



House of Commons

Thursday 12 November 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: NC32

ENVIRONMENT BILL

NOTE

This document includes all amendments remaining before the committee and includes any withdrawn amendments at the end.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

Rebecca Pow

Clause **50**, page **30**, line **20**, leave out “the National Assembly for Wales” and insert “Senedd Cymru” **39**
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

Clause **50**, page **30**, line **21**, leave out “Assembly” and insert “Senedd” **40**
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

Lloyd Russell-Moyle

19

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

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

Abena Opong-Asare

Lloyd Russell-Moyle

162

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

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

Abena Opong-Asare

Lloyd Russell-Moyle

163

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

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

Abena Opong-Asare

Lloyd Russell-Moyle

164

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;
- (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.”

Environment Bill, *continued*

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

Abena Oppong-Asare Lloyd Russell-Moyle
 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 Oppong-Asare Lloyd Russell-Moyle
 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 Oppong-Asare Lloyd Russell-Moyle
 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.

Rebecca Pow

Clause 51, page 31, line 4, leave out “Assembly” and insert “Senedd” 42
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

Lloyd Russell-Moyle

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.

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

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle

21

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

Environment Bill, continued

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

Thangam Debbonaire

Lloyd Russell-Moyle

182

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”

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

Abena Oppong-Asare

Lloyd Russell-Moyle

128

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

Rebecca Pow

43

Clause 55, page 41, line 44, 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

Lloyd Russell-Moyle

7

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

Environment Bill, *continued*

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

Thangam Debbonaire

Lloyd Russell-Moyle

177

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.”

Rebecca Pow

44

Clause 59, page 51, line 47, leave out “the National Assembly for Wales” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

45

Clause 60, page 54, line 14, leave out “the National Assembly for Wales” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

46

Clause 60, page 54, line 17, 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

Lloyd Russell-Moyle

8

Clause 71, page 61, line 25, 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

Lloyd Russell-Moyle

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 Opong-Asare

Lloyd Russell-Moyle

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

Philip Dunne
 Richard Graham
 Mrs Emma Lewell-Buck
 Siobhan Baillie
 Derek Thomas
 Mark Garnier

Huw Merriman
 Steve Brine

Sir Oliver Heald
 Mohammad Yasin

Michael Fabricant

Clause 76, page 68, line 17, at end insert—
 “(ca) the water quality and impact of the discharges of the undertaker’s drainage system and sewerage system,”

200

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

Gill Furniss

199

Clause 76, page 70, line 4, leave out “may” and insert “must”
Member’s explanatory statement
When a minister chooses to make a drainage and sewerage management plan, this amendment obliges them to consult on it.

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Thangam Debbonaire

Abena Oppong-Asare

Lloyd Russell-Moyle

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.

Environment Bill, *continued*

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

Abena Oppong-Asare

Lloyd Russell-Moyle

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

132

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

Abena Oppong-Asare

Lloyd Russell-Moyle

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 Oppong-Asare

Lloyd Russell-Moyle

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 Oppong-Asare

Lloyd Russell-Moyle

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

Environment Bill, *continued*

Rebecca Pow

- 53**
- Clause **82**, page **81**, line **19**, leave out “the National Assembly for Wales” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

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.
-

Environment Bill, continued

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

Abena Oppong-Asare

Lloyd Russell-Moyle

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.

(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

Lloyd Russell-Moyle

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

Lloyd Russell-Moyle

22

Schedule 14, page 212, line 15, 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 Lloyd Russell-Moyle

Schedule 14, page 212, leave out line 26

170

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

Abena Oppong-Asare Lloyd Russell-Moyle

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 Oppong-Asare Lloyd Russell-Moyle

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 Oppong-Asare

Jessica Morden
 Lloyd Russell-Moyle

Kerry McCarthy

Alex Sobel

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

10

Environment Bill, continued

Tracey Crouch

74

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.

Dr Alan Whitehead

Ruth Jones

Daniel Zeichner

Gill Furniss

Fleur Anderson

230

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

Member’s explanatory statement

This amendment would require habitat enhancements created under net gain to be secured in perpetuity.

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Thangam Debbonaire

Abena Opong-Asare

Jessica Morden

Kerry McCarthy

Alex Sobel

Lloyd Russell-Moyle

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

Lloyd Russell-Moyle

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.

Environment Bill, continued

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

Abena Oppong-Asare

Lloyd Russell-Moyle

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

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

Abena Oppong-Asare

Lloyd Russell-Moyle

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 Oppong-Asare

Lloyd Russell-Moyle

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.”

Environment Bill, continued

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

Abena Oppong-Asare

Lloyd Russell-Moyle

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.

Rebecca Pow

222

Clause 93, page 95, line 3, at end insert “and

(b) any relevant species conservation strategy or protected site strategy prepared by Natural England.”

Member’s explanatory statement

This amendment requires a public authority to have regard to a species conservation strategy or protected site strategy in complying with its duties under section 40 of the Natural Environment and Rural Communities Act 2006.

Rebecca Pow

223

Clause 93, page 95, line 21, after “England))” insert—

“(a) in subsection (1), after “conserving” insert “or enhancing”;

Member’s explanatory statement

This amendment adds a reference to enhancing biodiversity to section 41(1) of the Natural Environment and Rural Communities Act 2006.

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

Abena Oppong-Asare

Lloyd Russell-Moyle

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

Environment Bill, *continued*

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

Abena Opong-Asare

Lloyd Russell-Moyle

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

Lloyd Russell-Moyle

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
 Lloyd Russell-Moyle

Kerry McCarthy

Alex Sobel

12

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

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

Jessica Morden
 Lloyd Russell-Moyle

Kerry McCarthy

Alex Sobel

13

Clause 96, page 97, line 27, 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

Lloyd Russell-Moyle

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 Oppong-Asare

Lloyd Russell-Moyle

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 LNRs, net gain, ELM and other policies.

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

Abena Oppong-Asare

Lloyd Russell-Moyle

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.

Environment Bill, *continued*

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

Abena Oppong-Asare

Lloyd Russell-Moyle

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

Lloyd Russell-Moyle

147

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

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

Abena Oppong-Asare

Lloyd Russell-Moyle

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;

Environment Bill, *continued*

- (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.

