



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Wednesday 20 January 2021

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: 39 to 41 and NC14 to NC16

CONSIDERATION OF BILL (REPORT STAGE)

ENVIRONMENT BILL, AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Caroline Lucas
Jonathan Edwards
Clive Lewis
Sarah Olney
Liz Saville Roberts
Claire Hanna

Stephen Farry
Hywel Williams

Wera Hobhouse
Daisy Cooper

Ben Lake
Beth Winter

NC1

To move the following Clause—

“Environmental Principles: public authorities

- (1) A public authority, must, when exercising their functions (including the making of policy and legislation), act in accordance with the environmental principles currently in effect.
- (2) The duty in subsection (1) does not apply to policy relating to Wales.

Environment Bill, *continued*

- (3) In this section, “legislation” means—
- (a) an Act of Parliament; and
 - (b) subordinate legislation.”

Member’s explanatory statement

This new clause would require public authorities to act in accordance with environmental principles when exercising their functions.

Bill Wiggin

NC2

To move the following Clause—

“Assessment of Plans

- (1) The Conservation of Habitats and Species Regulations 2017/1012 are amended as follows.
 - (2) In Regulation 63 (Assessment of implications for European sites and European offshore marine sites) the following are amended—
 - (a) in paragraph (1) for “must” substitute “may”;
 - (b) in paragraph (3) for “must” substitute “may”;
 - (c) in paragraph (4) for “must” substitute “may”;
 - (d) omit paragraph (5) and insert “In the light of the conclusions of the assessment, and subject to regulation 64, the competent authority may take the assessment into account in deciding whether it will agree to the plan or project”; and
 - (e) in paragraph (6) for “must” substitute “may”.”
-

Bill Wiggin

NC3

To move the following Clause—

“Phosphates Levels

In making decisions on planning decisions, the competent authority can disregard any impact of the potential build and its long-term consequences on the level of phosphates in the water.”

Environment Bill, *continued*

Chris Grayling
Sir Desmond Swayne
Caroline Nokes
Mr Philip Hollobone
Dame Cheryl Gillan
Mr Andrew Mitchell

Mr Ian Liddell-Grainger
Tracey Crouch
Dr Liam Fox

Andrew Selous
Sir Oliver Heald
Sir Greg Knight

Hilary Benn
Neil Parish
Debbie Abrahams

NC4

To move the following Clause—

“Protected species: Hedgehog

- (1) The Wildlife and Countryside Act 1981 is amended in accordance with subsection (2).
- (2) At the end of Schedule 5 (*Animals which are protected*) insert—

“hedgehog

Erinaceus europaeus”

Member’s explanatory statement

This new clause would add the hedgehog to the list of protected animals under the Wildlife and Countryside Act. This would introduce a legal imperative to search for hedgehogs in developments, and a legal imperative to mitigate for them.

Hilary Benn
Sir Oliver Heald
Henry Smith
Dr Matthew Offord
Debbie Abrahams
Kerry McCarthy

Helen Hayes
Caroline Lucas

Alex Sobel

Layla Moran

NC5

To move the following Clause—

“State of nature target

- (1) It is the duty of the Secretary of State to set a target to halt and begin to reverse the decline in the state of nature in England as soon as reasonably practicable and no later than 2030.
- (2) The target in subsection (1) shall be known as the state of nature target.
- (3) The Secretary of State must ensure that the state of nature target is met.
- (4) A draft statutory instrument containing regulations that make provision for how progress toward the state of nature target will be measured must be laid before Parliament at least one month before the fifteenth Conference of the Parties to the Convention on Biological Diversity.

Environment Bill, *continued*

- (5) Before laying before Parliament a draft of a statutory instrument under this section, the Secretary of State must obtain, publish and take into account the advice of relevant experts, including—
- (a) The Environment Agency;
 - (b) Natural England;
 - (c) The Office for Environment Protection; and
 - (d) The Joint Nature Conservation Committee.
- (6) In this section—
- “the state of nature” includes—
- (a) the abundance and distribution of species;
 - (b) the risk of extinction; and
 - (c) the extent and condition of priority habitats.
- “priority habitats” refers to the habitats listed under Section 41 of the Natural Environment and Rural Communities Act 2006.”

Member’s explanatory statement

This new clause would place a duty on the Secretary of State to set and meet a target to begin to reverse the loss of biodiversity in England no later than 2030. This timetable would align with the new Convention on Biological Diversity goals that are due to be agreed in 2021.

