include, as a minimum—
- (a) measures which, taken together, are likely to achieve any targets set under sections 1 or 2 and will ensure that the next interim targets included in the plan are met;
 - (b) measures that each relevant central government department must carry out;
 - (c) measures to protect sensitive and vulnerable population groups (including children, older people, people with chronic illnesses and outdoor and transport workers) from the health impacts of pollution;
 - (d) a timetable for adoption, implementation and review of the chosen measures, and the authorities responsible for their delivery;
 - (e) an analysis of the options considered and their estimated impact on delivering progress against the relevant targets; and

Environment Bill, continued

- (f) measures to minimise, or where possible eliminate, the harmful impacts of pollution on human health and the environment.”

Member’s explanatory statement

This amendment looks to strengthen Environmental Improvement Plans by connecting them to; measures which are proportionate to targets set out in the bill, departmental action, vulnerable people, a timetable and analysis.

Neil Parish
Alex Sobel

112

Clause 7, page 5, line 7, leave out subsection (4) and insert—

“(4) An environmental improvement plan must set out the steps Her Majesty’s Government intends to take in the period to which the plan relates, which the Secretary of State considers will—

- (a) enable targets set under section 1(1) and that meet the conditions at section 6(8) to be met, and
- (b) make a significant contribution to meeting the environmental objectives irrespective of whether targets are in place to cover all matters relating to the environmental objectives.”

Dr Alan Whitehead
Luke Pollard
Ruth Jones
Daniel Zeichner
Jessica Morden
Abena Oppong-Asare

Thangam Debbonaire

Alex Sobel

87

Clause 7, page 5, line 13, at end insert—

“(5A) It may also set out the steps Her Majesty’s Government intends to take to improve the conservation of land environments of archaeological, architectural, artistic, cultural or historic interest, including improving people’s enjoyment of them (and if it does so references in this Part to improving the natural environment, in relation to that plan, include conservation of land environments of archaeological, architectural, artistic, cultural or historic interest, including improving people’s enjoyment of them).”

Member’s explanatory statement

This amendment invites the government to consider the historic environment in environmental improvement plans.

Environment Bill, continued

Dr Alan Whitehead
Luke Pollard
Ruth Jones
Daniel Zeichner
Jessica Morden
Abena Oppong-Asare

Thangam Debbonaire Alex Sobel

89

- Clause 8, page 5, line 32, at end insert “and,
(c) consider biodiversity reports published by authorities under section 40A of the Natural Environment and Rural Communities Act 2006 (as amended by section 94 of this Act).”

Dr Alan Whitehead
Luke Pollard
Ruth Jones
Daniel Zeichner
Jessica Morden
Abena Oppong-Asare

Thangam Debbonaire Alex Sobel

90

- Clause 8, page 5, line 32, at end insert “and,
(c) include an analysis of whether the policies and measures set out in the environmental improvement plan will ensure that any targets set under sections 1 and 2 and any interim targets set under sections 10 and 13 are likely to be met.”

Dr Alan Whitehead
Luke Pollard
Ruth Jones
Daniel Zeichner
Jessica Morden
Abena Oppong-Asare

Thangam Debbonaire Alex Sobel

91

- Clause 16, page 10, line 6, leave out “proportionately”
Member’s explanatory statement
This amendment removes ministerial estimates of proportionality as a limitation on the policy statement on environmental principles.
-

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire Alex Sobel

92

Clause 18, page 11, line 13, leave out subsection (2)

Member's explanatory statement

This amendment removes the proportionality limitation on the requirement to consider the policy statement on environmental principles.

Deidre Brock

114

Clause 18, page 11, line 19, leave out paragraph (a)

Member's explanatory statement

This amendment removes the exceptions for armed forces, defence and national security policy from the requirement to have due regard to the policy statement on environmental principles.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire Alex Sobel

93

Clause 18, page 11, line 19, leave out "the armed forces, defence or"

Member's explanatory statement

This amendment removes the exceptions for armed forces and defence policy from the requirement to have due regard to the policy statement on environmental principles.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire Deidre Brock Alex Sobel

94

Clause 18, page 11, line 20, leave out paragraph (b)

Member's explanatory statement

This amendment removes the exceptions for tax, spending and resources from the requirement to have due regard to the policy statement on environmental principles.

Environment Bill, continued

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire Alex Sobel

95

Clause 20, page 12, line 32, at end insert—

“(7) The Secretary of State must—

- (a) keep under consideration whether there are any steps which they could take which would or might secure better or further effect full compliance with the Aarhus Convention, and
- (b) if they consider it appropriate to do so, take any of the steps identified by that consideration.

- (8) A report under this section must set out what steps have been taken during the reporting period to secure better or further effect full compliance with the Aarhus Convention and what steps the Secretary of State intends to take during the next reporting period to that effect.”

Member’s explanatory statement

This amendment requires the Secretary of State to consider what steps may be taken to improve compliance with the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters and, if they consider it appropriate to do so, to take those steps.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire

179

Schedule 1, page 121, line 16, at end insert “with the consent of the Environmental Audit and Environment, Food and Rural Affairs Committees of the House of Commons”

Member’s explanatory statement

The amendment would require the appointment of the Chair and other non-executive members of the Office for Environmental Protection to be made with the consent of the relevant select committees.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Oppong-Asare

Jessica Morden

Alex Sobel

15

Schedule 1, page 122, line 5, leave out “may” and insert “must”

Environment Bill, continued

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

154

Schedule 1, page 122, line 11, leave out sub-paragraph (3)

Member's explanatory statement

This amendment prevents the Government from giving directions to the interim chief executive of the OEP.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

155

Schedule 1, page 122, line 15, at end insert “;but an appointment may be made in reliance on this sub-paragraph only with the approval of the Chair.”.

Member's explanatory statement

This amendment requires the Chair's approval for civil servants or other external persons as interim chief executive of the OEP.

Deidre Brock

188

★ Schedule 1, page 124, line 26, at end insert—

“10A Where the function is being exercised in relation to Scotland or in Scotland the OEP must—

- (a) delegate the function to an environmental governance body designated by the Scottish Ministers, and
- (b) provide the resources for that function to be exercised.”

Member's explanatory statement

This amendment aims to introduce the geographical imperative to ensure clear lines of reporting and response in Scotland and to clarify that the body acting in Scotland will be acting with consent of Scottish Ministers, thus respecting the devolution settlement.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

157

Schedule 1, page 124, line 40, at end insert—

“12A(1) At the start of each five-year period, the Secretary of State must publish and lay before Parliament an indicative five-year budget for the OEP.

- (2) In sub-paragraph (1) “five-year period” means—

Environment Bill, *continued*

- (a) the period of five financial years beginning with the financial year that begins after the commencement of this Schedule, and
- (b) each subsequent period of five financial years.

12B If the OEP requests additional funding, due to a change in the nature or extent of its functions, the Secretary of State must publish and lay before Parliament a statement responding to the request.”

Member’s explanatory statement

This amendment requires the OEP to be given a five-year indicative budget, and allows it to request in-budget increases.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

156

Schedule 1, page 126, line 2, leave out “have regard to the need to”

Member’s explanatory statement

This amendment makes the independence of the OEP an absolute requirement.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Opong-Asare

Thangam Debbonaire

Alex Sobel

97

Clause 22, page 13, line 8, at end insert—

- “(c) respect, protect and fulfil the rights contained in the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.”

Member’s explanatory statement

This amendment requires the OEP to oversee implementation of the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

Deidre Brock

189

- ★ Clause 22, page 13, line 16, leave out subsection (5)

Member’s explanatory statement

This amendment removes the restriction on the OEP overlapping with the Committee on Climate Change.