Rebecca Pow

224

Clause 107, page 105, line 10, after “1975” insert “(as substituted by paragraph 3 of Schedule 5 to the Infrastructure Act 2015)”

Member’s explanatory statement

This amendment clarifies that the reference in clause 107(6) to section 3 of the Local Land Charges Act 1975 is to the text as substituted by the Infrastructure Act 2015 and not the original text. The original text still has effect in certain local authority areas to which the new text does not yet apply.

Rebecca Pow

225

Clause 116, page 109, line 13, after “1975” insert “(as substituted by paragraph 3 of Schedule 5 to the Infrastructure Act 2015)”

Member’s explanatory statement

This amendment clarifies that the reference in clause 116(4) to section 3 of the Local Land Charges Act 1975 is to the text as substituted by the Infrastructure Act 2015 and not the original text. The original text still has effect in certain local authority areas to which the new text does not yet apply.

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

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle

14

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

Environment Bill, *continued*

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
 - (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

Environment Bill, *continued*

- (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.
- (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 Oppong-Asare

Lloyd Russell-Moyle

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 Oppong-Asare

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle

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

Environment Bill, continued

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.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Gill Furniss

198

Schedule 19, page 229, line 13, at end insert “both in general and, in particular, the precautionary principle referred to in Article 1(3).”

Member's explanatory statement

This amendment would require Ministers, in considering consistency with Article 1 of the REACH Regulation, to pay specific attention to the precautionary principle.

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

Thangam Debbonaire

Abena Oppong-Asare

Lloyd Russell-Moyle

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

Lloyd Russell-Moyle

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.

Environment Bill, continued

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

Ruth Jones

Daniel Zeichner

Gill Furniss

Fleur Anderson

227

Schedule 19, page 231, line 22, at end insert “and take account of all relevant scientific evidence and advice through the Agency’s science advice mechanisms”
Member’s explanatory statement
This amendment requires the Secretary of State and any relevant devolved authority to take into account the relevant independent scientific advice when making decisions.

Dr Alan Whitehead

Ruth Jones

Daniel Zeichner

Gill Furniss

Fleur Anderson

228

Schedule 19, page 231, line 30, at end insert “take account of all relevant scientific evidence and advice through the Agency’s science advice mechanisms, and”
Member’s explanatory statement
This amendment requires the Secretary of State and any relevant devolved authority to take into account the relevant independent scientific advice when making decisions.

Dr Alan Whitehead

Ruth Jones

Daniel Zeichner

Gill Furniss

Fleur Anderson

229

Schedule 19, page 231, line 31, at end insert—
“(4) The Secretary of State, or any relevant devolved authority, shall make transparent the reasons for all decisions taken under this regulation by publishing this information in the public domain.”
Member’s explanatory statement
This amendment requires the Secretary of State, or any relevant devolved authority, to publish an explanation as to how they reached a decision.

Environment Bill, *continued*

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

Abena Opong-Asare

Lloyd Russell-Moyle

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,
- (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 Opong-Asare

Lloyd Russell-Moyle

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.

Environment Bill, *continued*

Kerry McCarthy Alex Sobel		110
Schedule 19, page 231, line 39, at end insert— “Article 40(2) (third party information)”		
Kerry McCarthy Alex Sobel		111
Schedule 19, page 232, line 25, at end insert— “save insofar as they contain endpoints for tests using animals”		
<hr/>		
Rebecca Pow		58
Clause 126, page 113, line 28, leave out “the National Assembly for Wales” and insert “Senedd Cymru” <i>Member’s explanatory statement</i> <i>See Amendment 28.</i>		
Rebecca Pow		59
Clause 126, page 113, line 36, leave out “the National Assembly for Wales” and insert “Senedd Cymru” <i>Member’s explanatory statement</i> <i>See Amendment 28.</i>		
Rebecca Pow		60
Clause 126, page 113, line 37, leave out “Assembly” and insert “Senedd” <i>Member’s explanatory statement</i> <i>See Amendment 28.</i>		
<hr/>		
Dr Alan Whitehead Luke Pollard Ruth Jones Daniel Zeichner Jessica Morden Thangam Debbonaire	Abena Oppong-Asare Lloyd Russell-Moyle	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” <i>Member’s explanatory statement</i> <i>See Amendment 28.</i>		

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.

Rebecca Pow

231

☆ Clause 130, page 116, line 31, at end insert “except that section (*Use of forest risk commodities in commercial activity*) and Schedule (*Use of forest risk commodities in commercial activity*) (use of forest risk commodities in commercial activity) extend to England and Wales, Scotland and Northern Ireland.”

Member’s explanatory statement

This amendment provides that NC31 and NS1 (use of forest risk commodities in commercial activity) extend to England and Wales, Scotland and Northern Ireland.

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Thangam Debbonaire

Abena Oppong-Asare

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle

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 Oppong-Asare

Lloyd Russell-Moyle

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”

Environment Bill, continued

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

Abena Oppong-Asare

Lloyd Russell-Moyle

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”

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

Abena Oppong-Asare

Lloyd Russell-Moyle

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.

Environment Bill, *continued*

- (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.

Rebecca Pow

NC24

To move the following Clause—

“Guidance on OEP’s enforcement policy and functions

- (1) The Secretary of State may issue guidance to the OEP on the matters listed in section 22(6) (OEP’s enforcement policy).
- (2) The OEP must have regard to the guidance in—
 - (a) preparing its enforcement policy, and
 - (b) exercising its enforcement functions.
- (3) The Secretary of State may revise the guidance at any time.
- (4) The Secretary of State must lay before Parliament, and publish, the guidance (and any revised guidance).
- (5) The OEP’s “enforcement functions” are its functions under sections 29 to 38.”

Member’s explanatory statement

This new clause provides that the Secretary of State may issue guidance to the OEP on the matters listed in clause 22(6) (OEP’s enforcement policy). The OEP must have regard to the guidance in preparing its enforcement policy and exercising its enforcement functions.