Geraint Davies
John McNally
Layla Moran
Liz Saville Roberts
Caroline Lucas
Colum Eastwood

Barry Gardiner
Ian Byrne
Mr Virendra Sharma

Rosie Duffield
Carla Lockhart
Beth Winter

Claire Hanna
Debbie Abrahams
Clive Lewis

NC6

To move the following Clause—

“Clean Air Duty

- (1) The Secretary of State must prepare and publish an annual policy statement setting out how the Government is working to improve air quality, and must lay a copy of the report before Parliament.
- (2) The annual policy statement in subsection (1) must include—
 - (a) how public authorities are improving air quality, including indoor air quality; and
 - (b) how Government departments are working together to improve air quality, including indoor air quality.
- (3) A Minister of the Crown must, not later than three months after the report has been laid before Parliament, table a motion in the House of Commons in relation to the report.”

Environment Bill, continued

Member's explanatory statement

This new clause requires the Secretary of State to publish an annual report on air quality, which includes indoor air quality and the work of public authorities and Government departments working together to improve it.

Ruth Jones
 Dr Alan Whitehead
 Daniel Zeichner
 Luke Pollard
 Gill Furniss
 Stephanie Peacock

Kerry McCarthy

NC7

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 must 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*

Ruth Jones
Dr Alan Whitehead
Daniel Zeichner
Luke Pollard
Gill Furniss
Stephanie Peacock

Kerry McCarthy

NC8

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, starting with the priority action of prevention.
- (2) In this section, “waste hierarchy” has the same meaning as in the Waste (England and Wales) Regulations 2011 (S.I. 2011/988).”

Ruth Jones
Dr Alan Whitehead
Daniel Zeichner
Luke Pollard
Gill Furniss
Stephanie Peacock

Kerry McCarthy

NC9

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.

Environment Bill, *continued*

- (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.”
-

David Linden

NC10

To move the following Clause—

“Environmental impact of nappy waste

- (1) Schedule [*Environmental impact of nappy waste*] confers powers on the relevant national authority to make regulations about environmental standards for nappies.
- (2) The relevant national authority means—
 - (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers or the Secretary of State;
 - (c) in relation to Scotland, the Scottish Ministers or the Secretary of State;
 - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland or the Secretary of State.
- (3) Regulations are subjective to the negative procedure.”

Member’s explanatory statement

The new clause enables the addition of NS1 which is intended to reduce the impact on the environment of disposable nappies, and has been adapted from a Private Member’s Bill (Bill 299) on this matter.

Chris Loder
Geraint Davies
Sir Roger Gale

NC11

To move the following Clause—

“Environmental targets: plastic pollution

- (1) The Secretary of State must by regulations set targets (“the plastics reduction targets”) in respect of the reduction of plastic pollution and to reduce the volume of non-essential single-use plastic products sold.
- (2) The plastics reduction targets may, but need not, be long-term.
- (3) The duty in subsection (1) is in addition to (and does not discharge) the duty in section 1(2) to set a long-term target in relation to resource efficiency and waste reduction.

Environment Bill, *continued*

- (4) Section 1(4) to (9) applies to the plastics reduction targets and to regulations under this section as it applies to targets set under section 1 and to regulations under that section.
- (5) In this section—
- (a) the term “plastics pollution” means the introduction of plastic materials or plastic-containing products into the environment, and
 - (b) the term “non-essential single-use plastic products” means products intended to be used once then disposed of where their use is not essential for medical, environmental, health and safety, national security or other essential purposes as defined by the Secretary of State.”

Member’s explanatory statement

This new clause would require the Secretary of State to set targets to reduce plastic pollution and reduce the volume of non-essential single-use plastic products sold.

Ruth Jones
 Dr Alan Whitehead
 Luke Pollard
 Daniel Zeichner
 Fleur Anderson
 Gill Furniss

Stephanie Peacock

Kerry McCarthy

NC12

To move the following Clause—

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

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

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

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

Environment Bill, continued

Member's explanatory statement

This new clause 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.

