



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 5 March 2020

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: 76 to 104 and NC5 and NC6

PUBLIC BILL COMMITTEE

ENVIRONMENT BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order to be proposed by Rebecca Pow.

Rebecca Pow

To move, That the Bill be considered in the following order, namely, 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.

Rebecca Pow

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

Environment Bill, *continued*

Rebecca Pow

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

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

79

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

Member’s explanatory statement

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

Neil Parish
 Alex Sobel

103

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

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

(a) make a significant contribution towards the environmental objectives,
 and

(b) ensure continuous improvement of the environment as a whole.

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

Member’s explanatory statement

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

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

1

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

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

Member’s explanatory statement

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

 Environment Bill, *continued*

Kerry McCarthy

76

- ★ Clause 1, page 1, line 17, at end insert—
“(e) global footprint.”

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Abena Oppong-Asare

80

- ★ Clause 1, page 2, line 4, at end insert—
“(4A) A target under this section must be set on the basis of the best available evidence and any advice given under section (3)(1).
(4B) In setting targets under this section, the Secretary of State must take into account relevant international best practices and seek to improve on them.”

Member’s explanatory statement

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

Rebecca Pow

28

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

Member’s explanatory statement

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

Rebecca Pow

29

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

Member’s explanatory statement

See Amendment 28.

Kerry McCarthy

77

- ★ Clause 1, page 2, line 16, at end insert—
“(10) Without prejudice to subsection (6), the global footprint target is required to be met with regard to ecosystem conversion and degradation, and to deforestation and forest degradation, by 31 December 2020.”
-

Environment Bill, continued

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

Derek Thomas
 Geraint Davies

Rob Roberts

David Warburton

23

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

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

Member’s explanatory statement

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

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

81

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

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

Member’s explanatory statement

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

 Environment Bill, *continued*

Neil Parish
Geraint Davies

24

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

Member’s explanatory statement

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

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

82

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

Member’s explanatory statement

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

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

83

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

Member’s explanatory statement

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

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

84

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

“(c) include a timetable for adoption, implementation and review of the chosen measures, and the authorities responsible for their delivery, and

Environment Bill, continued

- (d) an analysis of the options considered and their estimated impact on delivering progress against the relevant targets.”

Member’s explanatory statement

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

Neil Parish
Geraint Davies

25

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

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

Member’s explanatory statement

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

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

85

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

Member’s explanatory statement

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

Neil Parish
Geraint Davies

26

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

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

Member’s explanatory statement

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

Neil Parish
Geraint Davies

27

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

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

Member’s explanatory statement

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

Environment Bill, continued

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

86

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

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

Member’s explanatory statement

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

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

88

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

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

Member’s explanatory statement

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

Environment Bill, *continued*

Neil Parish
Alex Sobel

104

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

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

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

Member’s explanatory statement

The amendment is intended to create a link between the environmental improvement plan and the targets.

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

87

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

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

Member’s explanatory statement

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

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

89

★ Clause 8, page 5, line 32, at end insert “and,

- (c) consider biodiversity reports published by authorities under section 40A of the Natural Environment and Rural Communities Act 2006 (as amended by section 94 of this Act).”

 Environment Bill, *continued*

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

90

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

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

91

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

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

92

- ★ Clause 18, page 11, line 13, leave out subsection (2)
Member’s explanatory statement
This amendment removes the proportionality limitation on the requirement to consider the policy statement on environmental principles.

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

93

- ★ Clause 18, page 11, line 19, leave out “the armed forces, defence or”
Member’s explanatory statement
This amendment removes the exceptions for armed forces and defence policy from the requirement to have due regard to the policy statement on environmental principles.

Environment Bill, continued

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

94

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

Member's explanatory statement

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

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

95

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

“(7) The Secretary of State must—

- (a) keep under consideration whether there are any steps which they could take which would or might secure better or further effect full compliance with the Aarhus Convention, and
 - (b) if they consider it appropriate to do so, take any of the steps identified by that consideration.
- (8) A report under this section must set out what steps have been taken during the reporting period to secure better or further effect full compliance with the Aarhus Convention and what steps the Secretary of State intends to take during the next reporting period to that effect.”

