



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Friday 23 October 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: NC28 to NC29

PUBLIC BILL COMMITTEE

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This document includes all amendments remaining before the committee and includes any withdrawn amendments at the end.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]

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

Thangam Debbonaire

Alex Sobel

Lloyd Russell-Moyle

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;

Environment Bill, *continued*

- (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.

Neil Parish
Alex Sobel

112

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

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

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

Richard Graham

201

Clause 7, page 5, line 10, leave out “may” and insert “must”

Member’s explanatory statement

This amendment would require the Government to include steps to improve people’s enjoyment of the natural environment in its Environmental Plan.

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

Thangam Debbonaire

Alex Sobel

Lloyd Russell-Moyle

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,

Environment Bill, *continued*

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

Thangam Debbonaire

Alex Sobel

Lloyd Russell-Moyle

89

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

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

Thangam Debbonaire

Alex Sobel

Lloyd Russell-Moyle

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."
-

Environment Bill, continued

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

Thangam Debbonaire

Alex Sobel

Lloyd Russell-Moyle

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

Thangam Debbonaire

Alex Sobel

Lloyd Russell-Moyle

92

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

Member’s explanatory statement

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

Deidre Brock

114

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

Member’s explanatory statement

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

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

Thangam Debbonaire

Alex Sobel

Lloyd Russell-Moyle

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

Thangam Debbonaire
 Lloyd Russell-Moyle

Deidre Brock

Alex Sobel

94

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

Member's explanatory statement

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

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Gill Furniss

195

Clause 20, page 12, line 16, at end insert—

“(1A) The Secretary of State must—

- (a) consult on the criteria and thresholds to be applied in determining significance for the purposes of subsection (1), and
- (b) publish guidance on those matters reflecting the results of the consultation.”

Member's explanatory statement

This amendment would require the Government to consult on what counts as “significant” for the purposes of this Clause.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Gill Furniss

196

Clause 20, page 12, line 19, at end insert—

“(2A) The report must include—

- (a) the results of an independent assessment of developments in international environmental protection legislation, and
- (b) the Government's proposed response to those developments.”

Member's explanatory statement

This amendment would require the report to include an independent assessment and the Government's response to it.

Environment Bill, *continued*

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

Thangam Debbonaire

Alex Sobel

Lloyd Russell-Moyle

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
 Gill Furniss

197

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

“(7) The Secretary of State must make an oral statement to Parliament about the report as soon as reasonably practicable following the laying of the report.”

Member’s explanatory statement

This amendment would require an oral statement to accompany the written report.

Environment Bill, continued

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

Thangam Debbonaire

Lloyd Russell-Moyle

179

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

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

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

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle

15

Schedule 1, page 122, 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

154

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

Member’s explanatory statement

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

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

Abena Opong-Asare

Lloyd Russell-Moyle

155

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

Member’s explanatory statement

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

Environment Bill, continued

Deidre Brock

188

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

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

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

Member’s explanatory statement

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

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Thangam Debbonaire

Abena Oppong-Asare

Lloyd Russell-Moyle

157

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

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

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

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

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

Member’s explanatory statement

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

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Thangam Debbonaire

Abena Oppong-Asare

Lloyd Russell-Moyle

156

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

Member’s explanatory statement

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

Environment Bill, continued

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

Thangam Debbonaire

Alex Sobel

Lloyd Russell-Moyle

97

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

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

Member’s explanatory statement

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

Deidre Brock

189

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

Member’s explanatory statement

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

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

Thangam Debbonaire

Alex Sobel

Lloyd Russell-Moyle

105

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

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

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

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

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

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

Member’s explanatory statement

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

Rebecca Pow

203

Clause 22, page 13, line 22, after “33(1)(b)” insert “, 35(1)(b)”

Member’s explanatory statement

This amendment is consequential on Amendment 208. It requires the OEP’s enforcement policy to set out how the OEP will determine whether a failure to comply with environmental law is serious for the purposes of clause 35(1)(b), which is inserted by Amendment 208.

Environment Bill, continued

Rebecca Pow

204

Clause 22, page 13, line 22, after “36(1)” insert “and (6A)”

Member’s explanatory statement

This amendment is consequential on Amendment 220. It requires the OEP’s enforcement policy to set out how the OEP will determine whether a failure to comply with environmental law is serious for the purposes of clause 36(6A), which is inserted by Amendment 220.