Caroline Lucas
 Mohammad Yasin

NC13

To move the following Clause—

“Air quality in rural areas: application of pesticides

- (1) For the purposes of improving air quality and protecting human health and the environment in rural areas, the Secretary of State must by regulations make provision prohibiting the application of pesticides for the purposes of agriculture or horticulture near—
 - (a) buildings used for human habitation; and
 - (b) public or private buildings and associated open spaces where members of the public may be present, including but not limited to—
 - (i) schools and childcare nurseries;
 - (ii) hospitals and health care facilities.
- (2) Regulations under subsection (1) must specify a minimum distance from any of the locations listed under subsection (1)(a) and (b) to be maintained during the application of any pesticide.
- (3) In determining the distance in subsection (2), the Secretary of State must be guided by the optimum distance that would make significant difference in air quality for people using the locations listed in subsection (1).
- (4) In this section “public building” includes any building used for the purposes of education.
- (5) Regulations under this section are subject to affirmative resolution procedure.”

Member's explanatory statement

This new clause would require the Secretary of State to make regulations to prohibit the application and pollution of chemical pesticides near buildings and spaces used by residents and members of the public, with the aim of improving air quality and protecting human health and the environment in rural areas.

Theresa Villiers
 Bob Seely

NC14

★ To move the following Clause—

“OEP function to consider housing targets

- (1) The OEP will have the power to consider appeals on housing targets set by public authorities in England.
- (2) An individual affected by the targets in subsection (1) will have the right of appeal to the OEP.

Environment Bill, *continued*

- (3) In determining an appeal under subsection (1) the OEP may either—
 - (a) reject; or
 - (b) reduce the housing target set by the public authority.
 - (4) In dealing with the appeal set out in subsection (1) the OEP must have regard to the impacts the housing targets will have on compliance with the UK’s environmental targets.”
-

Theresa Villiers
Bob Seely

NC15

- ★ To move the following Clause—

“Net zero carbon target as condition of planning permission

- (1) The Town and Country Planning Act 1990 is amended as set out in section (2).
 - (2) After section 70(2), insert—
 - “(2A) Any grants of planning permission for residential development in England must be subject to a condition to secure that a net zero-carbon target objective during construction and ongoing occupation of the building is achieved.””
-

Theresa Villiers
Bob Seely

NC16

- ★ To move the following Clause—

“Protection of bio-diversity as condition of planning permission

- (1) The Town and Country Planning Act 1990 is amended as set out in section (2).
 - (2) After section 70(2), insert—
 - “(2A) Any grants of planning permission for residential development in England must be subject to a condition that such a development does not have a detrimental effect on the local levels of nature conservation and bio-diversity.””
-

Caroline Lucas
Barbara Keeley
Dan Jarvis

21

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

“(e) Public access to and enjoyment of the natural environment.”

Member’s explanatory statement

This amendment is designed to require the Government to set legally-binding, long-term targets to increase public access to, and enjoyment of the natural environment.

Environment Bill, *continued*

Jonathan Edwards

40

★ Clause 1, page 2, line 20, at end insert—

“(10) In setting a target, the Secretary of State must take into account any targets set by Senedd Cymru.

(11) If the UK Government seeks to spend funds from the Shared Prosperity Fund on infrastructure in Wales, an impact assessment must be carried out and published on the effect of the infrastructure project on the target set by Senedd Cymru.

(12) If the impact assessment under subsection (11) finds that the infrastructure project would have a negative effect on the achievement of the target set by Senedd Cymru, the Secretary of State must seek and receive the consent of Senedd Cymru to that infrastructure spending.”

Member’s explanatory statement

This amendment would ensure that the consent of Senedd Cymru would be required before the UK Government could use the financial assistance powers in the UK Internal Market Bill to spend via the Shared Prosperity Fund on infrastructure projects in Wales which would undermine environmental targets set by Senedd Cymru.

Neil Parish
Tracey Crouch
Geraint Davies
Debbie Abrahams
Caroline Lucas
Mr Virendra Sharma

Clive Lewis

Sarah Olney

2

Clause 2, page 2, line 24, leave out subsection (2) and insert—

“(2) The PM2.5 air quality target must—

(a) be less than or equal to air quality guidelines established by the World Health Organization in 2005; and

(b) have an attainment deadline on or before 1 January 2030.”

Member’s explanatory statement

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

Ruth Jones
Dr Alan Whitehead
Daniel Zeichner
Luke Pollard
Gill Furniss
Stephanie Peacock

Kerry McCarthy

25

Clause 2, page 2, line 24, leave out subsection (2) and insert—

“(2) The PM2.5 air quality target must—

(a) be less than or equal to 10µg/m³;

Environment Bill, continued

- (b) follow World Health Organisation guidelines; and
- (c) have an attainment deadline on or before 1 January 2030.”

