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Report Stage: Wednesday 19 May 2021

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## Environment Bill (Amendment Paper)

This document lists all amendments tabled to the Environment Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

New Amendments: 46 and NC20 to NC22

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*NEW CLAUSES AND NEW SCHEDULES RELATING TO PART 6; AMENDMENTS TO PART 6; NEW CLAUSES AND NEW SCHEDULES RELATING TO PART 7; AMENDMENTS TO PART 7; NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSES 132 TO 139; AMENDMENTS TO CLAUSES 132 TO 139*

### *NEW CLAUSES AND NEW SCHEDULES RELATING TO PART 6*

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Secretary George Eustice

NC21

★ To move the following Clause—

**“Habitats Regulations: power to amend general duties**

- (1) The Secretary of State may by regulations amend the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) (the “Habitats Regulations”), as they apply in relation to England, for the purposes in subsection (2).
- (2) The purposes are—
  - (a) to require persons within regulation 9(1) of the Habitats Regulations to exercise functions to which that regulation applies—
    - (i) to comply with requirements imposed by regulations under this section, or
    - (ii) to further objectives specified in regulations under this section, instead of exercising them to secure compliance with the requirements of the Directives;
  - (b) to require persons within regulation 9(3) of the Habitats Regulations, when exercising functions to which that regulation applies, to have regard to matters specified by regulations under this section instead of the requirements of the Directives.
- (3) The regulations may impose requirements, or specify objectives or matters, relating to—
  - (a) targets in respect of biodiversity set by regulations under section 1;

- (b) improvements to the natural environment which relate to biodiversity and are set out in an environmental improvement plan.
- (4) The regulations may impose any other requirements, or specify any other objectives or matters, relating to the conservation or enhancement of biodiversity that the Secretary of State considers appropriate.
- (5) Regulations under this section may also, in connection with provision made for the purposes in subsection (2), amend other provisions of the Habitats Regulations, as they apply in relation to England, which refer to requirements, objectives or provisions of the Directives.
- (6) In making regulations under this section the Secretary of State must have regard to the particular importance of furthering the conservation and enhancement of biodiversity.
- (7) The Secretary of State may make regulations under this section only if satisfied that the regulations do not reduce the level of environmental protection provided by the Habitats Regulations.
- (8) Before making regulations under this section the Secretary of State must lay before Parliament, and publish, a statement explaining why the Secretary of State is satisfied as mentioned in subsection (7).
- (9) Before making regulations under this section the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (10) Regulations under this section may not come into force before 1 February 2023.
- (11) In this section—

“the Directives” has the same meaning as in the Habitats Regulations (see regulation 3(1));

“England” includes the territorial sea adjacent to England, which for this purpose does not include—

- (a) any part of the territorial sea adjacent to Wales for the general or residual purposes of the Government of Wales Act 2006 (see section 158 of that Act), or
- (b) any part of the territorial sea adjacent to Scotland for the general or residual purposes of the Scotland Act 1998 (see section 126 of that Act);

“environmental improvement plan” has the same meaning as in Part 1.

(12) Regulations under this section are subject to the affirmative procedure.”

**Member’s explanatory statement**

This new clause confers powers to amend the Habitats Regulations to require public authorities to comply with requirements or objectives, or have regard to matters, specified in regulations (for example requirements, objectives or matters relating to biodiversity targets under clause 1 or biodiversity aspects of the environmental improvement plan).

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Secretary George Eustice

NC22

★ To move the following Clause—

**“Habitats Regulations: power to amend Part 6**

- (1) The Secretary of State may by regulations amend Part 6 of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) (the “Habitats Regulations”) (assessment of plans and projects) as they apply in relation to England.
- (2) In making regulations under this section the Secretary of State must have regard to the particular importance of furthering the conservation and enhancement of biodiversity.
- (3) The Secretary of State may make regulations under this section only if satisfied that the regulations do not reduce the level of environmental protection provided by the Habitats Regulations.
- (4) Before making regulations under this section the Secretary of State must lay before Parliament, and publish, a statement explaining why the Secretary of State is satisfied as mentioned in subsection (3).
- (5) Before making regulations under this section the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (6) In this section “England” has the same meaning as in section (*Habitats Regulations: power to amend general duties*).
- (7) Regulations under this section are subject to the affirmative procedure.”

**Member’s explanatory statement**

This new clause confers power to amend Part 6 of the Habitats Regulations.

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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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Chris Grayling  
 Sir Desmond Swayne  
 Caroline Nokes  
 Mr Philip Hollobone  
 Mr Andrew Mitchell  
 Mr Ian Liddell-Grainger  
 Andrew Selous  
 Sir Oliver Heald  
 Sir Greg Knight  
 Ben Lake  
 Hywel Williams

Hilary Benn  
 Neil Parish  
 Debbie Abrahams  
 Liz Saville Roberts  
 Peter Aldous

Tracey Crouch  
 Dr Liam Fox  
 Sir Roger Gale  
 Jonathan Edwards

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.