Deidre Brock

190

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

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

Member’s explanatory statement

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

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Abena Oppong-Asare

Thangam Debbonaire

Alex Sobel

Lloyd Russell-Moyle

98

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

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Abena Oppong-Asare

Thangam Debbonaire

Alex Sobel

Lloyd Russell-Moyle

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.

Environment Bill, continued

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 Opong-Asare

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle

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
 Thangam Debbonaire

Abena Opong-Asare

Lloyd Russell-Moyle

117

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

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

Member’s explanatory statement

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

Environment Bill, continued

Deidre Brock

191

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

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

Member’s explanatory statement

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

Deidre Brock

192

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

Member’s explanatory statement

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

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Abena Oppong-Asare

Thangam Debbonaire

Alex Sobel

Lloyd Russell-Moyle

5

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

Member’s explanatory statement

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

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Abena Oppong-Asare

Thangam Debbonaire

Alex Sobel

Lloyd Russell-Moyle

6

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

Member’s explanatory statement

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

Environment Bill, continued

Rebecca Pow

205

Clause 32, page 19, line 2, at end insert—

“(aa) explains why the OEP considers that the alleged failure, if it occurred, would be serious, and”

Member’s explanatory statement

Under clause 32 the OEP may give a public authority an information notice if it has reasonable grounds to suspect that the authority has failed to comply with environmental law, and it considers that the failure, if it occurred, would be serious. This amendment requires the information notice to explain why the OEP considers that the alleged failure, if it occurred, would be serious.

Rebecca Pow

206

Clause 33, page 19, line 36, at end insert—

“(aa) explains why the OEP considers that the failure is serious, and”

Member’s explanatory statement

Under clause 33 the OEP may give a public authority a decision notice if it is satisfied, on the balance of probabilities, that the authority has failed to comply with environmental law, and it considers that the failure is serious. This amendment requires the decision notice to explain why the OEP considers that the failure is serious.

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Thangam Debbonaire

Abena Oppong-Asare

Lloyd Russell-Moyle

118

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

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

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

Member’s explanatory statement

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

Rebecca Pow

207

Clause 35, page 20, line 40, leave out “Upper Tribunal” and insert “court”

Member’s explanatory statement

This amendment replaces a reference to the Upper Tribunal with a reference to the court, which means either the High Court or the Court of Session. Similar changes are made by Amendments 210, 211, 212, 214 and 216.

Environment Bill, continued

Rebecca Pow

208

Clause 35, page 20, line 40, at end insert “, but only if—

(a) it is satisfied, on the balance of probabilities, that the authority has failed to comply with environmental law, and

(b) it considers that the failure is serious.”

Member’s explanatory statement

This amendment provides that the OEP may only bring an environmental review against a public authority if it is satisfied on the balance of probabilities that the authority has failed to comply with environmental law, and it considers the failure is serious. This aligns the conditions for bringing an environmental review with the conditions for giving a decision notice.

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Thangam Debbonaire

Abena Oppong-Asare

Lloyd Russell-Moyle

123

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

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

Member’s explanatory statement

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

Rebecca Pow

209

Clause 35, page 21, line 1, leave out paragraph (b)

Member’s explanatory statement

The OEP may only bring an environmental review after it has given a decision notice. This amendment removes the OEP’s power to bring an environmental review in relation to conduct occurring after a decision notice is given, which is similar or related to the conduct described in the decision notice.

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Thangam Debbonaire

Abena Oppong-Asare

Lloyd Russell-Moyle

119

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

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

Environment Bill, *continued*

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

Member’s explanatory statement

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

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

Abena Oppong-Asare

Lloyd Russell-Moyle

120

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

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

Member’s explanatory statement

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

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

Abena Oppong-Asare

Lloyd Russell-Moyle

124

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

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

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

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

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

Member’s explanatory statement

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

Rebecca Pow

210

Clause 35, page 21, line 15, leave out “Upper Tribunal” and insert “court”

Member’s explanatory statement

See Amendment 207.

