



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Thursday 10 December 2020**

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*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: NC5*

### CONSIDERATION OF BILL (REPORT STAGE)

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### ENVIRONMENT BILL, AS AMENDED

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#### 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**This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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.**

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Caroline Lucas  
Jonathan Edwards

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.*

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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”.”
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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.”

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Environment Bill, *continued*

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

Mr Ian Liddell-Grainger                  Andrew Selous

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

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.
- (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.

**Environment Bill, *continued***

- (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.”
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Neil Parish  
Tracey Crouch

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.*

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Tim Loughton  
Sir Roger Gale  
Tracey Crouch

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.*

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Environment Bill, *continued*

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.*

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

Mr Robert Goodwill

Bill Wiggin

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
- (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.*

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Environment Bill, *continued*

Caroline Lucas  
Jonathan Edwards

1

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.*

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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.*

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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”

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Environment Bill, *continued*

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.*

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.*

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.*

**Environment Bill, continued**

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.*

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.*



Environment Bill, *continued*

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.
- (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.*

## 10      **Consideration of Bill (Report Stage): 10 December 2020**

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### **Environment Bill, *continued***

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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