Member’s explanatory statement

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

Tim Loughton
Sir Roger Gale
Tracey Crouch
Sir Oliver Heald
Caroline Lucas

5

- Clause 4, page 3, line 31, at end insert “, and
(c) interim targets are met.”

Member’s explanatory statement

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

Secretary George Eustice

6

- Clause 6, page 5, line 2, at end insert—
“(9) In this section “England” includes—
(a) the English inshore region, and
(b) the English offshore region,
within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act).”

Member’s explanatory statement

This amendment provides that in Clause 6 England includes the English inshore region and the English offshore region.

Richard Graham
Barbara Keeley
Caroline Lucas
Dan Jarvis

28

- Clause 7, page 5, line 12, 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.

Environment Bill, *continued*

Luke Pollard
 Dr Alan Whitehead
 Ruth Jones
 Daniel Zeichner
 Gill Furniss

39

★ Clause 7, page 5, line 21, at end insert—

“(8) If an exemption is granted under Article 53 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council, concerning the placing of plant protection products on the market, which is likely to affect species covered by an environmental improvement plan—

(a) a report must be laid before Parliament within one month of the exemption decision on the likely effects of the exemption on populations of—

- (i) bees,
- (ii) other pollinators, and
- (iii) other species,

(b) the scientific advice given to ministers relating to the exemption must be published as an addendum to the report, and

(c) a Minister of the Crown must, not later than one month after the report is laid before Parliament under paragraph (8), move a Motion in the House of Commons in relation to the report.

(9) The requirement in paragraph (8) shall apply retrospectively to exemptions granted within the last 12 months of the coming into force of this Act.”

Member’s explanatory statement

This amendment places requirements on Ministers to allow parliamentary scrutiny of exemptions granted to allow plant protection products banned under retained EU law (such as neonicotinoid pesticides), where they are likely to impact bees and other species covered by an environmental improvement plan.

Sir Geoffrey Clifton-Brown
 Mr Jonathan Djanogly
 Mr Ian Liddell-Grainger
 Mrs Pauline Latham
 Sir Charles Walker
 Richard Drax

Mr Robert Goodwill
 Andrew Lewer

Bill Wiggin
 Sir Paul Beresford

Sir Robert Syms
 Richard Graham

4

Clause 16, page 10, line 15, at end insert—

“(3A) When applying the precautionary principle, the policy statement must comply with the provisions of the regulator’s code and must include—

- (a) a procedure for identifying and recording risk; and
- (b) a procedure for identifying and recording the social, economic and cultural impacts of action and inaction.

(3B) The policy statement in subsection (3A) must also include instructions for taking into account all activities with an environmental impact on any area of land under consideration and a procedure for ensuring that any action taken—

- (a) is proportionate to the risk posed by each activity on the land being considered; and

Environment Bill, continued

- (b) balances short term impacts against the achievement of the land’s conservation objectives.
- (3C) The precautionary principle should only apply in response to risks that are—
- (a) more than hypothetical in nature; and
 - (b) serious and irreversible.”

Member’s explanatory statement

This amendment sets out the definition of the precautionary principle when it is used in accordance with the provisions of this Bill.

Caroline Lucas
Jonathan Edwards
Clive Lewis
Sarah Olney
Liz Saville Roberts
Claire Hanna

Stephen Farry
Hywel Williams

Wera Hobhouse
Daisy Cooper

Ben Lake
Beth Winter

Clause **18**, page **11**, line **20**, leave out from “benefit” to end of clause and insert—
“(3) Subsection (1) does not apply to policy so far as relating to Wales.”

Member’s explanatory statement

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

Ruth Jones
Dr Alan Whitehead
Daniel Zeichner
Luke Pollard
Gill Furniss
Stephanie Peacock

Caroline Lucas

Page **14**, line **29**, leave out Clause 24.

Secretary George Eustice

- ☆ Clause **37**, page **22**, line **30**, at end insert “; but this does not require the court to apply section 31(2A) of the Senior Courts Act 1981 (High Court to refuse to grant relief where the outcome for the applicant not substantially different) on an environmental review in England and Wales.”

1

23

31

Environment Bill, continued

Member's explanatory statement

This amendment clarifies that section 31(2A) of the Senior Courts Act 1981 does not apply on an environmental review. Clause 38(3) already disapplies that section to judicial reviews brought by the OEP.

Secretary George Eustice

32

- ☆ Clause 59, page 46, line 39, leave out “Before section 62A” and insert “After section 62”

Member's explanatory statement

This amendment changes the way in which the location of new section 62ZA of the Environmental Protection Act 1990 is identified. It is currently inserted before section 62A of the 1990 Act, which is repealed by the Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020.