Environment Bill, *continued*

- Rebecca Pow 211
- Clause 35, page 21, line 18, leave out “Upper Tribunal” and insert “court”
Member’s explanatory statement
See Amendment 207.
- Rebecca Pow 212
- Clause 35, page 21, line 23, leave out “Upper Tribunal” and insert “court”
Member’s explanatory statement
See Amendment 207.
- Rebecca Pow 213
- Clause 35, page 21, line 24, leave out “the court” and insert “it”
Member’s explanatory statement
This amendment is consequential on Amendment 212. It replaces a reference to the court to avoid repetition.
- Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire
- Abena Oppong-Asare Lloyd Russell-Moyle 121
- Clause 35, page 21, line 24, leave out from “review” to end of line 28.
Member’s explanatory statement
This amendment allows the Upper Tribunal to grant any remedy it thinks fit.
- Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare
- Thangam Debbonaire Lloyd Russell-Moyle 180
- Clause 35, page 21, line 28, at end insert—
 “(8A) Where the Upper Tribunal makes a statement of non-compliance, it may issue ongoing financial penalties where it deems these to be necessary.”
Member’s explanatory statement
The amendment would clarify that the Tribunal has the power to issues fines in instances of non-compliance.

 Environment Bill, *continued*

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

Thangam Debbonaire

Lloyd Russell-Moyle

184

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

“(8A) Where the Upper Tribunal makes a statement of non-compliance it may impose a remediation requirement to take such steps as it may specify, within such period as it may specify, to secure that the net environmental position is restored to what it would have been if the offence had not been committed.”

Member’s explanatory statement

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

Rebecca Pow

214

Clause 35, page 21, line 29, leave out “Upper Tribunal” and insert “court”

Member’s explanatory statement

See Amendment 207.

Rebecca Pow

215

Clause 35, page 21, line 31, leave out from “review” to end of line 32

Member’s explanatory statement

This amendment is consequential on Amendment 214. It omits words that are no longer required relating to remedies granted by the court.

Rebecca Pow

216

Clause 35, page 21, line 33, leave out “Upper Tribunal” and insert “court”

Member’s explanatory statement

See Amendment 207.

Rebecca Pow

217

Clause 36, page 22, line 11, at end insert “, and

(b) the urgency condition is met.”

Member’s explanatory statement

This amendment provides that the OEP may only bring a judicial review under clause 36, rather than proceeding by way of information notice, decision notice and environmental review, in urgent cases. Amendments 218 and 219 define what is meant by urgent.

Rebecca Pow

218

Clause 36, page 22, line 12, leave out from beginning to “(rather” in line 13 and

Environment Bill, continued

insert “The urgency condition is that making an application under subsection (1)”

Member’s explanatory statement

This amendment, together with Amendment 219, provides that a case is urgent only if it is necessary to bring a judicial review, rather than proceeding by way of information notice, decision notice and environmental review, to prevent or mitigate serious damage to the natural environment or to human health.

Rebecca Pow

219

Clause 36, page 22, line 14, after “35)” insert “is necessary”

Member’s explanatory statement

See Amendment 218.

Rebecca Pow

220

Clause 36, page 22, line 29, leave out subsection (6) and insert—

“(6) Subsection (6A) applies to proceedings (including any appeal) that—

- (a) are in respect of an application for judicial review or a statutory review, and
- (b) relate to an alleged failure by a public authority to comply with environmental law (however the allegation is framed in those proceedings).

(6A) If the OEP considers that the alleged failure, if it occurred, would be serious, it may apply to intervene in the proceedings (whether it considers that the public authority has, or has not, failed to comply with environmental law).”

Member’s explanatory statement

This amendment provides that the OEP may apply to intervene in a judicial or statutory review relating to an alleged failure by a public authority to comply with environmental law only if it considers that the failure, if it occurred, would be serious. If that test is satisfied, it may apply to intervene whether or not it considers that the authority has in fact failed to comply with environmental law.

Geraint Davies
Mr Barry Sheerman

113

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

Environment Bill, continued

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

Abena Oppong-Asare

Lloyd Russell-Moyle

126

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

Member’s explanatory statement

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

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

Abena Oppong-Asare

Lloyd Russell-Moyle

125

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

Member’s explanatory statement

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

Deidre Brock

193

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

“(d) the marine environment,”

Member’s explanatory statement

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

Rebecca Pow

31

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

Member’s explanatory statement

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

Environment Bill, continued

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

Abena Oppong-Asare

Lloyd Russell-Moyle

127

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

Member’s explanatory statement

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

Deidre Brock

115

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

Member’s explanatory statement

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

Deidre Brock

116

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

Member’s explanatory statement

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

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.

Environment Bill, continued

Rebecca Pow

35

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

Member’s explanatory statement

See Amendment 28.

Rebecca Pow

36

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

Member’s explanatory statement

See Amendment 28.

