



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Wednesday 30 December 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: 22 to 25 and NC7 to NC9

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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

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”.”
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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.”

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

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;

Environment Bill, *continued*

- (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

Claire Hanna
Debbie Abrahams

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.”

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.

Environment Bill, *continued*

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

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.

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

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.

Environment Bill, *continued*

- (2) In this section, "waste hierarchy" has the same meaning as in the Waste (England and Wales) Regulations 2011 (S.I. 2011/988)."
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Ruth Jones
Dr Alan Whitehead
Daniel Zeichner
Luke Pollard
Gill Furniss
Stephanie Peacock

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.
- (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*

Caroline Lucas

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.

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

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

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;

(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.

Environment Bill, *continued*

Tim Loughton
Sir Roger Gale
Tracey Crouch
Sir Oliver Heald

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.

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.

Environment Bill, *continued*

- (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

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.

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

23

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

Environment Bill, continued

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”

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.

Environment Bill, *continued*

- 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.*
- 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.*

Environment Bill, continued

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.

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.

Environment Bill, *continued*

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.

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

22

★ 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”

Member’s explanatory statement

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

Environment Bill, *continued*

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

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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