Rebecca Pow

NC25

To move the following Clause—

“Species conservation strategies

- (1) Natural England may prepare and publish a strategy for improving the conservation status of any species of fauna or flora.
- (2) A strategy under subsection (1) is called a “species conservation strategy”.
- (3) A species conservation strategy must relate to an area (the “strategy area”) consisting of—
 - (a) England, or
 - (b) any part of England.
- (4) A species conservation strategy for a species may in particular—
 - (a) identify areas or features in the strategy area which are of importance to the conservation of the species,
 - (b) identify priorities in relation to the creation or enhancement of habitat for the purpose of improving the conservation status of the species in the strategy area,

Environment Bill, *continued*

- (c) set out how Natural England proposes to exercise its functions in relation to the species across the whole of the strategy area or in any part of it for the purpose of improving the conservation status of the species in the strategy area,
 - (d) include Natural England’s opinion on the giving by any other public authority of consents or approvals which might affect the conservation status of the species in the strategy area, and
 - (e) include Natural England’s opinion on measures that it would be appropriate to take to avoid, mitigate or compensate for any adverse impact on the conservation status of the species in the strategy area that may arise from a plan, project or other activity.
- (5) Natural England may, from time to time, amend a species conservation strategy.
- (6) A local planning authority in England and any prescribed authority must co-operate with Natural England in the preparation and implementation of a species conservation strategy so far as relevant to the authority’s functions.
- (7) The Secretary of State may give guidance to local planning authorities in England and to prescribed authorities as to how to discharge the duty in subsection (6).
- (8) A local planning authority in England and any prescribed authority must in the exercise of its functions have regard to a species conservation strategy so far as relevant to its functions.
- (9) In this section—
- “England” includes the territorial sea adjacent to England, which for this purpose does not include—
 - (a) any part of the territorial sea adjacent to Wales for the general or residual purposes of the Government of Wales Act 2006 (see section 158 of that Act), or
 - (b) any part of the territorial sea adjacent to Scotland for the general or residual purposes of the Scotland Act 1998 (see section 126 of that Act);
 - “local planning authority” means a person who is a local planning authority for the purposes of any provision of Part 3 of the Town and Country Planning Act 1990;
 - “prescribed authority” means an authority exercising functions of a public nature in England which is specified for the purposes of this section by regulations made by the Secretary of State.
- (10) Regulations under subsection (9) are subject to the negative procedure.”

Member’s explanatory statement

This new clause gives Natural England the function of producing species conservation strategies and makes related provision.

Rebecca Pow

NC26

To move the following Clause—

“Protected site strategies

- (1) Natural England may prepare and publish a strategy for—
 - (a) improving the conservation and management of a protected site, and
 - (b) managing the impact of plans, projects or other activities (wherever undertaken) on the conservation and management of the protected site.

Environment Bill, *continued*

- (2) A strategy under subsection (1) is called a “protected site strategy”.
- (3) A “protected site” means—
 - (a) a European site,
 - (b) a site of special scientific interest, or
 - (c) a marine conservation zone,to the extent the site or zone is within England.
- (4) A protected site strategy for a protected site may in particular—
 - (a) include an assessment of the impact that any plan, project or other activity may have on the conservation or management of the protected site (whether assessed individually or cumulatively with other activities),
 - (b) include Natural England’s opinion on measures that it would be appropriate to take to avoid, mitigate or compensate for any adverse impact on the conservation or management of the protected site that may arise from a plan, project or other activity,
 - (c) identify any plan, project or other activity that Natural England considers is necessary for the purposes of the conservation or management of the protected site, and
 - (d) cover any other matter which Natural England considers is relevant to the conservation or management of the protected site.
- (5) In preparing a protected site strategy for a protected site, Natural England must consult—
 - (a) any local planning authority in England which exercises functions in respect of an area—
 - (i) within which any part of the protected site is located, or
 - (ii) within which a plan, project or other activity that Natural England considers may have an adverse impact on the conservation or management of the protected site is being, or is proposed to be, undertaken,
 - (b) any public authority in England—
 - (i) that is undertaking, or proposing to undertake, a plan, project or other activity that Natural England considers may have an adverse impact on the conservation or management of the protected site,
 - (ii) the consent or approval of which is required in respect of a plan, project or other activity that Natural England considers may have an adverse impact on the conservation or management of the protected site, or
 - (iii) that Natural England considers may otherwise be affected by the strategy,
 - (c) any IFC authority in England which exercises functions in respect of an area—
 - (i) the conservation or management of which Natural England considers may be affected by the strategy, or
 - (ii) the sea fisheries resources of which Natural England considers may be affected by the strategy,
 - (d) the Marine Management Organisation, where—
 - (i) any part of the protected site is within the MMO’s area, or
 - (ii) Natural England considers any part of the MMO’s area may otherwise be affected by the strategy,
 - (e) the Environment Agency,
 - (f) the Secretary of State, and

Environment Bill, *continued*

- (g) any other person that Natural England considers should be consulted in respect of the strategy, including the general public or any section of it.
- (6) In subsections (4) and (5), a reference to an adverse impact on the conservation or management of a protected site includes—
 - (a) in relation to a European site, anything which adversely affects the integrity of the site,
 - (b) in relation to a site of special scientific interest, anything which is likely to adversely affect the flora, fauna or geological or physiographical features by reason of which the site is of special interest,
 - (c) in relation to a marine conservation zone, anything which hinders the conservation objectives stated for the zone pursuant to section 117(2) of the Marine and Coastal Access Act 2009, and
 - (d) any other thing which causes deterioration of natural habitats and the habitats of species as well as disturbance of the species in the protected site, in so far as such disturbance could be significant in relation to the conservation or management of the protected site.
- (7) A person whom Natural England consults under subsection (5)(a) to (e) must cooperate with Natural England in the preparation of a protected site strategy so far as relevant to the person's functions.
- (8) The Secretary of State may give guidance as to how to discharge the duty in subsection (7).
- (9) A person must have regard to a protected site strategy so far as relevant to any duty which the person has under—
 - (a) the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012),
 - (b) sections 28G to 28I of the Wildlife and Countryside Act 1981, or
 - (c) sections 125 to 128 of the Marine and Coastal Access Act 2009.
- (10) Natural England may, from time to time, amend a protected site strategy.
- (11) The duty to consult a person under subsection (5) also applies when Natural England amends a protected site strategy under subsection (10) so far as the amendment is relevant to the person's functions.
- (12) In this section—
 - “England” has the meaning given in section (*Species conservation strategies*);
 - “European site” has the meaning given in regulation 8 of the Conservation of Habitats and Species Regulations 2017;
 - “IFA authority” means an inshore fisheries and conservation authority created under section 150 of the Marine and Coastal Access Act 2009;
 - “local planning authority” has the meaning given in section (*Species conservation strategies*);
 - “marine conservation zone” means an area designated as a marine conservation zone under section 116(1) of the Marine and Coastal Access Act 2009;
 - “MMO's area” has the meaning given in section 2(12) of the Marine and Coastal Access Act 2009;
 - “public authority” has the meaning given in section 40(4) of the Natural Environment and Rural Communities Act 2006;
 - “sea fisheries resources” has the meaning given in section 153(10) of the Marine and Coastal Access Act 2009;

Environment Bill, continued

“site of special scientific interest” means an area notified under section 28(1) of the Wildlife and Countryside Act 1981.”