Environment Bill, continued

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Opong-Asare

Thangam Debbonaire

Alex Sobel

105

Clause 22, page 13, line 18, at end insert—

“(5A) The Energy Act 2013 is amended in accordance with subsections (5B) and (5C).

(5B) In section 131(1), for “may” substitute “must”.

(5C) In section 131(2), after subsection (c), insert—

“(d) the duty of the Authority in assisting the delivery of greenhouse gas emissions targets as set out in the Climate Change Act 2008.”

(5D) This section comes into force at the end of the period of three months beginning with the day on which this Act is passed.”

Member’s explanatory statement

This amendment is intended to facilitate co-operation between the OEP and the Energy Authority.

Deidre Brock

190

★ Clause 24, page 14, line 29, at end insert—

“(g) a Scottish local authority,

(h) a Scottish housing association, or

(i) a Scottish environmental regulator.”

Member’s explanatory statement

This amendment seeks to ensure clear reporting lines in Scotland and to ensure that the OEP’s remit does not clash with that of the Scottish regulator.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Opong-Asare

Thangam Debbonaire

Alex Sobel

98

Clause 25, page 15, line 26, at end insert “including setting out what action will be taken”

 Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire Alex Sobel

99

Clause 26, page 15, line 31, at end insert “(including international environmental law)”

Member’s explanatory statement

This amendment clarifies that international environmental law must be monitored and reported on by the OEP.

Rebecca Pow

30

Clause 26, page 15, line 33, at end insert—

“(2A) But the OEP must not monitor the implementation of, or report on, a matter within the remit of the Committee on Climate Change.

(2B) A matter is within the remit of the Committee on Climate Change if it is a matter on which the Committee is, or may be, required to advise or report under Part 1, sections 34 to 36, or section 48 of the Climate Change Act 2008.”

Member’s explanatory statement

This amendment modifies the OEP’s duty to monitor, and power to report on, the implementation of environmental law under clause 26. It provides that the OEP must not monitor or report on matters within the remit of the Committee on Climate Change, which is defined in subsection (2B) by reference to specified provisions of the Climate Change Act 2008.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Oppong-Asare

Jessica Morden

Alex Sobel

4

Clause 27, page 16, line 16, leave out “may, if the Minister sees fit,” and insert “must”

Environment Bill, continued

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

117

Clause 28, page 16, line 30, after “means a” insert—

“Minister of the Crown, a government department and public body, including a local authority, or any”

Member’s explanatory statement

This amendment clarifies that Ministers, government departments and public bodies are public authorities in respect of all their functions.

Deidre Brock

191

★ Clause 28, page 16, line 39, at end insert—

“(f) a Scottish local authority,
 (g) a Scottish housing association, or
 (h) a Scottish environmental regulator.”

Member’s explanatory statement

This amendment seeks to increase the definition of ‘public authority’ in relation to failures by public authorities to comply with environmental law.

Deidre Brock

192

★ Clause 29, page 17, line 5, leave out subsection (4)

Member’s explanatory statement

This amendment would allow public bodies to report the actions of other public bodies where they are at fault.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire

Alex Sobel

5

Clause 30, page 18, line 6, leave out “may” and insert “must”

Member’s explanatory statement

Where the OEP carries out an investigation this amendment seeks to ensure that it is made public.

Environment Bill, continued

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Opong-Asare

Thangam Debbonaire Alex Sobel

6

Clause 32, page 18, line 40, leave out “may” and insert “must”

Member’s explanatory statement

Where the OEP has reasonable grounds for suspecting a serious break of environmental law, this amendment seeks to ensure that an information notice is given.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

118

Clause 33, page 19, line 39, at end insert—

“(2A) A decision notice may also direct the public authority to rectify the failure to comply with environmental law.

(2B) A public authority must comply with a direction under subsection (2A).”

Member’s explanatory statement

This amendment allows the OEP to require a public authority to remedy a failure to comply with environmental law.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

123

Clause 35, page 20, line 40, at end insert—

“(1A) Where the OEP has given a decision notice to a public authority but has not applied for an environmental review, any person with sufficient interest may apply for an environmental review.”.

Member’s explanatory statement

This amendment allows any person to apply for an environmental review where the OEP decides not to.

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

119

Clause 35, page 21, line 2, at end insert—

“(2A) The purpose of an environmental review is to promote the integrity of environmental law and the achievement of environmental improvement in accordance with the law.

(2B) When considering an environmental review, the Tribunal may review any finding of fact on which the decision in question was based and, where relevant, whether the achievement of environmental improvement required, had been achieved.”

Member’s explanatory statement

This amendment clarifies the purpose of environmental review and provides that the Tribunal may review findings of fact during a review.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

120

Clause 35, page 21, line 14, at end insert—

“(4A) In the case of an environmental review, the Upper Tribunal shall treat notices issued by the OEP as authoritative in respect of any relevant issues.”

Member’s explanatory statement

The amendment ensures that OEP notices will be treated as authoritative in any related environmental review, helping to ensure that the notices play a meaningful role in any subsequent enforcement action.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

124

Clause 35, page 21, line 14, at end insert—

“(4A) A person who has made a complaint under section 29 may intervene in an environmental review which relates to that complaint or an issue which the Upper Tribunal considers is related to the issue in that complaint.

(4B) Any person with sufficient interest may make an application to the Upper Tribunal to intervene in an environmental review.

(4C) The Upper Tribunal may not order an intervener to pay the costs of any relevant party to the proceedings in connection with the proceedings.

Environment Bill, *continued*

(4D) The Upper Tribunal may not order a relevant party to the proceedings to pay the intervener’s costs in connection with the proceedings.”

Member’s explanatory statement

This amendment allows relevant people to intervene in environmental reviews and any other person to apply to intervene in environmental reviews. It also makes provision about payment of costs of proceedings.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

121

Clause 35, page 21, line 24, leave out from “review” to end of line 28.

Member’s explanatory statement

This amendment allows the Upper Tribunal to grant any remedy it thinks fit.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Opong-Asare

Thangam Debbonaire

180

Clause 35, page 21, line 28, at end insert—

“(8A) Where the Upper Tribunal makes a statement of non-compliance, it may issue ongoing financial penalties where it deems these to be necessary.”

Member’s explanatory statement

The amendment would clarify that the Tribunal has the power to issue fines in instances of non-compliance.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Opong-Asare

Thangam Debbonaire

184

Clause 35, page 21, line 28, at end insert—

“(8A) Where the Upper Tribunal makes a statement of non-compliance it may impose a remediation requirement to take such steps as it may specify, within such period

Environment Bill, continued

as it may specify, to secure that the net environmental position is restored to what it would have been if the offence had not been committed.”

Member’s explanatory statement

The amendment would give the Tribunal the power to require a public authority to make amends for environmental harm resulting from a breach of the law.

Geraint Davies

Clause 41, page 25, line 35, leave out “(except buildings or other structures)”

113

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

Clause 41, page 25, line 35, after “structures” insert “but including sites of archaeological, architectural, artistic, cultural or historic interest insofar as they form part of the landscape”

126

Member’s explanatory statement

This amendment seeks to widen the definition of “natural environment” in this Part to include the historic environment. For the avoidance of doubt, we do not seek the inclusion of the historic environment in the definition of “environmental law”, or in the enforcement functions of the OEP.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

Clause 41, page 25, line 35, after “water” insert “, including the marine environment”

125

Member’s explanatory statement

This amendment clarifies that the natural environment includes a reference to the marine environment and is not confined to inland waters.