Member's explanatory statement

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

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

15

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

Environment Bill, continued

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

97

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

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

Member’s explanatory statement

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

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

96

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

“(6A) The Energy Act 2013 is amended in accordance with subsections (6B) and (6C).

(6B) In section 131(1), for “may” substitute “must”.

(6C) In section 131(2), after subsection (c), insert—

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

(6D) This section comes into force at the end of the period of three months beginning with the day on which this Act is passed.”

Member’s explanatory statement

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

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

98

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

Environment Bill, continued

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

99

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

Member’s explanatory statement

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

Rebecca Pow

30

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

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

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

Member’s explanatory statement

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

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

4

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

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

100

★ Clause 27, page 16, line 16, leave out “may, if the minister thinks fit” and insert “must”

Member’s explanatory statement

This amendment seeks to ensure the minister lays before parliament advice they receive on changing environmental law and, importantly, their response to that advice.

Environment Bill, *continued*

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

5

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

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

101

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

Member’s explanatory statement

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

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

6

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

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

102

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

Member’s explanatory statement

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

Environment Bill, *continued*

Rebecca Pow

31

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

Member’s explanatory statement

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

Rebecca Pow

32

Clause 43, page 26, line 16, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

See Amendment 28.

Rebecca Pow

33

Clause 43, page 26, line 21, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

See Amendment 28.

Rebecca Pow

34

Clause 43, page 26, line 22, leave out “Assembly” and insert “Senedd”

Member’s explanatory statement

See Amendment 28.

Rebecca Pow

35

Clause 44, page 27, line 7, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

See Amendment 28.

Rebecca Pow

36

Clause 44, page 27, line 17, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

See Amendment 28.

Environment Bill, continued

Kerry McCarthy

78

★ Clause 44, page 27, line 24, at end insert—

“global footprint” means—

- (a) direct and indirect environmental harm, caused by, and
 - (b) human rights violations arising in connection with the production, transportation or other handling of goods which are imported, manufactured, processed, or sold (whether for the production of other goods or otherwise), including but not limited to direct and indirect harm associated with—
 - (i) greenhouse gas emissions;
 - (ii) ecosystem conversion and degradation;
 - (iii) deforestation and forest degradation;
 - (iv) biodiversity loss;
 - (v) water pollution and abstraction; and
 - (vi) air pollution.”
-

Rebecca Pow

65

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

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

Rebecca Pow

66

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

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

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

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

Environment Bill, *continued*

Rebecca Pow

- 67**
- Schedule 3, page 148, line 18, leave out “the National Assembly for Wales” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.
-

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

- 16**
- Schedule 4, page 151, line 12, leave out “may” and insert “must”
-

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

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

Rebecca Pow

- 37**
- Clause 49, page 29, line 35, leave out “the National Assembly for Wales” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

- 38**
- Clause 49, page 29, line 36, leave out “Assembly” and insert “Senedd”
Member’s explanatory statement
See Amendment 28.
-

Environment Bill, *continued*

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

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

18

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.

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

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

19

Rebecca Pow

Clause 51, page 31, line 3, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

41

Member’s explanatory statement
See Amendment 28.

Environment Bill, continued

Rebecca Pow

42

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

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Thangam Debbonaire

Abena Oppong-Asare

20

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

Rebecca Pow

68

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

Rebecca Pow

69

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

Rebecca Pow

70

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

Environment Bill, *continued*

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

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

21

Rebecca Pow

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

43

Member’s explanatory statement
See Amendment 28.

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

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

7

Rebecca Pow

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

44

Member’s explanatory statement
See Amendment 28.

Rebecca Pow

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

45

Member’s explanatory statement
See Amendment 28.

Environment Bill, *continued*

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

- 8**
- Clause **71**, page **61**, line **25**, leave out “may” and insert “must”

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Thangam Debbonaire

Abena Opong-Asare

- 9**
- Clause **75**, page **66**, line **11**, leave out “may” and insert “must”

Rebecca Pow

- 47**
- Clause **75**, page **67**, line **20**, leave out “the Assembly” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

- 48**
- Clause **75**, page **67**, line **32**, leave out “the Assembly” and insert “Senedd Cymru”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

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

Environment Bill, *continued*

Rebecca Pow

50

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

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.

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.