Member’s explanatory statement

This new clause gives Natural England the function of producing protected site strategies and makes related provision.

Rebecca Pow

NC27

To move the following Clause—

“Wildlife conservation: licences

- (1) In section 10 of the Wildlife and Countryside Act 1981 (exceptions to section 9 of that Act), in subsection (1)—
 - (a) in paragraph (a), omit the final “or”;
 - (b) at the end insert “or
 - (c) anything done in relation to an animal of any species pursuant to a licence granted by Natural England under regulation 55 of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) in respect of an animal or animals of that species”.
- (2) In section 16 of that Act (power to grant licences), in subsection (3)—
 - (a) in paragraph (h), omit the final “or”;
 - (b) at the end insert “or
 - (j) in England, for reasons of overriding public interest”.
- (3) In that section, after subsection (3A) insert—

“(3B) In England, the appropriate authority shall not grant a licence under subsection (3) unless it is satisfied—

 - (a) that there is no other satisfactory solution, and
 - (b) that the grant of the licence is not detrimental to the survival of any population of the species of animal or plant to which the licence relates.”
- (4) In that section, in subsections (5A)(c) and (6)(b), after “two years,” insert “or in the case of a licence granted by Natural England five years,”.
- (5) In that section, in subsection (9)(c), after “to (e)” insert “or (j)”.
- (6) In the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), in regulation 55(10), for “two years” substitute—
 - “(a) five years, in the case of a licence granted by Natural England, or
 - (b) two years, in any other case.””

Member’s explanatory statement

This new clause makes provision relating to licences granted under regulation 55 of the Conservation of Habitat and Species Regulations 2017 and section 16 of the Wildlife and Countryside Act 1981.

Environment Bill, continued

Rebecca Pow

NC31

☆ To move the following Clause—

“Use of forest risk commodities in commercial activity

- (1) In Schedule (*Use of forest risk commodities in commercial activity*)—
 - (a) Part 1 makes provision about the use of forest risk commodities in commercial activity,
 - (b) Part 2 makes provision about enforcement, and
 - (c) Part 3 contains general provisions.
- (2) Regulations under the following provisions of Schedule (*Use of forest risk commodities in commercial activity*) are subject to the affirmative procedure—
 - (a) paragraph 1;
 - (b) paragraph 2(4)(c);
 - (c) paragraph 5 (except for paragraph 5(2)(b) and (5));
 - (d) paragraph 7;
 - (e) Part 2.
- (3) Regulations under the following provisions of Schedule (*Use of forest risk commodities in commercial activity*) are subject to the negative procedure—
 - (a) paragraph 3;
 - (b) paragraph 4;
 - (c) paragraph 5(2)(b) and (5).”

Member’s explanatory statement

This new clause inserts NS1 and specifies the Parliamentary procedure for making regulations under that Schedule.

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

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle

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.”

Environment Bill, continued
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

Lloyd Russell-Moyle
 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.

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

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle
 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.

Environment Bill, *continued*

- (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—
 - (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.

Environment Bill, *continued*

- (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 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.

Environment Bill, continued

Wera Hobhouse
Ed 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.
- (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 new clause 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.

Environment Bill, *continued*

- (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.

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.

Environment Bill, continued

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.
- (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 Oppong-Asare

Lloyd Russell-Moyle

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.

Environment Bill, continued

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

Abena Oppong-Asare

Lloyd Russell-Moyle

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.
- (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 Oppong-Asare

Lloyd Russell-Moyle

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.

Environment Bill, *continued*

Holly Lynch
Alex Sobel
Kerry McCarthy
Craig Whittaker
John McNally
Philip Davies

Jason McCartney

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.”

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

Thangam Debbonaire

Lloyd Russell-Moyle

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).”
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Environment Bill, *continued*

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

Thangam Debbonaire

Lloyd Russell-Moyle

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 10,000 hectares of land for each five year interim target period thereafter.”

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

Thangam Debbonaire

Lloyd Russell-Moyle

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

Environment Bill, continued

(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.”

Dan Jarvis
Lloyd Russell-Moyle
Derek Twigg

NC19

To move the following Clause—

“Duty to prepare a Tree Strategy for England

- (1) The Government must prepare a Tree Strategy for England as set out in subsection (2) and (3).
- (2) The strategy must set out the Government’s vision, objectives, priorities and policies for trees in England including individual trees, woodland and forestry, and may set out other matters with respect to the promotion of sustainable management of trees in these contexts.
- (3) The Tree Strategy for England must include the Government’s targets and interim targets with respect to—
 - (a) the percentage of England under tree cover;
 - (b) hectares of new native woodland creation achieved by tree planting;
 - (c) hectares of new native woodland creation achieved by natural regeneration;
 - (d) the percentage of native woodland in favourable ecological condition; and
 - (e) hectares of Plantation on Ancient Woodland (PAWS) undergoing restoration.
- (4) The Government must keep the Tree Strategy for England under review, and may, if they consider it appropriate to do so, revise the strategy.
- (5) If the Government has not revised the Tree Strategy for England within the period of 10 years beginning with the day on which the strategy was last published, they must revise the strategy.”

Member’s explanatory statement

The aim of this new clause is to ensure that the Government prepares a tree strategy for England. It will ensure that the Government has to produce targets for the protection, restoration and expansion of trees and woodland in England.