Secretary George Eustice

33

- ☆ Clause 59, page 48, line 45, leave out from beginning to first “the” in line 13 on page 49 and insert—

“(8A) In the application of this Part to England, “hazardous waste” means—

- (a) any waste identified as hazardous waste in—
 - (i) the waste list as it applies in relation to England, or
 - (ii) regulations made by the Secretary of State under regulation 3 of the Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1540), and
- (b) any other waste that is treated as hazardous waste for the purposes of—
 - (i) regulations made by the Secretary of State under section 62ZA, or
 - (ii) the Hazardous Waste (England and Wales) Regulations 2005 (S.I. 2005/894).

(8B) In the application of this Part to Wales, “hazardous waste” means—

- (a) any waste identified as hazardous waste in—
 - (i) the waste list as it applies in relation to Wales, or
 - (ii) regulations made by the Welsh Ministers under regulation 3 of the Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1540), and
- (b) any other waste that is treated as hazardous waste for the purposes of—
 - (i) regulations made by the Welsh Ministers under section 62ZA, or
 - (ii) the Hazardous Waste (Wales) Regulations 2005 (S.I. 2005/1806).

(8C) In subsections (8A) and (8B),”

Member's explanatory statement

This amendment updates the definitions of hazardous waste being inserted into Part 2 of the Environmental Protection Act 1990 to take account of the Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020.

Environment Bill, *continued*

Secretary George Eustice

34

- ☆ Clause 59, page 49, line 18, leave out from “(2000/532/EC)” to end of line 19
Member’s explanatory statement
This amendment is consequential on Amendment 33.
-

Secretary George Eustice

35

- ☆ Clause 62, page 55, line 33, leave out subsection (4)
Member’s explanatory statement
This amendment omits an amendment to section 62A of the Environmental Protection Act 1990, which is no longer needed because section 62A is repealed by the Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020.
-

Secretary George Eustice

7

- Clause 73, page 63, line 18, at end insert—
“and the regulations may provide that a reference in the regulations to a standard is to be construed as a reference to that standard as it has effect from time to time.”
Member’s explanatory statement
This amendment provides that regulations under Clause 73 specifying relevant environmental standards may specify standards as they have effect from time to time. This power to make ambulatory references will avoid the need to amend the regulations each time standards are updated.
-

Sir Charles Walker
Sir Oliver Heald
Stephen McPartland
Sarah Owen
Rachel Hopkins
Rosie Duffield

Caroline Nokes
Tracey Crouch
Dame Cheryl Gillan
Robert Halfon

Sir Graham Brady
Jon Cruddas
Chris Grayling

Steve Brine
Richard Drax
Damian Green

3

- Clause 82, page 79, line 22, after “damage” insert “, including damage from low flows”

Tim Farron

30

- ☆ Clause 82, page 80, line 26, at end insert—
“(4) The Secretary of State must prepare an annual report on water abstraction management.

Environment Bill, continued

- (5) The annual report must—
 - (a) include data for the period covered on the volume of water in England—
 - (i) licensed for abstraction, and
 - (ii) abstracted.
 - (b) state whether the natural environment of these water sources has, or particular aspects of it have, improved during that period based on the data, and
 - (c) assess the impact of water abstraction in that period on the natural environment of chalk streams.
- (6) The first annual report on water abstraction may relate to any 12 month period that includes the day on which this section comes into force.
- (7) The annual report must be published and laid before Parliament within 4 months of the last day of the period to which the report relates.”

Member’s explanatory statement

The purpose of this amendment is to monitor more closely the environmental impact of water abstraction on chalk streams with annual reporting.

Secretary George Eustice

8

Clause 91, page 91, line 31, leave out “section 154(1) of the Criminal Justice Act 2003” and insert “paragraph 24(2) of Schedule 22 to the Sentencing Act 2020”

Member’s explanatory statement

Section 154(1) of the Criminal Justice Act 2003 has been replaced by paragraph 24(2) of Schedule 22 to the Sentencing Act 2020. This amendment updates the cross-reference in consequence.

Sarah Olney
Caroline Lucas

29

Clause 95, page 96, line 19, leave out subsection (5) and insert—

“(5) After subsection (2) insert—

- “(2A) the authority must act in accordance with any relevant local nature recovery strategy in the exercise of relevant functions, including—
 - (a) land use planning and planning decisions;
 - (b) spending decisions, including land management payments;
 - (c) delivery of biodiversity gain; and
 - (d) any other activities undertaken in complying with subsections (1) and (1A).”