Environment Bill, continued

Deidre Brock

193

★ Clause 41, page 25, line 35, at end insert—

“(d) the marine environment,”

Member’s explanatory statement

This amendment aims to ensure that the seas and oceans and the health of those environments are considered when the OEP is working.

Rebecca Pow

31

Clause 42, page 26, line 1, after “considering” insert “advising”

Member’s explanatory statement

The fourth limb of the definition of environmental protection covers the functions of monitoring, assessing, considering or reporting on anything within the other three limbs. This amendment adds the function of “advising”, which was included in the equivalent provisions of the draft Environment (Principles and Governance) Bill (clause 31(2)(d)), and last session’s Environment Bill (clause 40(2)(d)).

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Thangam Debbonaire

Abena Oppong-Asare

127

Clause 43, page 26, line 6, leave out “mainly”

Member’s explanatory statement

This amendment ensures that any legislative provision that concerns environmental protection is included in the definition of “environmental law”.

Deidre Brock

115

Clause 43, page 26, line 10, leave out paragraph (b)

Member’s explanatory statement

This amendment removes the exceptions for legislative provisions relating to armed forces and national security matters from the definition of ‘environmental law’ for the purposes of the scope of the OEP’s functions.

Deidre Brock

116

Clause 43, page 26, line 11, leave out paragraph (c)

Member’s explanatory statement

This amendment removes the exceptions for legislative provisions relating to tax, spending and the allocation of resources within government from the definition of ‘environmental law’ for the purposes of the scope of the OEP’s functions.

Environment Bill, *continued*

Rebecca Pow

- 32**
- Clause 43, page 26, line 16, leave out “the National Assembly for Wales” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

- 33**
- Clause 43, page 26, line 21, leave out “the National Assembly for Wales” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

- 34**
- Clause 43, page 26, line 22, leave out “Assembly” and insert “Senedd”
Member’s explanatory statement
See Amendment 28.
-

Rebecca Pow

- 35**
- Clause 44, page 27, line 7, leave out “the National Assembly for Wales” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

- 36**
- Clause 44, page 27, line 17, leave out “the National Assembly for Wales” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Kerry McCarthy
Alex Sobel

- 78**
- Clause 44, page 27, line 24, at end insert—
“global footprint” means—
- (a) direct and indirect environmental harm, caused by, and
 - (b) human rights violations arising in connection with the production, transportation or other handling of goods which are imported, manufactured, processed, or sold (whether for the production of other goods or otherwise), including but not limited to direct and indirect harm associated with—
 - (i) greenhouse gas emissions;
 - (ii) ecosystem conversion and degradation;
 - (iii) deforestation and forest degradation;
 - (iv) biodiversity loss;
 - (v) water pollution and abstraction; and

Environment Bill, continued

(vi) air pollution.”

Rebecca Pow

65

Schedule 2, page 132, line 1, after “considering” insert “advising”

Member’s explanatory statement*This amendment makes provision for Northern Ireland equivalent to the provision made by Amendment 31.*

Rebecca Pow

66

Schedule 3, page 133, line 33, at end insert—

“(2A) But the OEP must not monitor the implementation of, or report on, a matter within the remit of the Committee on Climate Change.

(2B) A matter is within the remit of the Committee on Climate Change if it is a matter on which the Committee is, or may be, required to advise or report under Part 1, sections 34 to 36, or section 48 of the Climate Change Act 2008.”

Member’s explanatory statement*This amendment modifies the OEP’s duty to monitor, and power to report on, the implementation of Northern Ireland environmental law under paragraph 2 of Schedule 3. It provides that the OEP must not monitor or report on matters within the remit of the Committee on Climate Change, which is defined in sub-paragraph (2B) by reference to specified provisions of the Climate Change Act 2008.*

Rebecca Pow

67

Schedule 3, page 148, line 18, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement*See Amendment 28.*

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Thangam Debbonaire

Abena Oppong-Asare

Jessica Morden

Alex Sobel

16

Schedule 4, page 151, line 12, leave out “may” and insert “must”

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

Schedule 4, page 151, line 16, after “waste” insert “, reducing the consumption of virgin materials,” **158**

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

Schedule 4, page 151, line 32, after “be” insert “prevented, reduced,” **159**

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

Schedule 4, page 154, line 38, leave out “any” and insert “specified” **160**

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Oppong-Asare

Jessica Morden

Alex Sobel

Schedule 5, page 157, line 9, leave out “may” and insert “must” **17**

Environment Bill, continued

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

161

Schedule 5, page 157, line 13, leave out from first “the” to end of sub-paragraph (2) and insert “social costs incurred throughout the lifecycle of the products or materials.”

Rebecca Pow

37

Clause 49, page 29, line 35, leave out “the National Assembly for Wales” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

38

Clause 49, page 29, line 36, leave out “Assembly” and insert “Senedd”
Member’s explanatory statement
See Amendment 28.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Oppong-Asare

Jessica Morden

Alex Sobel

18

Schedule 6, page 161, line 21, leave out “may” and insert “must”

Rebecca Pow

39

Clause 50, page 30, line 20, leave out “the National Assembly for Wales” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Environment Bill, continued

Rebecca Pow

Clause 50, page 30, line 21, leave out “Assembly” and insert “Senedd”
Member’s explanatory statement
See Amendment 28.

40

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Opong-Asare

Jessica Morden

Schedule 7, page 165, line 30, leave out “may” and insert “must”

19

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

Schedule 7, page 165, line 35, leave out sub-sub-paragraph (a)

162

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

Schedule 7, page 166, line 13, at end insert “taking into account social dimensions such as human rights, public health and fair working conditions”

163

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

Schedule 7, page 166, line 26, leave out lines 28 to 32 and insert—
 “(b) the techniques and working conditions used in its manufacture and sourcing of resources;

164

Environment Bill, continued

- (c) the resources consumed during its production or use;
- (d) the pollutants (including greenhouse gases within the meaning of section 92 of the Climate Change Act 2008) released or emitted at any stage of the product's production, use or disposal; with consideration of the social impacts these may result in, for example, public health concerns."

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

Schedule 7, page 167, line 22, after "environment" insert "workers or communities" **165**

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

Schedule 7, page 167, line 25, after "environment" insert "workers or communities" **166**

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

Schedule 7, page 167, line 29, after "environment" insert "workers or communities" **167**

Rebecca Pow

Clause 51, page 31, line 3, leave out "the National Assembly for Wales" and insert "Senedd Cymru" **41**
Member's explanatory statement
See Amendment 28.

Environment Bill, continued

Rebecca Pow

42

Clause 51, page 31, line 4, leave out “Assembly” and insert “Senedd”
Member’s explanatory statement
See Amendment 28.

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Thangam Debbonaire

Abena Oppong-Asare

Jessica Morden

Alex Sobel

20

Schedule 8, page 170, line 9, leave out “may” and insert “must”

Rebecca Pow

68

Schedule 8, page 172, line 39, leave out from “scheme” to end of line 40 and insert
 “in relation to which the Scottish deposit administrator is exercising functions”
Member’s explanatory statement
This amendment modifies the way in which the scheme administrator of a Scottish deposit and return scheme is described, by referring to the administrator “exercising functions” rather than being “designated”. This is consistent with the terminology used in the relevant Scottish legislation. A similar change is made by Amendment 69.

Rebecca Pow

69

Schedule 8, page 174, line 20, leave out from “person” to end of line 22 and insert
 “exercising the functions of a scheme administrator in relation to a Scottish deposit and return scheme”
Member’s explanatory statement
See Amendment 68.