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Gill Furniss

NC20

To move the following Clause—

“State of nature target

- (1) The Secretary of State must publish documents setting out how the Government will exercise the power conferred in section 1 to set a target to reverse the decline in the state of nature in England.
- (2) The Secretary of State must publish the first such document—
 - (a) no later than 30 days before the opening plenary meeting of the next Conference of the Parties to the Convention on Biological Diversity; and
 - (b) within three months of this Bill receiving Royal Assent.
- (3) The Secretary of State must exercise the power conferred in section 1 to set the target described in subsection (1)—
 - (a) as soon as reasonably practicable following the end of the next Conference of the Parties to the Convention on Biological Diversity; and
 - (b) no later than October 2022.
- (4) The Secretary of State must publish an updated document as set out in subsection (1) before each Conference of the Parties to the Convention on Biological Diversity.
- (5) In carrying out the duties in subsections (1) and (4) the Secretary of State shall consider the appropriate domestic effort to contribute to improving the state of nature globally.
- (6) In this section, “the state of nature” includes—
 - (a) the abundance and diversity of species;
 - (b) the risk of extinction; and
 - (c) the extent and condition of habitats.”

Member’s explanatory statement

This new clause obliges the Secretary of State to set out his intentions for setting a target to reverse the decline of nature in time to influence ongoing international negotiations and then to set that target as soon as possible following the conclusion of those negotiations.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Gill Furniss

NC21

To move the following Clause—

“Co-operation with devolved environmental governance bodies

- (1) The OEP must, for the purposes in subsection (2), co-operate with any devolved environmental governance body in Scotland or Wales.
- (2) Those purposes are the consideration of matters that—
 - (a) are common to all, or more than one, part of the UK;

Environment Bill, *continued*

- (b) are cross-border issues; or
- (c) affect both reserved and devolved matters.
- (3) Co-operation under subsection (1) may include—
 - (a) the exchange of information;
 - (b) the carrying out or commissioning of research, jointly;
 - (c) arrangements regarding consultation under section 24(4); and
 - (d) arrangements for one body to provide support for the work of another.
- (4) In particular, co-operation may also provide for—
 - (a) joint research;
 - (b) joint investigations; and
 - (c) joint enforcement measures.”

Member’s explanatory statement

This new clause would specify and permit co-ordination and co-operation in the operations of the OEP, and equivalent bodies (if/when established) in Scotland/Wales.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Gill Furniss

NC22

To move the following Clause—

“Application of environmental principles

- (1) A public authority must apply the environmental principles in section 16 in the exercise of its functions.
- (2) In this section “public authority” has the same meaning as in section 28(3).”

Member’s explanatory statement

This new clause requires public authorities to apply the environmental principles.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Gill Furniss

NC23

To move the following Clause—

“Reduction of lead poisoning from shot

- (1) The Wildlife and Countryside Act 1981 is amended in accordance with subsections (2) and (3).
- (2) After section 5(c)(viii) insert—
 - “(ix) any form of lead ammunition used in a shotgun”.

Environment Bill, continued

- (3) After section 11 (1)(d) insert—
 “(e) uses lead ammunition in a shotgun for the purposes of killing or taking any wild animal”.
- (4) The provisions in this section come into force on 1 January 2023.”

Member’s explanatory statement

This new clause intends to provide an effective regulation to protect wildlife, the environment and human health by replacing widely-used toxic lead gunshot with alternatives. It intends to ensure a supply of healthy game for the market, whilst meeting societal requirements and those of shooting, food retail and conservation stakeholders.

Lloyd Russell-Moyle

NC28

To move the following Clause—

“Environmental objective and commitments

- (1) In interpreting and applying this Act, any party with duties, responsibilities, obligations or discretions under or relating to it must comply with—
- (a) the environmental objective in subsection (2); and
 - (b) the commitments in subsection (3).
- (2) The environmental objective is to achieve and maintain—
- (a) a healthy, resilient and biodiverse natural environment;
 - (b) an environment that supports human health and well-being for everyone; and
 - (c) sustainable use of resources.
- (3) The commitments are—
- (a) all commitments given by Her Majesty’s Government in the United Nations Leaders’ Pledge for Nature of 28 September 2020, including, but not limited to, the urgent actions committed to be taken by it over the period of ten years from the date of that pledge;
 - (b) any enhanced commitments given by Her Majesty’s Government pursuant to that pledge, any other pledge, and any international agreement; and
 - (c) all relevant domestic legislation, including, but not limited to, the Climate Change Act 2008, as amended from time to time.
- (4) Without prejudice to the generality of the requirement in subsection (1), that requirement applies to—
- (a) the Secretary of State in setting, amending and ensuring compliance with the environmental targets; preparing, amending and implementing environmental improvement plans; and performing all their obligations and exercising all their discretions under this Act;
 - (b) the Office for Environmental Protection and the Upper Tribunal in performing their respective obligations and exercising any applicable discretions; and
 - (c) all other persons and bodies with obligations and discretions under, or in connection with, the subject matter of this Act.”
-

Environment Bill, *continued*

Lloyd Russell-Moyle

NC29

To move the following Clause—

“Report on climate and ecology

- (1) The Secretary of State must, no later than six months after the day of which this Act is passed, lay before Parliament a report containing an assessment of the adequacy of environmental legislation and policy for meeting the climate and ecology challenges faced by the United Kingdom and the world.
- (2) That report must include specific assessments relating to—
 - (a) water quality, availability and abundance;
 - (b) biodiversity, including, but not limited to, the restoration and regeneration of biodiverse habitats, natural and human modified ecosystems, and their respective soils;
 - (c) the expansion and enhancement of natural ecosystems and agroecosystems to safeguard their carbon-sink capacity and resilience to global heating; and
 - (d) resource efficiency, waste reduction and the promotion of the circular economy.”

Dr Alan Whitehead
Ruth Jones
Daniel Zeichner
Gill Furniss
Fleur Anderson

NC30

To move the following Clause—

“Smoking related waste

- (1) The Secretary of State will by regulations introduce a producer responsibility scheme in England to tackle smoking related waste.
- (2) The scheme will compel those tobacco companies operating in England, as defined in the regulations and subject to annual review, to provide financial support to the scheme based on a market share basis.
- (3) The scheme will ensure that those tobacco companies will have no operational or other involvement in the scheme other than to provide financial support in accordance with guidance from the World Health Organisation Framework Convention on Tobacco Control and the Department of Health and Social Care.
- (4) The regulations will set a target for a reduction in smoking related waste by 2030.
- (5) The regulations will set out an appropriate vehicle to deliver the scheme including governance and criteria for funding related initiatives.
- (6) The Secretary of State must prepare and publish an annual report of the scheme and must lay a copy of the report before Parliament.”