Member’s explanatory statement

This amendment would require public authorities to exercise relevant functions in accordance with Local Nature Recovery Strategies. This would ensure that decisions that affect the natural environment such as planning decisions, net gain habitat enhancements and targeted investment in environmental land management are informed by the Strategies.

Environment Bill, *continued*

David Linden

NS1

To move the following Schedule—

“ENVIRONMENTAL IMPACT OF NAPPY WASTE

Nappy waste impact reduction schemes

- 1 The relevant national authority must by regulations establish schemes to reduce the impact of nappies on the environment by—
 - (a) defining the characteristics required for a nappy to meet environmental standards;
 - (b) promoting nappies which meet environmental standards; and
 - (c) reporting on the steps taken to encourage local authorities to promote reusable nappies and reduce nappy waste.

Environmental standards

- 2 (1) The relevant national authority must by regulations establish environmental standards for nappies.
- (2) The standards must define the characteristics required for a nappy to be traded, advertised or promoted as—
 - (a) “reusable”;
 - (b) “biodegradable”;
 - (c) “eco-friendly”;
 - (d) “environmentally friendly”; and
 - (e) other such similar terms as may be defined in the standards.
- (3) The regulations may provide for nappies or the packaging in which they are contained to bear a mark signifying that they meet the environmental standards.
- (4) The trading, advertising or promotion of a nappy is an unfair commercial practice for the purposes of the Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277) if—
 - (a) that nappy is described using a term used in sub-sub-paragraphs (2)(a) to (d) or a similar term defined in regulations under sub-paragraph (1) but does not meet the relevant standards, or
 - (b) that nappy or its packaging bears the mark in sub-paragraph (3) but does not meet the relevant standards.

Promotion of nappies that meet environmental standards

- 3 (1) The relevant national authority must by regulations establish a scheme to promote nappies that meet the environmental standards in paragraph 2.
- (2) The scheme must be a collaboration between public bodies and the nappy industry.
- (3) The Secretary of State may by regulations make provision for a levy to be paid by persons who manufacture or trade in nappies for the purpose of meeting the operating expenses of the scheme.
- (4) The scheme must provide public information on—
 - (a) the effects of disposable nappies on the environment;
 - (b) the financial advantages of reusable nappies for families and local authorities; and
 - (c) other advantages of nappies that meet the standards in paragraph 2.

Environment Bill, continued

Local authority reusable nappy schemes

- 4 (1) The relevant national authority must prepare a report on steps that will be taken to encourage local authorities to operate schemes to—
- (a) promote the use of reusable nappies, and
 - (b) reduce nappy waste.
- (2) In preparing that report, the relevant national authority must consult—
- (a) operators of existing reusable nappy schemes,
 - (b) local authorities involved in those schemes,
 - (c) parents who have participated in such schemes,
 - (d) manufacturers of reusable nappies.
- (3) The report must be laid—
- (a) in relation to England, before Parliament;
 - (b) in relation to Wales, in Senedd Cymru;
 - (c) in relation to Scotland, in the Scottish Parliament; and
 - (d) in relation to Northern Ireland, in the Northern Ireland Assembly; or in Parliament;
- within six months of this section coming into force.”

Member’s explanatory statement

This new schedule brings into the Bill the provisions of the Private Member’s Bill on Nappies (Environmental Standards) Bill (Bill 299) in order to define environmental standards for nappies, promote nappies that meet the standards, and report on local authority schemes to promote reusable nappies and reduce nappy waste.

Secretary George Eustice

9

Schedule 3, page 143, line 38, 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 paragraph 9 of Schedule 3 the OEP may give a relevant public authority an information notice if it has reasonable grounds to suspect that the authority has failed to comply with relevant 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.

Secretary George Eustice

10

Schedule 3, page 144, line 28, at end insert—

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

Member’s explanatory statement

Under paragraph 10 of Schedule 3 the OEP may give a relevant public authority a decision notice if it is satisfied, on the balance of probabilities, that the authority has failed to comply with relevant 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.

Environment Bill, continued

Secretary George Eustice

11

Schedule 3, page 146, line 4, at end insert “, but only if—

- (a) it is satisfied, on the balance of probabilities, that the authority has failed to comply with relevant environmental law, and
- (b) it considers that the failure is serious.”