Rebecca Pow

70

Schedule 8, page 174, line 24, leave out “that Act” and insert “the Climate Change (Scotland) Act 2009 (asp 12)”
Member’s explanatory statement
This amendment is consequential on Amendment 69 and inserts the full name of the Act being referred to.

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Opong-Asare

Jessica Morden

Alex Sobel

Schedule 9, page 174, line 28, leave out “may” and insert “must”

21

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Opong-Asare

Thangam Debbonaire

Schedule 9, page 174, line 32, leave out paragraph 1(2)(b) and insert—
 “(b) are made of plastic or any other single use material, and”

182

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

Clause 55, page 41, line 33, leave out “including” and insert “excluding”

128

Rebecca Pow

Clause 55, page 41, line 44, leave out “the National Assembly for Wales” and
 insert “Senedd Cymru”

43

Member’s explanatory statement
See Amendment 28.

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Opong-Asare

Jessica Morden

Alex Sobel

Clause 56, page 43, line 4, leave out “may” and insert “must”

7

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Opong-Asare

Thangam Debbonaire

Clause 59, page 50, line 19, at end insert—

“(1C) The Secretary of State must by regulations make provision to prohibit the exportation of waste consisting wholly or mostly of plastic from no later than March 2025.”

177

Rebecca Pow

Clause 59, page 51, line 47, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

See Amendment 28.

44

Rebecca Pow

Clause 60, page 54, line 14, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

See Amendment 28.

45

Rebecca Pow

Clause 60, page 54, line 17, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

See Amendment 28.

46

 Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Oponng-Asare

Jessica Morden

Alex Sobel

Clause 71, page 61, line 25, leave out “may” and insert “must”

8

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Oponng-Asare

Jessica Morden

Clause 75, page 66, line 11, leave out “may” and insert “must”

9

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oponng-Asare

Clause 75, page 66, line 22, at end insert “including persons or bodies representing the interests of those likely to be affected”

130

Rebecca Pow

Clause 75, page 67, line 20, leave out “the Assembly” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

47

Rebecca Pow

Clause 75, page 67, line 32, leave out “the Assembly” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

48

Environment Bill, *continued*

Rebecca Pow

- 49**
- Clause 76, page 69, line 25, leave out “the Assembly” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

- 50**
- Clause 76, page 69, line 37, leave out “the Assembly” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Thangam Debbonaire

Abena Opong-Asare

- 131**
- Clause 76, page 70, line 6, at end insert “including persons or bodies representing the interests of those likely to be affected”

Rebecca Pow

- 51**
- Clause 76, page 70, line 38, leave out “the Assembly” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

- 52**
- Clause 76, page 71, line 6, leave out “the Assembly” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Thangam Debbonaire

Abena Opong-Asare

-
- 132**
- Clause 80, page 78, line 1, leave out “2028” and insert “2021”

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

Clause 80, page 78, line 34, leave out “2028” and insert “2021”

133

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

Clause 80, page 79, line 7, leave out “2028” and insert “2021”

134

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

Clause 81, page 80, line 28, leave out subsection (9) and insert—

“(9) Regulations under this section are subject to the super-affirmative resolution procedure.

(10) In this subsection, ‘super-affirmative resolution procedure’ has the same meaning as it does in Section 18 of the Legislative and Regulatory Reform Act 2006.”

135

Rebecca Pow

Clause 82, page 81, line 19, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

See Amendment 28.

53

Environment Bill, *continued*

Rebecca Pow

54

Clause 82, page 81, line 21, leave out “Assembly” and insert “Senedd”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

55

Clause 87, page 85, line 9, leave out “the National Assembly for Wales” and insert
 “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

56

Clause 88, page 87, line 33, leave out “the National Assembly for Wales” and
 insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

57

Clause 89, page 89, line 9, leave out “the National Assembly for Wales” and insert
 “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

169

Schedule 14, page 207, line 26, leave out paragraphs (3) and (4) and insert—
 “(3) The relevant percentage is a minimum of 10%.
 (4) The Secretary of State may by regulations amend this paragraph so as to increase
 the relevant percentage.

Environment Bill, *continued*

- (5) The Secretary of State shall review the relevant percentage after 5 years or sooner.

Member's explanatory statement

This amendment amends the power to vary the 10% level so that it can only be increased.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

168

- Schedule 14, page 209, line 37, leave out “maintained for at least 30 years” and insert “secured in its target condition and maintained in perpetuity”

Member's explanatory statement

This amendment requires habitat created under net gain to be secured in perpetuity.

Tracey Crouch
 Alex Sobel

75

- Schedule 14, page 209, line 37, leave out “for at least 30 years” and insert “in perpetuity”

Member's explanatory statement

This amendment would require post-development habitat enhancements for the purposes of biodiversity gains to be maintained in perpetuity rather than for 30 years.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Oppong-Asare

Jessica Morden

Alex Sobel

22

- Schedule 14, page 212, line 15, leave out “may” and insert “must”

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

170

- Schedule 14, page 212, leave out line 26

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

Schedule 14, page 212, leave out lines 29 and 30

171

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

Schedule 14, page 212, line 32, leave out “may” and insert “must”

Member’s explanatory statement

This amendment would commit the Secretary of State to make regulations excluding irreplaceable habitat from the net gain policy.

172

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Opong-Asare

Jessica Morden

Kerry McCarthy

Alex Sobel

Clause 91, page 91, line 37, leave out “may” and insert “must”

10

Tracey Crouch

Clause 91, page 92, line 1, leave out “for at least 30 years” and insert “in perpetuity”

Member’s explanatory statement

This amendment would require habitat enhancements for the purposes of biodiversity gains to be maintained in perpetuity rather than for 30 years.

74

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Opong-Asare

Jessica Morden

Kerry McCarthy

Alex Sobel

11

Clause 92, page 93, line 5, leave out “may” and insert “must”

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

136

Clause 92, page 94, line 5, at end insert—

- “(11) In accordance with the biodiversity metric, the Secretary of State or another person, is obliged to carry out such works as necessary to enhance the biodiversity of habitat associated with the sale of biodiversity credits.
- (12) The Secretary of State or another person is required to secure and maintain the enhancement in perpetuity after the habitat enhancement has reached its target condition.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

140

Clause 93, page 94, line 13, after “biodiversity in England” insert “, including in particular the species and habitats listed in section 41,”

Member’s explanatory statement

The amendment clarifies the intent of the duty in relation to the conservation of priority species and habitats

Environment Bill, continued

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

138

Clause 93, page 94, line 18, at end insert—

“(1ZA) A public authority which has any functions exercisable in relation to England must exercise those functions consistently with the aim of furthering the general biodiversity objective.”

Member’s explanatory statement

This amendment requires public authorities to apply the biodiversity duty in the exercising of all of their functions.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

139

Clause 93, page 94, line 42, at end insert—

“(1G) In this part, “public authority” has the meaning given by section 28(3) of the Environment Act 2020.”

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

137

Clause 93, page 95, line 1, leave out subsection (5) and insert—

“(5) After subsection (2) insert—

“(2A) the authority must act in accordance with any relevant local nature recovery strategy in the exercise of relevant public functions, including strategic and local land-use planning and decision making and in spending decisions, and in particular in complying with subsections (1) and (1A).”

Member’s explanatory statement

This amendment would ensure that Local Nature Recovery Strategies are considered in day-to-day planning and spending decisions by public authorities.