Environment Bill, *continued*

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.
-

Tracey Crouch

- 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

- 22**
- Schedule **14**, page **212**, line **15**, leave out “may” and insert “must”
-

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

- 10**
- Clause **91**, page **91**, line **37**, leave out “may” and insert “must”

Environment Bill, *continued*

Tracey Crouch

Clause 91, page 92, line 1, leave out “for at least 30 years” and insert “in
perpetuity” 74

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

Luke Pollard

Ruth Jones

Daniel Zeichner

Thangam Debbonaire

Abena Opong-Asare

Clause 92, page 93, line 5, leave out “may” and insert “must” 11

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Thangam Debbonaire

Abena Opong-Asare

Clause 94, page 96, line 27, leave out “may” and insert “must” 12

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Thangam Debbonaire

Abena Opong-Asare

Clause 96, page 97, line 27, leave out “may” and insert “must” 13

Environment Bill, continued

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

14

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

Rebecca Pow

71

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

“Demesne land

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

Environment Bill, *continued*

- (b) that estate is to be regarded for those purposes as immediately derived from the determined estate.
- (4) If the Crown grants an estate out of the land after having previously taken possession or control of the land, or entered into occupation of it, the estate is to be regarded for the purposes of Part 7 and this Schedule as immediately derived from the estate mentioned in sub-paragraph (3)(a).
- (5) But if the Crown grants an estate out of the land without having previously taken possession or control of the land, or entered into occupation of it—
 - (a) the acts of the Crown in granting that estate are not to be regarded for the purposes of Part 7 and this Schedule as taking possession or control of the land, or entering into occupation of it, and
 - (b) the new estate is to be regarded for those purposes as immediately derived from the determined estate.
- (6) In this paragraph and paragraph 3B “the Crown” means Her Majesty in right of the Crown or of the Duchy of Lancaster, or the Duchy of Cornwall, as the case may be.”

Bona vacantia

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

3

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

- “(1A) Regulations made under this paragraph must not regress upon the protections or standards of any Article or Annex of the REACH Regulation.
- (1B) Subject to sub-paragraph (1A), the Secretary of State—
 - (a) must make regulations under this paragraph to maintain, and
 - (b) may make regulations under this paragraph to exceed parity of all protections and standards of chemical regulation with any new or amended regulations of the European Parliament and of the Council concerning the regulation of chemicals.”

Environment Bill, continued
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.

Rebecca Pow

Schedule 19, page 230, line 47, leave out “the National Assembly for Wales” and insert “Senedd Cymru” 72

Member's explanatory statement

See Amendment 28.

Rebecca Pow

Schedule 19, page 230, line 48, leave out “Assembly” and insert “Senedd” 73

Member's explanatory statement

See Amendment 28.

 Rebecca Pow

Clause 126, page 113, line 28, leave out “the National Assembly for Wales” and insert “Senedd Cymru” 58

Member's explanatory statement

See Amendment 28.

Rebecca Pow

Clause 126, page 113, line 36, leave out “the National Assembly for Wales” and insert “Senedd Cymru” 59

Member's explanatory statement

See Amendment 28.

Rebecca Pow

Clause 126, page 113, line 37, leave out “Assembly” and insert “Senedd” 60

Member's explanatory statement

See Amendment 28.

 Rebecca Pow

Clause 127, page 114, leave out line 32 and insert “Senedd Cymru” 61

Member's explanatory statement

See Amendment 28.

Environment Bill, continued

Rebecca Pow

62

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

Member’s explanatory statement

See Amendment 28.

 Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Thangam Debbonaire

Abena Oppong-Asare

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.

 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.

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

NC1

To move the following Clause—

“The environmental objective

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

Member’s explanatory statement

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

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

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.”

Environment Bill, continued
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

NC3

To move the following Clause—

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

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

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

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

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

Member's explanatory statement

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

Environment Bill, *continued*

Kerry McCarthy

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.
- (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

Environment Bill, *continued*

- (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.

ORDER OF THE HOUSE [26 FEBRUARY 2020]

That the following provisions shall apply to the Environment Bill:

Committal

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

Proceedings in Public Bill Committee

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

Proceedings on Consideration and up to and including Third Reading

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

Environment Bill, *continued*

Other proceedings

7. Any other proceedings on the Bill may be programmed.
-