Member’s explanatory statement

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

Secretary George Eustice

12

Schedule 3, page 146, line 5, leave out sub-paragraph (2)

Member’s explanatory statement

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

Secretary George Eustice

13

Schedule 3, page 146, line 12, leave out “or (2)”

Member’s explanatory statement

This amendment is consequential on the removal of paragraph 12(2) of Schedule 3 by Amendment 12.

Secretary George Eustice

14

Schedule 3, page 146, line 43, 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 paragraph 13 of Schedule 3, rather than proceeding by way of information notice, decision notice and review application, in urgent cases. Amendments 15 and 16 define what is meant by urgent.

Secretary George Eustice

15

Schedule 3, page 146, line 44, leave out from beginning to “(rather” in line 45 and insert “The urgency condition is that making an application under sub-paragraph (1)”

Member’s explanatory statement

This amendment, together with Amendment 16, 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 review application, to prevent or mitigate serious damage to the natural environment or to human health.

Secretary George Eustice

16

Schedule 3, page 147, line 1, after “12)” insert “is necessary”

Member’s explanatory statement

See Amendment 15.

Environment Bill, continued

Secretary George Eustice

17

Schedule 3, page 147, line 11, leave out sub-paragraph (5) and insert—

“(5) Sub-paragraph (6) applies to proceedings (including any appeal) that—

- (a) are in respect of an application for judicial review, and
 - (b) relate to an alleged failure by a relevant public authority to comply with relevant environmental law (however the allegation is framed in those proceedings).
- (6) 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 relevant public authority has, or has not, failed to comply with relevant environmental law).”

Member’s explanatory statement

This amendment provides that the OEP may apply to intervene in a judicial review relating to an alleged failure by a relevant public authority to comply with relevant 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 relevant environmental law.

Secretary George Eustice

18

Schedule 3, page 152, line 6, after “10(1)(b)” insert “, 12(1)(b)”

Member’s explanatory statement

This amendment is consequential on Amendment 11. It requires the OEP’s enforcement policy to set out how the OEP will determine whether a failure to comply with relevant environmental law is serious for the purposes of paragraph 12(1)(b) of Schedule 3, which is inserted by Amendment 11.

Secretary George Eustice

19

Schedule 3, page 152, line 6, after “13(1)” insert “and (6)”

Member’s explanatory statement

This amendment is consequential on Amendment 17. It requires the OEP’s enforcement policy to set out how the OEP will determine whether a failure to comply with relevant environmental law is serious for the purposes of paragraph 13(6) of Schedule 3, which is inserted by Amendment 17.

Secretary George Eustice

20

Schedule 3, page 152, line 35, at end insert—

“23A After section 24 (guidance on the OEP’s enforcement policy and functions) insert—

“24A Guidance on the OEP’s Northern Ireland enforcement policy and functions

- (1) The Department of Agriculture, Environment and Rural Affairs in Northern Ireland may issue guidance to the OEP on the matters listed in section 22(6) (OEP’s enforcement policy), so far as relating to the OEP’s Northern Ireland enforcement functions.
- (2) The OEP must have regard to the guidance in—
 - (a) preparing its enforcement policy, so far as relating to its Northern Ireland enforcement functions, and
 - (b) exercising its Northern Ireland enforcement functions.

Environment Bill, continued

- (3) The Department may revise the guidance at any time.
- (4) The Department must lay before the Northern Ireland Assembly, and publish, the guidance (and any revised guidance).
- (5) The OEP's "Northern Ireland enforcement functions" are its functions under paragraphs 6 to 15 of Schedule 3."

Member's explanatory statement

This amendment provides that the Department of Agriculture, Environment and Rural Affairs in Northern Ireland may issue guidance to the OEP on the matters listed in clause 22(6) (OEP's enforcement policy), so far as relating to the OEP's Northern Ireland enforcement functions. The OEP must have regard to the guidance in preparing its enforcement policy and exercising its Northern Ireland enforcement functions.

Ruth Jones
Dr Alan Whitehead
Daniel Zeichner
Luke Pollard
Gill Furniss
Stephanie Peacock

Kerry McCarthy

Schedule 14, page 215, line 37, leave out "maintained for at least 30 years" and insert "secured in its target condition and maintained in perpetuity" 22

Member's explanatory statement

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

Mrs Maria Miller

★ Schedule 15, page 223, line 41, at end insert— 41

"Planning decisions, felling without a licence and failure to comply with restocking orders

- 7 (1) The Town and Country Planning Act 1990 is amended as follows:
- (2) In section 70(2) (Determination of applications: general considerations), after "material considerations" insert—
"including previous convictions held by the landowner for unlawful tree felling, and failure to comply with restocking and enforcement orders."