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

142

Clause **94**, page **95**, leave out lines 28 and 29 and insert—

“(a) all public authorities and persons or bodies exercising functions of a public nature, and

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

186

Clause **94**, page **95**, line **30**, at the end insert “(d) Natural England and the Environment Agency”

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

141

Clause **94**, page **95**, line **43**, at end insert—

“(e) an analysis of how actions taken have contributed to delivery of priorities identified in the Local Nature Recovery Strategies.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Opong-Asare

Jessica Morden

Kerry McCarthy

Alex Sobel

12

Clause **94**, page **96**, line **27**, leave out “may” and insert “must”

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Opong-Asare

Jessica Morden

Kerry McCarthy

Alex Sobel

13

Clause 96, page 97, line 27, leave out “may” and insert “must”

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

143

Clause 97, page 98, line 6, at end insert—

“(c) a statement of how the strategy is expected to contribute to achievement of relevant environmental targets”

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

144

Clause 97, page 98, line 16, at end insert—

“(e) a description of how actions intended to meet the net gain objective and land management changes supported by public funds should be spatially targeted through Local Nature Recovery Strategies in order to contribute most effectively to environmental improvement

Member’s explanatory statement

This amendment clarifies the relationship between LNRSs, net gain, ELM and other policies.

 Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

145

Clause 97, page 98, line 23, before “are” insert “an ecologically coherent network of sites that”

Member’s explanatory statement

This amendment clarifies that local habitat maps should contribute to a coherent ecological network.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

146

Clause 98, page 98, line 45, at end insert—

“(3A) The Secretary of State must produce a strategy to inform the development of a Nature Recovery Network, including a spatial description of the opportunities for recovering or enhancing the environment through actions to protect or restore biodiversity, in terms of habitats and species, in England.

(3B) The Secretary of State must publish guidelines that set out a process for review and approval of Local Nature Recovery Strategies by Natural England to confirm the priorities and proposals identified in the Local Nature Recovery Strategy would contribute adequately to the delivery of a national Nature Recovery Network and relevant environmental targets.

Member’s explanatory statement

The amendment requires the Secretary of State to undertake the mapping and planning work necessary to carry out their functions in relation to the national habitat map.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

147

Clause 99, page 99, line 16, leave out “95” and insert “93”

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

148

Clause 99, page 99, line 31, at end insert—

“(4) “Public Authority” means—

- (a) a Minister of the Crown, a government department and public body (including a local authority), and
 - (b) a person carrying out any function of a public nature that is not a devolved function, a parliamentary function or a function of any of the following persons—
 - (i) the OEP;
 - (ii) a court or tribunal;
 - (iii) either House of Parliament;
 - (iv) a devolved legislature;
 - (v) the Scottish Ministers, the Welsh Ministers, a Northern Ireland department or a Minister within the meaning of the Northern Ireland Act 1998.
-

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Oppong-Asare

Jessica Morden

Alex Sobel

14

Clause 121, page 111, line 17, leave out “may” and insert “must”

Rebecca Pow

71

Schedule 17, page 222, line 36, leave out from beginning to end of line 9 on page 223 and insert—

“Demesne land

- 3 (1) Where land belongs to Her Majesty in right of the Crown but is not held for an estate in fee simple absolute in possession—
 - (a) Her Majesty in right of the Crown is to be regarded for the purposes of Part 7 and this Schedule as holding an estate in fee simple absolute in possession in the land, and

Environment Bill, *continued*

- (b) any estate granted or created out of the land is to be regarded for those purposes as derived from that estate in fee simple.
- (2) The land referred to in sub-paragraph (1) does not include land which becomes subject to escheat on the determination of an estate in fee simple absolute in possession in the land if—
 - (a) it is land to which an obligation under a conservation covenant related when the estate determined, or
 - (b) it is not land to which such an obligation related at that time and Her Majesty in right of the Crown has not taken possession or control of the land, or entered into occupation of it.

Land subject to escheat

- 3A (1) This paragraph applies where land becomes subject to escheat on the determination of an estate in fee simple absolute in possession in land to which an obligation under a conservation covenant relates.
- (2) The conservation covenant is not terminated on the determination of that estate, even though the appropriate authority has no liability in respect of the obligation unless and until the Crown—
 - (a) takes possession or control of the land, or enters into occupation of it, or
 - (b) becomes the holder of—
 - (i) an estate granted by the Crown out of the land, or
 - (ii) an estate in land derived (whether immediately or otherwise) from an estate falling within sub-paragraph (i).
- (3) If the Crown takes possession or control of the land, or enters into occupation of it—
 - (a) the Crown is to be regarded for the purposes of Part 7 and this Schedule as holding an estate in fee simple in possession in the land, and
 - (b) that estate is to be regarded for those purposes as immediately derived from the determined estate.
- (4) If the Crown grants an estate out of the land after having previously taken possession or control of the land, or entered into occupation of it, the estate is to be regarded for the purposes of Part 7 and this Schedule as immediately derived from the estate mentioned in sub-paragraph (3)(a).
- (5) But if the Crown grants an estate out of the land without having previously taken possession or control of the land, or entered into occupation of it—
 - (a) the acts of the Crown in granting that estate are not to be regarded for the purposes of Part 7 and this Schedule as taking possession or control of the land, or entering into occupation of it, and
 - (b) the new estate is to be regarded for those purposes as immediately derived from the determined estate.
- (6) In this paragraph and paragraph 3B “the Crown” means Her Majesty in right of the Crown or of the Duchy of Lancaster, or the Duchy of Cornwall, as the case may be.”

Bona vacantia

- 3B (1) This paragraph applies where an estate in land to which an obligation of the landowner under a conservation covenant relates vests in the Crown as bona vacantia.

Environment Bill, continued

- (2) The appropriate authority has no liability in respect of the obligation in relation to any period before the Crown takes possession or control of the land or enters into occupation of it.”

Member’s explanatory statement

This amendment replaces paragraphs 3 and 4 of Schedule 17 with three new paragraphs. Paragraph 3A is new and deals with the application of Part 7 to land to which a conservation covenant relates which becomes subject to escheat to the Crown (for example where the land is disclaimed by a trustee in bankruptcy). Paragraphs 3 and 3B are derived from the current paragraph 3, subject to some minor changes arising from consideration of paragraph 3A.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

187

Schedule 19, page 229, line 9, at end insert “provided that such regulations do not regress upon the scope or purpose of REACH regulations as applied prior to the amended regulations being enacted”

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Opong-Asare

Jessica Morden

Alex Sobel

3

Schedule 19, page 229, line 9, at end insert—

“(1A) Regulations made under this paragraph must not regress upon the protections or standards of any Article or Annex of the REACH Regulation.

(1B) Subject to sub-paragraph (1A), the Secretary of State—

(a) must make regulations under this paragraph to maintain, and

(b) may make regulations under this paragraph to exceed

parity of all protections and standards of chemical regulation with any new or amended regulations of the European Parliament and of the Council concerning the regulation of chemicals.”

Member’s explanatory statement

This amendment would set a minimum of protections under REACH and remove the possibility that a Secretary of State might lower standards than are in place currently, whilst reserving the right for them to set higher standards should they choose.

Environment Bill, continued

Kerry McCarthy
 Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden

Thangam Debbonaire

Abena Oppong-Asare

107

Schedule 19, page 229, line 16, leave out sub-paragraph (4)

Member's explanatory statement

This amendment removes the high degree of discretion when setting REACH Chemical regulations afforded the Secretary of State by Clause 127 in the Bill. Without this amendment the Secretary of State is able to make wide provisions to chemical regulations.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

174

Schedule 19, page 229, line 32, at end insert “provided that such regulations do not regress upon the scope or purpose of the REACH enforcement regulations as applied prior to the amended regulations being enacted”

Rebecca Pow

72

Schedule 19, page 230, line 47, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member's explanatory statement

See Amendment 28.