Kerry McCarthy

Alex Sobel

78

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

“global footprint” means—

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

 Claire Hanna
 Colum Eastwood

194

Schedule 2, page 127, line 6, leave out sub-paragraph (4) and insert—

“(4) An environmental improvement plan must set out—

- (a) the steps that the Department intends to take to improve the natural environment;
- (b) any steps that any other Northern Ireland department intends to take to improve the natural environment;
- (c) long-term targets, setting a measurable standard which must be achieved by a specified date that is no less than 15 years after the target is set; and
- (d) interim targets relating to each long-term target, setting a measurable standard which must be achieved by a specified date that is—
 - (i) no more than 5 years after the target is set; and
 - (ii) no more than 5 years after the most recent review of the environmental improvement plan.

Environment Bill, continued

- (4A) It is the duty of the Department to ensure that all long-term and interim targets set in an environmental improvement plan are met and the Department must publish an annual report stating how it is meeting these targets.”

Member’s explanatory statement

The amendment will ensure that Northern Ireland has interim and long-term environmental targets, and places a duty on the Department of Agriculture, Environment and Rural Affairs to ensure these targets are met.

Richard Graham

202

- Schedule 2, page 127, line 11, leave out “may” and insert “must”

Member’s explanatory statement

This amendment would require the Government to include steps to improve people’s enjoyment of the natural environment in its Environmental Plan and is consequential on Amendment 201.

Rebecca Pow

65

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

Member’s explanatory statement

This amendment makes provision for Northern Ireland equivalent to the provision made by Amendment 31.

Rebecca Pow

66

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

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

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

Member’s explanatory statement

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

Rebecca Pow

221

- Schedule 3, page 146, line 24, at end insert—

“22A(1) Section (*Guidance on OEP’s enforcement policy and functions*) (*guidance on OEP’s enforcement policy and functions*) is amended as follows.

(2) At the end of subsection (1) insert “, so far as relating to the OEP’s Part 1 enforcement functions.”

(3) In subsection (2)—

(a) in paragraph (a) after “policy,” insert “so far as relating to its Part 1 enforcement functions,”;

(b) in paragraph (b) for “enforcement functions” substitute “Part 1 enforcement functions”.

Environment Bill, continued

- (4) In subsection (5) for “enforcement functions” substitute “Part 1 enforcement functions”.”

Member’s explanatory statement

Schedule 3 to the Bill confers on the OEP enforcement functions in relation to Northern Ireland, which are similar to its enforcement functions under Part 1 of the Bill. Guidance issued by the Secretary of State under NC24 is not to apply to the enforcement functions conferred by Schedule 3, which are devolved. This amendment ensures that when Schedule 3 comes into force, the guidance power under NC24 will be limited to the OEP’s enforcement functions under Part 1 of the Bill and will not include its enforcement functions under Schedule 3.

Rebecca Pow

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

67

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

16

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

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

Abena Oppong-Asare

Lloyd Russell-Moyle

158

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

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

Abena Oppong-Asare

Lloyd Russell-Moyle

159

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

Environment Bill, *continued*

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

Abena Oppong-Asare Lloyd Russell-Moyle

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

160

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

Jessica Morden Alex Sobel Lloyd Russell-Moyle

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

17

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

Abena Oppong-Asare Lloyd Russell-Moyle

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

161

Rebecca Pow

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

37

Rebecca Pow

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

38

Environment Bill, *continued*

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

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle

18

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

Rebecca Pow

39

Clause 50, page 30, line 20, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member’s explanatory statement

See Amendment 28.

Rebecca Pow

40

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

Member’s explanatory statement

See Amendment 28.

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

Jessica Morden

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 Oppong-Asare

Lloyd Russell-Moyle

162

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

Environment Bill, *continued*

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

Abena Oppong-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 Oppong-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.”

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

Abena Oppong-Asare

Lloyd Russell-Moyle

165

Schedule 7, page 167, line 22, after “environment” insert “workers or communities”

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

Abena Oppong-Asare

Lloyd Russell-Moyle

166

Schedule 7, page 167, line 25, after “environment” insert “workers or communities”

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 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.

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

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle

Schedule 8, page 170, line 9, leave out “may” and insert “must” 20

Rebecca Pow

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” 68
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.

Environment Bill, *continued*

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 Oppong-Asare

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle

21

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

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”

Environment Bill, *continued*

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”
-

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Abena Oppong-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.