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Theresa Villiers  
 Bob Seely  
 Sir Roger Gale  
 Sir Geoffrey Clifton-Brown  
 Tim Loughton  
 Bob Blackman

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.””

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Ruth Jones  
 Dr Alan Whitehead  
 Daniel Zeichner  
 Luke Pollard  
 Gill Furniss  
 Stephanie Peacock  
 Kerry McCarthy  
 Olivia Blake  
 Ruth Cadbury  
 Debbie Abrahams

NC20

Fleur Anderson  
 Mr Tanmanjeet Singh Dhesi  
 Janet Daby  
 Mick Whitley

Lilian Greenwood  
 Mary Glindon  
 Clive Efford  
 Dawn Butler

★ 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 should 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 should, 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.

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### *AMENDMENTS TO PART 6*

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Sir Oliver Heald  
Caroline Lucas

45

Clause 95, page 96, line 18, after "biodiversity objective" insert "and contribute to the achievement of relevant targets and objectives under the Convention on Biological Diversity"

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Sarah Olney  
Caroline Lucas  
Lilian Greenwood  
Layla Moran

29

Clause 95, page 97, line 1, 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.

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Ruth Jones  
Luke Pollard  
Daniel Zeichner  
Olivia Blake  
Gill Furniss  
Mary Glendon

46

★ Clause 102, page 101, line 36, at end insert—

“(2A)The objectives of a species conservation strategy must be—

- (a) to identify the factors that adversely affect the conservation status of relevant species of fauna or flora;
- (b) to identify measures to improve the conservation status of relevant species of fauna or flora;
- (c) to inform the definition of favourable conservation status of relevant species of fauna or flora; and
- (d) taking the information set out pursuant to paragraphs (a) to (c) into account, to contribute to relevant planning, land management and conservation policies for those species of fauna or flora.

(2B)All provisions in a species conservation strategy must be in accordance with the mitigation hierarchy.

(2C)The Secretary of State must publish guidance relating to the content, interpretation and implementation of species conservation strategies.

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Ruth Jones 22  
 Dr Alan Whitehead  
 Daniel Zeichner  
 Luke Pollard  
 Gill Furniss  
 Stephanie Peacock  
 Kerry McCarthy  
 Mr Tanmanjeet Singh Dhesi  
 Mary Glendon  
 Debbie Abrahams  
 Fleur Anderson  
 Ruth Cadbury  
 Janet Daby  
 Mick Whitley  
 Lilian Greenwood  
 Olivia Blake  
 Clive Efford  
 Dawn Butler

Schedule 14, page 216, 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.

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Mrs Maria Miller 41  
 Sir Roger Gale  
 Caroline Lucas  
 Dr Julian Lewis  
 Daisy Cooper  
 Bob Seely  
 James Sunderland

Schedule 15, page 224, line 41, at end insert—

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

6A (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.

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Neil Parish 26  
 Ben Lake  
 Jonathan Edwards  
 Caroline Lucas  
 Sir Oliver Heald  
 Sir Roger Gale  
 Stephen Farry Barry Gardiner Janet Daby

Schedule 16, page 225, 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.

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Neil Parish 27  
 Ben Lake  
 Jonathan Edwards  
 Caroline Lucas  
 Lilian Greenwood  
 Sir Oliver Heald  
 Olivia Blake Sir Roger Gale Stephen Farry  
 Janet Daby Clive Efford Kerry McCarthy  
 Debbie Abrahams Barry Gardiner

Schedule 16, page 229, 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—

- (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.

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Daisy Cooper 36  
 Sarah Olney  
 Tim Farron  
 Ed Davey  
 Mr Alistair Carmichael  
 Wendy Chamberlain  
 Wera Hobhouse  
 Christine Jardine  
 Layla Moran  
 Jamie Stone  
 Munira Wilson  
 Stephen Farry  
 Bell Ribeiro-Addy  
 Mohammad Yasin  
 Andrew Gwynne  
 Kim Johnson  
 Mick Whitley  
 Kenny MacAskill  
 Ben Lake  
 Liz Saville Roberts  
 Jonathan Edwards  
 Hywel Williams  
 Caroline Lucas

Schedule 16, page 229, 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.

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Daisy Cooper 37  
 Sarah Olney  
 Tim Farron  
 Ed Davey  
 Mr Alistair Carmichael  
 Wendy Chamberlain  
 Wera Hobhouse  
 Christine Jardine  
 Layla Moran  
 Jamie Stone  
 Munira Wilson  
 Stephen Farry  
 Bell Ribeiro-Addy  
 Mohammad Yasin  
 Andrew Gwynne  
 Kim Johnson  
 Mick Whitley  
 Kenny MacAskill  
 Caroline Lucas

Schedule 16, page 229, 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.