Environment Bill, continued
Member's explanatory statement

The aim of this new clause is to ensure that the Government creates a producer responsibility scheme for smoking related waste. No such scheme exists at present and the clear up and waste reduction of cigarette butts are not covered by other Directives.

Dr Alan Whitehead
Ruth Jones
Daniel Zeichner
Gill Furniss
Fleur Anderson

NC32

★ To move the following Clause—

“Biodiversity Gain

- (1) Section 114 of the Planning Act 2008 is amended in accordance with subsection (2).
- (2) At the end of subsection (2) insert—
 - “(3) Before approving an application for an order granting development consent relating to nationally significant infrastructure on land, the Secretary of State must be satisfied that a biodiversity gain plan is in place in relation to that development.
 - (4) The Secretary of State must be satisfied that the biodiversity gain plan will ensure that the biodiversity gain objective is met.
 - (5) “Biodiversity gain plan” and “biodiversity gain objective” have the same meaning as in Schedule 7A of the Town and Country Planning Act 1990 if that Schedule applied to Development Consent Orders.””

Member's explanatory statement

This new clause would extend the biodiversity gain provisions to major infrastructure projects as defined in the Planning Act 2008.

Rebecca Pow

NS1

☆ To move the following Schedule—

“USE OF FOREST RISK COMMODITIES IN COMMERCIAL ACTIVITY

PART 1

REQUIREMENTS

Meaning of “forest risk commodity”

- 1 (1) In this Schedule “forest risk commodity” means a commodity specified in regulations made by the Secretary of State.
- (2) The regulations may specify only a commodity that has been produced from a plant, animal or other living organism.

Environment Bill, *continued*

- (3) The regulations may specify a commodity only if the Secretary of State considers that forest is being or may be converted to agricultural use for the purposes of producing the commodity.
- (4) “Forest” means an area of land of more than 0.5 hectares with a tree canopy cover of at least 10% (excluding trees planted for the purpose of producing timber or other commodities).
- (5) In sub-paragraph (4) the reference to land includes land that is wholly or partly submerged in water (whether temporarily or permanently).
- (6) The regulations may not specify timber or timber products, within the meaning of Regulation (EU) No. 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market.
- (7) Before making regulations under this paragraph the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (8) The requirement to consult in sub-paragraph (7) may be met by consultation carried out before this paragraph comes into force.

Prohibition on using illegally produced commodities

- 2 (1) A regulated person in relation to a forest risk commodity must not use that commodity in their UK commercial activities unless relevant local laws were complied with in relation to that commodity.
- (2) A regulated person in relation to a forest risk commodity must not use a product derived from that commodity in their UK commercial activities unless relevant local laws were complied with in relation to that commodity.
- (3) In this Schedule “local law”, in relation to a forest risk commodity, means any law having effect in the country or territory where the source organism was grown, raised or cultivated.
- (4) In this Schedule “relevant local law”, in relation to a forest risk commodity, means local law—
 - (a) which relates to the ownership of the land on which the source organism was grown, raised or cultivated,
 - (b) which relates to the use of that land, or
 - (c) which otherwise relates to that land and is specified in regulations made by the Secretary of State.
- (5) The regulations may specify a local law only if it relates to the prevention of forest being converted to agricultural use.
- (6) The “source organism” means the plant, animal or other living organism from which the forest risk commodity was produced.
- (7) Sub-paragraph (1) does not apply to the use of a forest risk commodity where—
 - (a) the commodity is waste (within the meaning of article 2(1) of the Renewable Transport Fuel Obligations Order 2007 (S.I. 2007/3072)), and
 - (b) the use of the commodity is for the purpose of making renewable transport fuel—
 - (i) that qualifies for the issue of an RTF certificate under article 17 of that Order, and

Environment Bill, *continued*

- (ii) in respect of which an additional RTF certificate may be issued under article 17A(4) of that Order.
- (8) Sub-paragraph (2) does not apply to the use of a product derived from a forest risk commodity where—
 - (a) the commodity is waste (within the meaning of article 2(1) of the Renewable Transport Fuel Obligations Order 2007 (S.I. 2007/3072)), and
 - (b) the product is renewable transport fuel—
 - (i) that qualifies for the issue of an RTF certificate under article 17 of that Order, and
 - (ii) in respect of which an additional RTF certificate may be or has been issued under article 17A(4) of that Order.

Due diligence system

- 3 (1) A regulated person in relation to a forest risk commodity who uses that commodity or a product derived from that commodity in their UK commercial activities must establish and implement a due diligence system in relation to that commodity.
- (2) In this Schedule a “due diligence system”, in relation to a forest risk commodity, means a system for—
 - (a) identifying, and obtaining information about, that commodity,
 - (b) assessing the risk that relevant local laws were not complied with in relation to that commodity, and
 - (c) mitigating that risk.
- (3) The Secretary of State may by regulations make further provision about the matters in sub-paragraph (2)(a) to (c), including in particular—
 - (a) the information that should be obtained;
 - (b) the criteria to be used in assessing risk;
 - (c) the ways in which risk may be mitigated.

Annual report on due diligence system

- 4 (1) A regulated person in relation to a forest risk commodity who uses that commodity or a product derived from that commodity in their UK commercial activities must, for each reporting period, provide the relevant authority with a report on the actions taken by the person to establish and implement a due diligence system in relation to that commodity as required by paragraph 3.
- (2) The report must be provided no later than 6 months after the end of the reporting period to which it relates.
- (3) The Secretary of State may by regulations make provision—
 - (a) about the content and form of reports under this paragraph;
 - (b) about the manner in which reports under this paragraph are to be provided.
- (4) The relevant authority must make reports under this paragraph available to the public in the way, and to the extent, specified in regulations made by the Secretary of State.
- (5) In this paragraph “relevant authority” means—
 - (a) the Secretary of State, or
 - (b) if regulations made by the Secretary of State specify another person as the relevant authority for the purposes of this paragraph, that other person.

Environment Bill, *continued*

- (6) In this Schedule “reporting period” means—
- (a) the period beginning with the day on which this paragraph comes fully into force and ending with the following 31 March, and
 - (b) each successive period of 12 months.