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 Oppong-Asare

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle

- 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 Oppong-Asare

Jessica Morden

Lloyd Russell-Moyle

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

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Thangam Debbonaire

Abena Oppong-Asare

Lloyd Russell-Moyle

- 130**
- Clause 75, page 66, line 22, at end insert “including persons or bodies representing the interests of those likely to be affected”

Rebecca Pow

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

Environment Bill, continued

Rebecca Pow

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

Philip Dunne
 Richard Graham
 Mrs Emma Lewell-Buck

- 200**
- 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,”

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”

Environment Bill, *continued*

Rebecca Pow

51

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

Rebecca Pow

52

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

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

Abena Oppong-Asare

Lloyd Russell-Moyle

132

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

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

Abena Oppong-Asare

Lloyd Russell-Moyle

133

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

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

Abena Oppong-Asare

Lloyd Russell-Moyle

134

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

Environment Bill, *continued*

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

Abena Oppong-Asare

Lloyd Russell-Moyle

135

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.”

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.

Environment Bill, *continued*

Rebecca Pow

57

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

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

Abena Oppong-Asare

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.

Environment Bill, *continued*

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

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle

22

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

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

Abena Opong-Asare

Lloyd Russell-Moyle

170

Schedule 14, page 212, leave out line 26

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

Abena Opong-Asare

Lloyd Russell-Moyle

171

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

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

Abena Opong-Asare

Lloyd Russell-Moyle

172

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.

Environment Bill, *continued*

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

Jessica Morden
 Lloyd Russell-Moyle

Kerry McCarthy

Alex Sobel

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

Tracey Crouch

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

Jessica Morden
 Lloyd Russell-Moyle

Kerry McCarthy

Alex Sobel

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

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

Abena Opong-Asare

Lloyd Russell-Moyle

Clause 92, page 94, line 5, at end insert— 136

“(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 Opong-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 Opong-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 Opong-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.”

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

Abena Opong-Asare

Lloyd Russell-Moyle

137

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

Environment Bill, *continued*

“(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

Clause 94, page 95, line 30, at the end insert “(d) Natural England and the Environment Agency” **186**

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

Abena Opong-Asare

Lloyd Russell-Moyle

Clause 94, page 95, line 43, at end insert— **141**
 “(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

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

Jessica Morden
 Lloyd Russell-Moyle

Kerry McCarthy

Alex Sobel

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
 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

Luke Pollard

Ruth Jones

Daniel Zeichner

Jessica Morden

Thangam Debbonaire

Abena Oppong-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 Oppong-Asare

Lloyd Russell-Moyle

176

Schedule 19, page 231, line 38, at end insert—

Environment Bill, continued

“Articles 32, 33 and 34 (communication in the supply chain & a right to know for consumers)”

Member’s explanatory statement

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

Kerry McCarthy
Alex Sobel

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

110

Kerry McCarthy
Alex Sobel

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

111

Rebecca Pow

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

58

Rebecca Pow

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

59

Rebecca Pow

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

60

Environment Bill, continued

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”

Member’s explanatory statement

See Amendment 28.

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

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.

Environment Bill, *continued*

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”

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.

Environment Bill, continued

Rebecca Pow

64

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

Rebecca Pow

NC4

To move the following Clause—

“Memorandum of understanding

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

Member’s explanatory statement

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

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.

Environment Bill, *continued*

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,
 - (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;

Environment Bill, *continued*

“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.
- (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

Environment Bill, *continued*

- 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
- (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 co-operate 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.

Environment Bill, continued

- (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;
 - “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

Environment Bill, *continued*

- (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.

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

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle
 NCI

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.

Environment Bill, *continued*

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

Environment Bill, *continued*

- (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.
- (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;

Environment Bill, continued

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

Kerry McCarthy
Alex Sobel

NC9

To move the following Clause—

“Animal Testing: REACH Regulation

- (1) The Secretary of State must by regulations set targets for the replacement of types of tests on animals conducted to protect human health and the environment within the scope of the REACH Regulation, and for the reduction pending replacement of the numbers of animals used and the suffering they endure.

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).”
-

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
- (c) any other targets that meet the conditions in section 6(8)

Environment Bill, *continued*

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.”

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.
-

Environment Bill, *continued*

ORDER OF THE COMMITTEE [10 MARCH 2020]

That—

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

TABLE

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

Environment Bill, *continued*

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

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

Rebecca Pow

That, notwithstanding the Committee's order of 10 March, the Committee, at the conclusion of proceedings at the sitting starting at 11.30am on 19 March, do adjourn to a time and date to be fixed by the Chair.

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