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Daisy Cooper 38  
 Sarah Olney  
 Tim Farron  
 Ed Davey  
 Mr Alistair Carmichael  
 Wendy Chamberlain  
 Wera Hobhouse  
 Christine Jardine  
 Layla Moran  
 Jamie Stone  
 Munira Wilson  
 Stephen Farry  
 Bell Ribeiro-Addy  
 Mohammad Yasin  
 Andrew Gwynne  
 Kim Johnson  
 Mick Whitley  
 Kenny MacAskill  
 Caroline Lucas

Schedule 16, page 229, 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).

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### REMAINING PROCEEDINGS ON CONSIDERATION

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Ruth Jones  
Dr Alan Whitehead  
Luke Pollard  
Daniel Zeichner  
Fleur Anderson  
Gill Furniss  
Stephanie Peacock  
Olivia Blake  
Ruth Cadbury  
Debbie Abrahams

Kerry McCarthy  
Mr Tanmanjeet Singh Dhesi  
Janet Daby  
Mick Whitley

Lilian Greenwood  
Mary Glindon  
Clive Efford  
Dawn Butler

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.”

**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.

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Chris Grayling  
Andrew Selous  
Andrew Rosindell

NC19

To move the following Clause—

**“Labelling scheme for the environmental sustainability of food**

- (1) The Secretary of State must by regulations make provision for a scheme requiring food manufacturers to label foods offered for sale in the United Kingdom to indicate the environmental sustainability of their origins.
- (2) That scheme must make provision for a kitemark indicating the environmentally sustainable origins of a food.
- (3) The kitemark may be applied to:—
  - (a) raw food commodities,
  - (b) processed food products, and
  - (c) the ingredients of processed food products.
- (4) The definition of “environmentally sustainable origins” under the scheme must incorporate an assessment of whether the agricultural or manufacturing processes involved in the production of a food—
  - (a) protect the habitats of species listed internationally as endangered,
  - (b) avoid biodiversity loss,
  - (c) avoid deforestation, and
  - (d) avoid significant increases in net carbon emissions.
- (5) The scheme may make provision for—
  - (a) enforcement, and
  - (b) civil sanctions in relation to labelling and use of the kitemark.
- (6) Regulations under this section are subject to the affirmative procedure.
- (7) Before making regulations under this Act, the Secretary of State must consult—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers, and
  - (c) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

- (8) The Secretary of State must lay before Parliament a draft statutory instrument containing the proposed scheme before the end of the period of one year beginning with the day this Act receives Royal Assent.”
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## 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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## Order of the House

**[26 January 2021]**

That the Order of 26 February 2020 (Environment Bill: Programme) as varied by the Orders of 4 May 2020 (Environment Bill: Programme (No. 2)), 22 June 2020 (Environment Bill: Programme (No. 3)) and 28 September 2020 (Environment Bill: Programme (No. 4)), be further varied as follows:

1. Paragraphs 4 and 5 of the Order shall be omitted.

2. Proceedings on Consideration and up to and including Third Reading shall be taken in two days in accordance with the following provisions of this Order.
3. Proceedings on Consideration—
- (a) shall be taken on each of those days in the order shown in the first column of the following Table, and
- (b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

**TABLE**

<b>Day</b>	<b>Proceedings</b>	<b>Time for conclusion of proceedings</b>
First day	New Clauses and new Schedules relating to Part 1; amendments to Part 1; new Clauses and new Schedules relating to Part 2; amendments to Part 2	Three hours after the commencement of proceedings on the motion relating to Business of the House (Environment Bill: Carry-over)
	New clauses and new Schedules relating to Part 3; amendments to Part 3; new clauses and new Schedules relating to Part 4; amendments to Part 4; new clauses and new Schedules relating to Part 5; amendments to Part 5; new clauses and new Schedules relating to clause 131 or Schedule 20; amendments to clause 131 or Schedule 20	Six hours after the commencement of proceedings on the motion relating to Business of the House (Environment Bill: Carry-over)
Second day	New clauses and new Schedules relating to Part 6; amendments to Part 6; new clauses and new Schedules relating to Part 7; amendments to Part 7; new clauses and new Schedules relating to clauses 132 to 139; amendments to clauses 132 to 139	Three hours after the commencement of proceedings on Consideration on the second day
	Remaining proceedings on Consideration	Five hours after the commencement of proceedings on Consideration on the second day

4. Proceedings on Third Reading shall be taken on the second day and shall (so far as not previously concluded) be brought to a conclusion six hours after the commencement of proceedings on Consideration on the second day.

## Withdrawn Amendments

The following amendments were withdrawn on 18 May 2021:

NC7

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