Rebecca Pow

73

Schedule 19, page 230, line 48, leave out “Assembly” and insert “Senedd”

Member's explanatory statement

See Amendment 28.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

175

Schedule 19, page 231, line 31, at end insert—

“5A Before making regulations under this Schedule the Secretary of State must publish, and lay before Parliament, a report setting out—

(a) the nature and extent of the consultation undertaken under paragraph 5,

Environment Bill, *continued*

- (b) a summary of consultation responses received,
- (c) a statement on how effect has been given to the responses, and
- (d) the reasons for not giving effect to those recommendations or advice contained in the responses which have not been given effect.”

Member’s explanatory statement

This amendment requires Ministers to publish a report about the consultation process under paragraph 5.

Kerry McCarthy
Alex Sobel

108

- Schedule 19, page 231, line 37, at end insert—
“Article 13 (General requirements for generation of information on intrinsic properties of substances)”

Kerry McCarthy
Alex Sobel

109

- Schedule 19, page 231, line 38, at end insert—
“Article 26 (Duty to inquire prior to registration)
Article 27 (Sharing of existing data in the case of registered substances)
Article 30 (sharing of information involving tests)”

Dr Alan Whitehead
Luke Pollard
Ruth Jones
Daniel Zeichner
Jessica Morden
Thangam Debbonaire

Abena Oppong-Asare

176

- Schedule 19, page 231, line 38, at end insert—
“Articles 32, 33 and 34 (communication in the supply chain & a right to know for consumers)”

Member’s explanatory statement

This amendment includes Article 32, 33 and 34 of REACH (communication in the supply chain & a right to know for consumers) in the “protected provisions” that may not be amended under Schedule 19.

Kerry McCarthy
Alex Sobel

110

- Schedule 19, page 231, line 39, at end insert—
“Article 40(2) (third party information)”

Environment Bill, *continued*

Kerry McCarthy
Alex Sobel

111

Schedule 19, page 232, line 25, at end insert—
“save insofar as they contain endpoints for tests using animals”

Rebecca Pow

58

Clause 126, page 113, line 28, leave out “the National Assembly for Wales” and
insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

59

Clause 126, page 113, line 36, leave out “the National Assembly for Wales” and
insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

60

Clause 126, page 113, line 37, leave out “Assembly” and insert “Senedd”
Member’s explanatory statement
See Amendment 28.

Dr Alan Whitehead
Luke Pollard
Ruth Jones
Daniel Zeichner
Jessica Morden
Thangam Debbonaire

Abena Oppong-Asare

149

Clause 127, page 114, line 11, leave out subsection (1)(b)

Rebecca Pow

61

Clause 127, page 114, leave out line 32 and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Environment Bill, continued

Rebecca Pow

62

Clause 127, page 114, line 35, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

See Amendment 28.

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Thangam Debbonaire

Abena Opong-Asare

Jessica Morden

Alex Sobel

2

Clause 131, page 117, line 21, leave out “on such day as the Secretary of State may by regulations appoint” and insert “at the end of the period of six months beginning with the day on which this Act is passed”

Member’s explanatory statement

This amendment seeks to prevent the Secretary of State from choosing not to enact parts of the Bill. Currently multiple provisions including the whole of Part 1 (environmental governance), Part 6 (nature and biodiversity) and Part 7 (Conservation Covenants) could never be enacted, even after the Bill has received Royal Assent.

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Thangam Debbonaire

Abena Opong-Asare

151

Clause 131, page 118, line 2, leave out “on such day as the Welsh Ministers may by regulations appoint” and insert “at the end of a period of six months beginning with the day on which this Act is passed”

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Thangam Debbonaire

Abena Opong-Asare

152

Clause 131, page 118, line 23, leave out “on such day as the Scottish Ministers may by regulations appoint” and insert “at the end of a period of six months beginning with the day on which this Act is passed”

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

153

Clause **131**, page **118**, line **29**, leave out “on such day as the Department of Agriculture Environment and Rural affairs in Northern Ireland may appoint” and insert “at the end of a period of six months beginning with the day on which this Act is passed”

Rebecca Pow

63

Clause **132**, page **119**, line **38**, leave out “the National Assembly for Wales” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

64

Clause **132**, page **119**, line **39**, leave out “Assembly” and insert “Senedd”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

NC4

To move the following Clause—

“Memorandum of understanding

- (1) The OEP and the Committee on Climate Change must prepare a memorandum of understanding.
- (2) The memorandum must set out how the OEP and the Committee intend to co-operate with one another and avoid overlap between the exercise by the OEP of its functions and the exercise by the Committee of its functions.”

Member’s explanatory statement

This new clause requires the OEP and the Committee on Climate Change to prepare a memorandum of understanding, setting out how they will co-operate with one another and avoid overlap in the exercise of their functions.

Environment Bill, continued

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Oppong-Asare

Jessica Morden

Alex Sobel

NC1

To move the following Clause—

“The environmental objective

- (1) The environmental objective is to achieve and maintain a healthy natural environment.
- (2) Any rights, powers, liabilities, obligations, restrictions, remedies and procedures arising from this Act must be enforced, allowed and followed for the purpose of contributing to achievement of the environmental objective.”

Member’s explanatory statement

This new clause is intended to aid coherence in the Bill by tying together separate parts under a unifying aim. It strengthens links between the target setting framework and the delivery mechanisms to focus delivery on targets.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Oppong-Asare

Jessica Morden

Alex Sobel

NC2

To move the following Clause—

“Environmental standards: non-regression

- (1) The Secretary of State has a duty to ensure that there is no diminution in any protection afforded by any environmental standard which was effective in UK domestic law on IP completion day.
- (2) In this section, “IP completion day” has the same meaning as in section 39 of the European Union (Withdrawal Agreement) Act 2020.”

Member’s explanatory statement

This new clause looks to set a floor of environmental standards by taking a snapshot of EU standards at the end of the implementation period and giving the Minister a duty to uphold those standards as a minimum.

Environment Bill, continued

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Opong-Asare

Jessica Morden

Alex Sobel

NC3

To move the following Clause—

“Well consents for hydraulic fracturing: cessation of issue and termination

- (1) No well consent which permits associated hydraulic fracturing may be issued by the Oil and Gas Authority (“OGA”).
- (2) Sections 4A and 4B of the Petroleum Act 1998(as inserted by section 50 of the Infrastructure Act 2015), are repealed.
- (3) Any well consent which has been issued by the OGA which—
 - (a) permits associated hydraulic fracturing and
 - (b) is effective on the day on which this Act receives Royal Assent shall cease to be valid three months after this Act receives Royal Assent.
- (4) In this section—

“associated hydraulic fracturing” means hydraulic fracturing of shale or strata encased in shale which—

 - (a) is carried out in connection with the use of the relevant well to search or bore for or get petroleum, and
 - (b) involves, or is expected to involve, the injection of—
 - (i) more than 1,000 cubic metres of fluid at each stage, or expected stage, of the hydraulic fracturing, or
 - (ii) more than 10,000 cubic metres of fluid in total, or
 - (iii) acid intended to dissolve rock; and

“well consent” means a consent in writing of the OGA to the commencement of drilling of a well.”

Member’s explanatory statement

This new clause, as a response to recent hydraulic fracturing exploration activity including in Rother Valley, would prevent the Oil and Gas Authority from being able to provide licences for hydraulic fracturing, exploration or acidification, and would revoke current licences after a brief period to wind down activity.