Member's explanatory statement

This amendment seeks to include a provision for local planning authorities to be able to take unlawful tree felling and a lack of compliance with Restocking and Enforcement Orders by landowners into account when considering planning applications.

Environment Bill, *continued*

Neil Parish
Ben Lake
Jonathan Edwards
Caroline Lucas

26

Schedule 16, page 224, line 35, at end insert “, and free, prior and informed consent has been obtained from affected indigenous peoples and local communities”

Member’s explanatory statement

This amendment would require that the prohibition on using a forest risk commodity must also be in accordance with having obtained the free, prior and informed consent of indigenous peoples and local communities, in addition to complying with relevant local laws.

Neil Parish
Ben Lake
Jonathan Edwards
Caroline Lucas

27

Schedule 16, page 228, line 30, at end insert—

Regulated financial person

- 7A (1) A regulated financial person must not provide financial services for commercial enterprises engaging in the production, trade, transport or use of a forest risk commodity unless relevant local laws are complied with in relation to that commodity.
- (2) A regulated financial person who provides financial services for commercial enterprises engaging in the production, trade, transport or use of a forest risk commodity must establish and implement a due diligence system in relation to the provision of those financial services.
- (3) A “due diligence system”, in relation to a regulated financial person, means a system for—
 - (a) identifying, and obtaining information about, the operations of a commercial enterprise engaging in the production, trade, transport or use of a forest risk commodity to which it provides financial services,
 - (b) assessing the risk that such a commercial enterprise is not complying with relevant local laws in relation to that commodity,
 - (c) assessing the risk that a commercial enterprise is not complying with paragraphs 2 and 3 of this Schedule, and
 - (d) mitigating that risk.
- (4) A regulated financial person must, for each reporting period, provide the relevant authority with a report on the actions taken by the regulated financial person to establish and implement a due diligence system as required by paragraph 3.
- (5) A “regulated financial person” means a person (other than an individual) who carries on financial services in the United Kingdom and—
 - (a) meets such conditions as may be specified in regulations made by the Secretary of State; or
 - (b) is an undertaking which is a subsidiary of another undertaking which meets those conditions.
- (6) In this paragraph—
 - “group” has the meaning given by section 474 of the Companies Act 2006;
 - “undertaking” has the meaning given by section 1161 of that Act,
 - “financial services” means—

Environment Bill, continued

- (a) the provision of banking services including the acceptance of deposits in the course of business;
- (b) the provision of loans in the course of a banking, credit or lending business, including by way of term loan, revolving credit facility, debentures and bonds; and
- (c) regulated activities as defined under section 22 of the Financial Services and Markets Act 2000 and the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (SI 2001/544), in each case as amended, or
- (d) such other financial services as may be specified in regulations made by the Secretary of State.

“commercial enterprise” means a person (other than an individual) who carries on commercial activities in any jurisdiction relating to the production, trade, transport or use of forest risk commodities.”

Member’s explanatory statement

This amendment requires that persons who carry out financial services in the United Kingdom do not provide financial services to commercial enterprises engaged in the production, trade, transport or use of forest risk commodities unless they are complying with local relevant laws.

Daisy Cooper

36

- ☆ Schedule 16, page 228, line 34, leave out “may” and insert “must”

Member’s explanatory statement

This amendment would make it a requirement, rather than just an option, that the Secretary of State make regulations under Part 2 of schedule 16.

Daisy Cooper

37

- ☆ Schedule 16, page 228, line 38, leave out “may” and insert “must”

Member’s explanatory statement

This amendment would make it a requirement, rather than just an option, that the Secretary of State makes regulations to appoint the relevant enforcement authorities.

Daisy Cooper

38

- ☆ Schedule 16, page 228, line 39, after “persons” insert “, independent of the Secretary of State,”

Member’s explanatory statement

This amendment is intended to require the Secretary of State to transfer the powers of enforcement (such as issuing fines) to an independent enforcement authority, as they relate to the use of products derived from a forest risk commodity (a major source of forest deforestation).

Environment Bill, *continued*

Ruth Jones
 Dr Alan Whitehead
 Daniel Zeichner
 Luke Pollard
 Gill Furniss
 Stephanie Peacock

Kerry McCarthy

24

Schedule 20, page 244, line 19, at end insert—

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

Member’s explanatory statement

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

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.
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