Exemption

- 5 (1) A regulated person in relation to a forest risk commodity is exempt from the Part 1 requirements in respect of their use of that commodity, or a product derived from that commodity, in their UK commercial activities during a reporting period if they satisfy the following two conditions.
- (2) Condition 1 is that before the start of the period, the person gives a notice to the relevant enforcement authority containing—
- (a) a declaration that the person is satisfied on reasonable grounds that the amount of the commodity used in their UK commercial activities during the period will not exceed the prescribed threshold, and
 - (b) the prescribed information.
- (3) Condition 2 is that the amount of the commodity used in the person’s UK commercial activities during the period does not exceed the prescribed threshold.
- (4) Sub-paragraphs (5) and (6) apply where—
- (a) a regulated person gives a notice under sub-paragraph (2), but
 - (b) the amount of the commodity used in the person’s UK commercial activities during the period exceeds the prescribed threshold.
- (5) If, before the relevant date, the regulated person gives a notice to the relevant enforcement authority containing the prescribed information, the person is exempt from the Part 1 requirements in respect of their use of the commodity, or the product derived from the commodity, in their UK commercial activities during the part of the reporting period—
- (a) beginning with the start of the period, and
 - (b) ending with the date the notice is given.
- (6) If the regulated person does not give a notice under sub-paragraph (5), the person is not exempt from the Part 1 requirements in respect of their use of the commodity, or the product derived from the commodity, in their UK commercial activities during any part of the reporting period.
- (7) In this paragraph—
- “prescribed” means prescribed in regulations made by the Secretary of State;
 - “relevant date” means the date during the reporting period that the amount of the commodity used in the person’s UK commercial activities exceeds the prescribed threshold;
 - “relevant enforcement authority” means the enforcement authority on which the function of receiving notices under this paragraph has been conferred by Part 2 regulations.
- (8) Regulations under this paragraph may in particular—
- (a) prescribe thresholds by reference to weight or volume;
 - (b) make provision about how the amount of a forest risk commodity used in a regulated person’s UK commercial activities (including in relation to a forest risk commodity from which a product is derived) is to be determined,
- and regulations under paragraph (b) may include provision for determining the amount by reference to matters determined or published by the Secretary of State or other persons.

Environment Bill, *continued*

- (9) Before making regulations under this paragraph (except under sub-paragraph (2)(b) or (5)) the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (10) The requirement to consult in sub-paragraph (9) may be met by consultation carried out before this paragraph comes into force.

Guidance

- 6 (1) The Secretary of State may issue guidance to an enforcement authority about the Part 1 requirements.
- (2) An enforcement authority must have regard to guidance issued under sub-paragraph (1) when exercising its functions under Part 2 of this Schedule.

Meaning of “regulated person”

- 7 (1) In this Schedule “regulated person”, in relation to a forest risk commodity, means a person (other than an individual) who carries on commercial activities in the United Kingdom, and—
 - (a) meets such conditions in relation to turnover as may be specified in regulations made by the Secretary of State for the purposes of defining who is a regulated person in relation to that forest risk commodity, or
 - (b) is an undertaking which is a subsidiary of another undertaking which meets those conditions.
- (2) Regulations under sub-paragraph (1) may make provision about how turnover is to be determined.
- (3) Before making regulations under sub-paragraph (1) the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) The requirement to consult in sub-paragraph (3) may be met by consultation carried out before this paragraph comes into force.
- (5) The Secretary of State may by regulations make provision for the Part 1 requirements not to apply, or to apply with modifications, in relation to a person who becomes a regulated person for such transitional period, after they become a regulated person, as may be specified in the regulations.
- (6) The Secretary of State may by regulations make provision for a group of undertakings to be treated as a regulated person, in such circumstances, for such purposes and to such extent as may be provided (and may modify the application of the Schedule accordingly).
- (7) In this paragraph—
 - “group” has the meaning given by section 474 of the Companies Act 2006;
 - “undertaking” has the meaning given by section 1161 of that Act, and whether an undertaking is a subsidiary of another undertaking is to be determined in accordance with section 1162 of that Act.

PART 2

ENFORCEMENT

General power

- 8 The Secretary of State may by regulations (“Part 2 regulations”) make provision about the enforcement of requirements imposed by or under Part 1 of this Schedule (“Part 1 requirements”).

Environment Bill, *continued**Powers to confer functions*

- 9 (1) Part 2 regulations may include provision conferring functions on one or more persons specified in the regulations (each of whom is an “enforcement authority” for the purposes of this Schedule).
- (2) Part 2 regulations may include provision—
- (a) conferring functions involving the exercise of discretion;
 - (b) for the functions of an enforcement authority to be exercised on its behalf by persons authorised in accordance with the regulations.
- (3) Part 2 regulations may include provision requiring an enforcement authority—
- (a) to issue guidance about the exercise of its functions;
 - (b) to consult with specified persons before issuing such guidance.

Monitoring compliance

- 10 Part 2 regulations may include provision conferring on an enforcement authority the function of monitoring compliance with Part 1 requirements.

Records and information

- 11 Part 2 regulations may include provision—
- (a) requiring persons on whom Part 1 requirements are imposed to keep records;
 - (b) requiring persons on whom Part 1 requirements are imposed to provide records or other information to an enforcement authority;
 - (c) requiring an enforcement authority to make reports or provide information to the Secretary of State.

Powers of entry etc

- 12 (1) Part 2 regulations may include provision conferring on an enforcement authority powers of entry, inspection, examination, search and seizure.
- (2) Part 2 regulations may include provision—
- (a) for powers to be exercisable only under the authority of a warrant issued by a justice of the peace, sheriff, summary sheriff or lay magistrate;
 - (b) about applications for, and the execution of, warrants.
- (3) Part 2 regulations must secure that the authority of a warrant is required for the exercise of any powers conferred by the regulations to—
- (a) enter premises by force;
 - (b) enter a private dwelling without the consent of the occupier;
 - (c) search and seize material.

Sanctions

- 13 (1) Part 2 regulations may include provision—
- (a) for, about or connected with the imposition of civil sanctions in respect of—
 - (i) failures to comply with Part 1 requirements or Part 2 regulations, or
 - (ii) the obstruction of or failure to assist an enforcement authority;
 - (b) for appeals against such sanctions.