Kerry McCarthy
 Alex Sobel

NC5

To move the following Clause—

“Environmental and human rights due diligence: duty to publish draft legislation

- (1) The Secretary of State must, within the period of six months beginning with the day on which this Act is passed, publish a draft Bill on mandatory environmental and human rights due diligence which imposes a duty on specified commercial, financial and public sector persons to—

Environment Bill, *continued*

- (a) carry out due diligence in relation to all environmental and human rights risks and impacts associated with the exercise of their functions, and
 - (b) identify, assess, prevent, or mitigate (where prevention is not possible) the risks so that the impacts are negligible.
- (2) The objective of the due diligence provided for pursuant to subsection (1) is to ensure that the target set pursuant to sub-paragraph (e) of section 1(3) is met.
- (3) The due diligence must be undertaken by specified persons in relation to—
 - (a) risks and impacts wherever they arise, and
 - (b) the entire supply chain and investment chain of the person specified.
- (4) In order to address, in particular, ecosystem conversion and degradation and deforestation and forest degradation (“deforestation and conversion”) the draft Bill must seek to ensure that all goods placed on the UK market are—
 - (a) sustainable;
 - (b) traceable back to source through fully transparent supply chains; and
 - (c) do not cause adverse environmental and human rights impacts including deforestation and conversion.
- (5) The due diligence required to be carried out in accordance with subsection (1) by providers of financial services must include (but not be limited to) the risk of deforestation and conversion which may arise from or be enabled by the provision of the financial services.
- (6) The provisions of the draft Bill relating to due diligence must require compliance with international standards and obligations relating to human rights, including the rights of indigenous peoples and local communities.
- (7) The draft Bill must—
 - (a) establish or designate a body to oversee implementation of and compliance with the provisions of the Bill;
 - (b) provide proportionate, effective and deterrent sanctions for entities failing to comply fully and promptly with their duties under the Bill;
 - (c) provide for an independent, transparent and public complaints mechanism;
 - (d) establish a system which ensures effective and appropriate redress for any person affected by environmental impacts and human rights violations;
 - (e) require persons to report publicly on—
 - (i) their plans for due diligence,
 - (ii) the implementation of their plans, and
 - (iii) the action taken to comply with their plans including the effectiveness of the action;
 - (f) require the regulatory body or other appropriate institution to undertake periodic and public audits of the effectiveness of the due diligence requirements, focusing on specified persons, sectors or supply chains; and
 - (g) require the Secretary of State to include in the annual report on environmental improvement plans an assessment of the application of the duties imposed in accordance with subsection (1), and to review the

Environment Bill, continued

effectiveness of those duties after 3 years (including by commissioning an independent assessment).”

Member’s explanatory statement

This new clause would require the Secretary of State to publish a draft Bill on mandatory environmental and human rights due diligence within six months of the Act passing.

Neil Parish
Alex Sobel

NC6

To move the following Clause—

“The environmental purpose

- (1) The purpose of this Part is to provide a framework to enable the following environmental objectives to be achieved and maintained—
 - (a) a healthy, resilient, and biodiverse natural environment;
 - (b) an environment that supports human health and wellbeing for everyone; and
 - (c) sustainable use of resources.”

Member’s explanatory statement

The new clause is intended to give clear and coherent direction for applying targets and the other governance mechanisms contained in the first Part of the Environment Bill.

Wera Hobhouse
Sir Edward Davey
Dr Matthew Offord
Caroline Lucas
Alex Sobel
Lilian Greenwood

Rosie Duffield
Stephen Doughty
Mr Alistair Carmichael
Daisy Cooper
Jamie Stone

Anna McMorrin
Geraint Davies
Christine Jardine
Munira Wilson
Sarah Olney

Gareth Thomas
Ruth Cadbury
Layla Moran
Wendy Chamberlain
Tim Farron

NC7

To move the following Clause—

“Waste Recycling: Duty to maintain an end use register

- (1) The Secretary of State must, within 12 months of this Act coming into force, by regulations make provision for a register of the end use of all recycled waste created, collected or disposed of in England.
- (2) These regulations must apply to—
 - (a) public authorities; and
 - (b) private businesses.

Environment Bill, continued

- (3) The register must be made available for public inspection.
 - (4) Regulations under this section are subject to the affirmative procedure.”
-

Tracey Crouch

NC8

To move the following Clause—

“Weeds Act 1959: repeal

The Weeds Act 1959 is hereby repealed.”

Member’s explanatory statement

This amendment would repeal the Weeds Act 1959, which contains powers to prevent the spread of creeping thistle, spear thistle, curled dock, ragwort and other weeds which are important for pollinators such as bees, butterflies and other insects.

Kerry McCarthy
Alex Sobel

NC9

To move the following Clause—

“Animal Testing: REACH Regulation

- (1) The Secretary of State must by regulations set targets for the replacement of types of tests on animals conducted to protect human health and the environment within the scope of the REACH Regulation, and for the reduction pending replacement of the numbers of animals used and the suffering they endure.
- (2) A target under this section to reduce the suffering of animals must specify—
 - (a) a standard to be achieved, which must be capable of being objectively measured, and
 - (b) a date by which it is to be achieved.
- (3) Regulations under this section must make provision about how a set target is to be measured.
- (4) A target under this section is initially set when the regulations setting it come into force.”

Member’s explanatory statement

This new clause would require the Secretary of State to set targets to reduce animal testing.

Environment Bill, *continued*

Geraint Davies
Alex Sobel

NC10

To move the following Clause—

“OEP: Penalty notices

- (1) If the OEP is satisfied that a public authority has failed to comply with a decision notice, the OEP may, by written notice (a “penalty notice”) require the public authority to pay to the OEP an amount in sterling specified in the notice.
- (2) When deciding whether to give a penalty notice to a public authority and determining the amount of the penalty, the OEP must have regard to the matters listed in subsection (3).
- (3) Those matters are—
 - (a) the nature, gravity and duration of the failure;
 - (b) the intentional or negligent character of the failure;
 - (c) any relevant previous failures by the public authority;
 - (d) the degree of co-operation with the Commissioner, in order to remedy the failure and mitigate the possible adverse effects of the failure;
 - (e) the manner in which the infringement became known to the OEP, including whether, and if so to what extent, the public authority notified the OEP of the failure;
 - (f) the extent to which the public authority has complied with previous enforcement notices or penalty notices;
 - (g) whether the penalty would be effective, proportionate and dissuasive.
- (4) Once collected, penalties must be distributed to the NHS and local authorities to be used for pollution reduction measures.
- (5) The Secretary of State must, by regulations, set the minimum and maximum amount of penalty.
- (6) Regulations under this section are subject to the affirmative procedure.”

Member’s explanatory statement

This new clause would allow the OEP to impose fines.

Dr Matthew Offord
Alex Sobel

NC11

To move the following Clause—

“Ongoing relationship with EU-REACH

- (1) The Secretary of State must not use regulations under Schedule 19 to diminish protections provided by REACH legislation.
- (2) The Secretary of State must by regulations seek to maintain regulatory parity with any new or amended regulations of the European Parliament and of the Council concerning the regulation of chemicals after IP completion day.
- (3) It is an objective of Her Majesty’s Government as part of any trade negotiations with the European Union to seek to secure associate membership of the European Chemicals Agency for the United Kingdom after IP completion day to enable it to continue to participate in the EU-REACH framework.
- (4) Regulations under subsection (2) are subject to the affirmative procedure.

Environment Bill, *continued*

- (5) In this section, “IP completion day” has the same meaning as in section 39 of the European Union (Withdrawal Agreement) Act 2020.”

Member’s explanatory statement

This new clause would require continued parity with REACH.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

NC12

To move the following Clause—

“Duty to follow recommendations

- (1) A “public authority” must follow the course of action set out in a recommendation made by the OEP in a report issued under sections 25 or 26 unless the public authority has determined that there are reasons of public interest demonstrating that it is not necessary for it to do so in order to comply with the law.
- (2) If the authority does not follow a recommendation, it must publish a report setting out the reasons for not doing so and set out what alternative course of action it proposes to take.
- (3) In this section public authority carries the same definition as in section 28(3).”

Member’s explanatory statement

This new clause requires a public authority to whom the OEP has issued a recommendation to normally follow that recommendation.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

NC13

To move the following Clause—

“OEP register

- (1) The OEP must maintain a register of communications between it and Ministers (or government departments).
- (2) The OEP may omit from the register communications which it considers trivial or otherwise unlikely to be of interest to the public.

Environment Bill, continued

(3) The OEP must publish the register.”

Member’s explanatory statement

This new clause requires the OEP to keep a public register of correspondence with the Government.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

NC14

To move the following Clause—

“Primary duty to secure resilience

- (1) Section 2 of the Water Industry Act 1991 (general duties with respect to water industry) is amended as follows.
- (2) In subsection (2A), at the end insert—
 - “(c) to contribute to achievement of any relevant environmental targets set under the Environment Act 2020.”.

Member’s explanatory statement

This new clause places duties upon the Secretary of State and the Director General of Water Services in the Water Industry Act to contribute to targets in the Environment Bill.

Holly Lynch
 Alex Sobel
 Kerry McCarthy
 Craig Whittaker

NC15

To move the following Clause—

“Reservoirs: flood risk

- (1) The Secretary of State must make regulations to grant the Environment Agency additional powers to require water companies and other connected agencies to manage reservoirs to mitigate flood risk.
 - (2) Regulations under this section are subject to the affirmative procedure.”
-

Environment Bill, *continued*

Dr Alan Whitehead
Luke Pollard
Ruth Jones
Daniel Zeichner
Jessica Morden
Abena Oppong-Asare

Thangam Debbonaire

NC16

To move the following Clause—

“Waste hierarchy

- (1) In interpreting responsibilities under Part 3 of this Act and in all matters relating to waste and resource efficiency the Secretary of State must take account of the requirements of the waste hierarchy.
 - (2) In this section, “waste hierarchy” has the same meaning as in the Waste (England and Wales) Regulations 2011 (S.I. 2011/988).”
-

Dr Alan Whitehead
Luke Pollard
Ruth Jones
Daniel Zeichner
Jessica Morden
Abena Oppong-Asare

Thangam Debbonaire

NC17

To move the following Clause—

“Tree felling and planting

- (1) The Secretary of State must by regulations establish and execute in conjunction with the devolved administrations a target for the percentage of land in the UK under forest or woodland cover by 2050.
 - (2) The target shall be at least 19% of UK land under forest or woodland cover by 2050.
 - (3) The Secretary of State must by regulations establish and execute a target for the percentage of land in England under forest and woodland cover by 2050.
 - (4) The target shall be at least 14.5% of land in England under woodland or forest cover.
 - (5) The Secretary of State must by regulations establish interim targets for the increase in hectares of land in England under forest or woodland cover for each five year period up to 2050.
 - (6) The interim targets shall be not less than an additional 80,000 hectares of land under forest or woodland cover for each five year interim target period up to 2030, and not less than an additional 10,0000 hectares of land for each five year interim target period thereafter.”
-

Environment Bill, *continued*

Dr Alan Whitehead
Luke Pollard
Ruth Jones
Daniel Zeichner
Jessica Morden
Abena Oppong-Asare

Thangam Debbonaire

NC18

To move the following Clause—

“Public authorities: environmental duty

When exercising any function of a public nature that could affect the achievement of—

- (a) any targets set under sections 1 or 2;
- (b) interim targets set under section 10; or
- (c) any other targets that meet the conditions in section 6(8)

public authorities must act compatibly with and, where appropriate, contribute to the achievement of those targets and the implementation of the environmental improvement plan.”

ORDER OF THE HOUSE [26 FEBRUARY 2020]

That the following provisions shall apply to the Environment Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 5 May 2020.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
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Environment Bill, *continued*

ORDER OF THE COMMITTEE [10 MARCH 2020]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25am on Tuesday 10 March) meet—
- (a) at 2.00pm on Tuesday 10 March;
 - (b) at 11.30am and 2.00pm on Thursday 12 March;
 - (c) at 9.25am and 2.00pm on Tuesday 17 March;
 - (d) at 11.30am and 2.00pm on Thursday 19 March;
 - (e) at 9.25am and 2.00pm on Tuesday 24 March;
 - (f) at 11.30am and 2.00pm on Thursday 26 March;
 - (g) at 9.25am and 2.00pm on Tuesday 31 March;
 - (h) at 4.00pm and 7.00pm on Tuesday 21 April;
 - (i) at 11.30am and 2.00pm on Thursday 23 April;
 - (j) at 9.25am and 2.00pm on Tuesday 28 April;
 - (k) at 11.30am and 2.00pm on Thursday 30 April;
 - (l) at 9.25am and 2.00pm on Tuesday 5 May;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 10 March	Until no later than 10.30am	Aldersgate Group; Broadway Initiative
Tuesday 10 March	Until no later than 11.25 am	Food and Drink Federation; Federation of Small Businesses; Veolia
Tuesday 10 March	Until no later than 2.30 pm	Local Government Association
Tuesday 10 March	Until no later than 3.30 pm	Natural England; Wildlife Trusts; Country Land and Business Association; NFU
Tuesday 10 March	Until no later than 4.00 pm	National Federation of Builders
Tuesday 10 March	Until no later than 5.00 pm	Greener UK; Greenpeace; Royal Society for the Protection of Birds
Thursday 12 March	Until no later than 12.15 pm	Asthma UK and British Lung Foundation; UNICEF; Air Quality Expert Group; ClientEarth
Thursday 12 March	Until no later than 1.00 pm	Water UK; Blueprint for Water; Marine Conservation Society
Thursday 12 March	Until no later than 2.45 pm	George Monbiot; Wildlife and Environment Link

Environment Bill, *continued*

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Thursday 12 March	Until no later than 3.15 pm	Keep Britain Tidy; Green Alliance
Thursday 12 March	Until no later than 4.00 pm	Chem Trust; Chemical Industries Association; Unite
Thursday 12 March	Until no later than 5.00 pm	Scottish Environment LINK; Environmental Protection Scotland; Law Society Scotland

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 21; Schedule 1; Clauses 22 to 45; Schedule 2; Clause 46; Schedule 3; Clause 47; Schedule 4; Clause 48; Schedule 5; Clause 49; Schedule 6; Clause 50; Schedule 7; Clause 51; Schedule 8; Clause 52; Schedule 9; Clauses 53 to 63; Schedule 10; Clauses 64 to 69; Schedule 11; Clause 70; Schedule 12; Clauses 71 to 78; Schedule 13; Clauses 79 to 90; Schedule 14; Clauses 91 to 100; Schedule 15; Clauses 101 to 115; Schedule 16; Clauses 116 to 122; Schedule 17; Clauses 123 and 124; Schedule 18; Clause 125; Schedule 19; Clauses 126 to 133; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 5 May.

NOTICES WITHDRAWN

The following Notices were withdrawn on 9 March 2020:

Amendments 96, 100, 101 and 102

The following Notices were withdrawn on 10 March 2020:

Amendment 104

The following Notices were withdrawn on 13 March 2020:

Amendment 122