Environment Bill, continued

- (2) Part 2 regulations must include provision to ensure that in a case where—
- (a) a regulated person fails to comply with a requirement in paragraph 2(1) or (2) in relation to their use of a forest risk commodity or a product derived from a forest risk commodity, but
 - (b) an enforcement authority is satisfied that the regulated person took all reasonable steps to implement a due diligence system in relation to the commodity used by the person in that particular case,
- a civil sanction may not be imposed on the regulated person in respect of the failure to comply.
- (3) Part 2 regulations may include provision—
- (a) creating criminal offences punishable with a fine in respect of—
 - (i) failures to comply with civil sanctions imposed under Part 2 regulations, or
 - (ii) the obstruction of or failure to assist an enforcement authority;
 - (b) about such offences.
- (4) In this paragraph “civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings).
- 14 Part 2 regulations may include provision for the imposition of sanctions of that kind whether or not—
- (a) the conduct in respect of which the sanction is imposed constitutes an offence, or
 - (b) the enforcement authority is a regulator for the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008.

Charges

- 15 Part 2 regulations may include provision—
- (a) requiring persons on whom Part 1 requirements are imposed to pay to an enforcement authority charges, as a means of recovering costs incurred by that enforcement authority in performing its functions;
 - (b) authorising a court or tribunal dealing with any matter relating to Part 1 requirements or Part 2 regulations to award to an enforcement authority costs incurred by it in performing its functions in relation to that matter.

Consultation requirement

- 16 (1) Before making Part 2 regulations the Secretary of State must consult any persons the Secretary of State considers appropriate.
- (2) The requirement to consult in sub-paragraph (1) may be met by consultation carried out before this paragraph comes into force.

PART 3

GENERAL PROVISIONS

Review

- 17 (1) The Secretary of State must review the effectiveness of the Part 1 requirements and any Part 2 regulations (“relevant provisions”) in accordance with this paragraph.

Environment Bill, *continued*

- (2) A review must consider in particular—
- (a) the amount of forest being converted to agricultural use for the purposes of producing commodities;
 - (b) the impact of the relevant provisions on the amount of forest being converted to agricultural use for the purposes of producing forest risk commodities;
 - (c) the impact of the relevant provisions on the use of forest risk commodities, or products derived from forest risk commodities, in UK commercial activities where relevant local laws were not complied with in relation to those commodities;
 - (d) any changes to relevant local laws in relation to forest risk commodities.
- (3) Having carried out a review the Secretary of State must lay before Parliament, and publish, a report stating—
- (a) the conclusions of the review, and
 - (b) the steps, if any, the Secretary of State intends to take to improve the effectiveness of the relevant provisions (including whether the Secretary of State intends to make any regulations under this Schedule).
- (4) The first review must be completed during the period—
- (a) beginning with the second anniversary of the first date on which paragraphs 2 to 4 are fully in force, and
 - (b) ending with the third anniversary of the first date on which paragraphs 2 to 4 are fully in force.
- (5) Subsequent reviews must be completed before the end of the 2 year period beginning with the day on which the previous review was completed.
- (6) A review is completed when the Secretary of State has laid and published the report.

Interpretation

- 18 (1) In this Schedule—
- “agricultural use” includes use for horticulture and aquaculture;
- “commercial activity” includes—
- (a) producing, manufacturing and processing;
 - (b) distributing, selling, or supplying;
 - (c) purchasing for a purpose within paragraph (a) or (b) (but not purchasing as a consumer);
- “due diligence system”, in relation to a forest risk commodity, has the meaning given by paragraph 3;
- “enforcement authority” has the meaning given by paragraph 9;
- “forest” has the meaning given by paragraph 1;
- “forest risk commodity” has the meaning given by paragraph 1;
- “local law”, in relation to a forest risk commodity, has the meaning given by paragraph 2;
- “Part 1 requirements” has the meaning given by paragraph 8;
- “Part 2 regulations” has the meaning given by paragraph 8;
- “regulated person”, in relation to a forest risk commodity, has the meaning given by paragraph 7;
- “relevant local law”, in relation to a forest risk commodity, has the meaning given by paragraph 2;
- “reporting period” has the meaning given by paragraph 4;

Environment Bill, *continued*

“UK commercial activity” means commercial activity carried on in the United Kingdom.

- (2) References in this Schedule to a product derived from a forest risk commodity are to a product derived from a forest risk commodity in whole or in part (and include any product of an animal fed on a forest risk commodity or a product derived from a forest risk commodity).”

Member’s explanatory statement

This new schedule contains provisions relating to the use of forest risk commodities by regulated persons in their UK commercial activities. Part 1 of the Schedule contains restrictions on the use of commodities and requirements relating to due diligence and reporting. Part 2 contains enforcement provisions. Part 3 contains a requirement for the Secretary of State to review the effectiveness of the Schedule.

ORDER OF THE HOUSE [26 FEBRUARY 2020, AS AMENDED 4 MAY 2020,
22 JUNE 2020 AND 28 SEPTEMBER 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 1 December 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.

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;

Environment Bill, *continued*

- (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
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

Environment Bill, continued

- (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.

ORDER OF THE COMMITTEE [3 NOVEMBER 2020]

That—

- (1) In paragraph (1)(d), leave out “and 2.00pm”.
- (2) In paragraph (1), leave out sub-paragraphs (e) to (l).
- (3) After paragraph (1), insert—
- “(1A) the Committee shall (in addition to its meeting at 9.25am on Tuesday 3 November) meet—
- (a) at 2.00 pm on Tuesday 3 November;
- (b) at 11.30 am and 2.00 pm on Thursday 5 November;
- (c) at 9.25 am and 2.00 pm on Tuesday 10 November;
- (d) at 11.30 am and 2.00 pm on Thursday 12 November;
- (e) at 9.25 am and 2.00 pm on Tuesday 17 November;
- (f) at 11.30 am and 2.00 pm on Thursday 19 November;
- (g) at 9.25 am and 2.00 pm on Tuesday 24 November;
- (h) at 11.30 am and 2.00 pm on Thursday 26 November;
- (i) at 9.25 am and 2.00 pm on Tuesday 1 December;”.
- (4) In paragraph (4), leave out “5 May” and insert “1 December”.

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