

Natural Environment Bill [HL]

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Schedule – The Natural Capital Committee

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TO

Make provision for the setting of biodiversity and other targets; to establish a Natural Capital Committee; to require local authorities to maintain local ecological network strategies; to identify species threatened with extinction; for access to quality natural green space; and to include education about the natural environment in the curriculum for maintained schools.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Targets

1 2040 targets

- (1) The Secretary of State must take all reasonable steps to ensure that by 2040—
- (a) the national biodiversity index for England has increased by at least 10 percentage points taking as a baseline the index as at 1 January 2016; 5
 - (b) at least 80% of sites of specific scientific interest in England are in favourable condition in the opinion of Natural England.
- (2) For the purposes of subsection (1)(a), the “national biodiversity index” means an index specified by the Secretary of State which in the opinion of the Secretary of State is an accurate record of the population trends of species identified as being of principal importance for the purposes of conserving biodiversity under section 41 of the Natural Environment and Rural Communities Act 2006. 10
- (3) If a target under subsection (1) is not met, the Secretary of State must—
- (a) lay before Parliament a report explaining why the target in question was not met; and 15
 - (b) publicise, in a way that the Secretary of State considers appropriate, the fact that the target in question was not met, and why it was not met.
- (4) For the purposes of subsection (1)(b)—
- (a) “site of specific scientific interest” means an area notified under section 28 of the Wildlife and Countryside Act 1981, and 20

- (b) a site is considered to be in “favourable condition” if its features are being managed in a way that maintains its extent and value for nature conservation.

Natural Capital Committee

- 2 Establishment of the Committee** 5
- (1) The Secretary of State shall establish a body corporate to be known as the “Natural Capital Committee” (“the Committee”).
- (2) The Schedule makes further provision about the Committee.
- 3 Advice on targets**
- At least once in each year the Committee must advise the Secretary of State as to— 10
- (a) whether progress towards the achievement of the 2040 targets in section 1 is likely to allow the targets to be met; and
- (b) what proposals and policies could contribute to meeting those targets.
- 4 Advice on impacts** 15
- (1) The Committee must advise the Secretary of State about the implications of regulatory and other policy proposals for—
- (a) natural assets, and
- (b) the achievement of the 2040 targets in section 1.
- (2) Advice under subsection (1) must be given by the Committee when requested by the Secretary of State and may be given of the Committee’s own motion. 20
- 5 Advice on natural assets**
- (1) The Committee must, having consulted the UK Statistics Authority, advise the Treasury as to the treatment of natural assets in the UK Environmental Accounts. 25
- (2) At least once in each year, and whenever requested, the Committee must advise the Secretary of State as to—
- (a) when, where and how natural assets are being used unsustainably in England;
- (b) how to protect and improve natural assets in England; 30
- (c) methodologies to ensure that the value of natural assets in England is fully taken into account in policy decisions and in economic planning; and
- (d) research priorities to improve future advice and decisions on protecting and enhancing natural assets in England. 35
- (3) Before providing advice under subsection (2), the Committee must consult such research councils, conservation bodies, civil society and academic persons as the Committee considers appropriate.

6 Publication of advice

- (1) The Committee must publish advice given under section 3 or 4 as soon as is reasonably practicable.
- (2) The Chancellor of the Exchequer must publish, as soon as is reasonably practicable and in such a form as he considers appropriate, a response to any advice given by the Committee pursuant to section 3 or 4. 5

*Natural capital***7 Annual natural capital report**

- (1) The Treasury must prepare a natural capital report for each financial year.
- (2) A natural capital report must include – 10
 - (a) a response to any advice published by the Committee, and
 - (b) a statement of national natural capital, following the advice of the Committee as to the treatment of natural assets in the UK Environmental Accounts.
- (3) The Treasury must lay each natural capital report before Parliament as soon as is reasonably practicable and must publish each natural capital report in such a form as it considers appropriate. 15

*Ecological planning***8 Local ecological network strategies**

- (1) Every local authority in England must publish a local ecological network strategy by 1 January 2018. 20
- (2) In devising a local ecological network strategy, a local authority must aim to work in partnership with such community, conservation and civil society organisations, and such other stakeholders, as it considers appropriate.
- (3) A local ecological network strategy must identify and map existing and potential components of local ecological networks, including – 25
 - (a) a hierarchy of international, national and locally designated sites of importance for biodiversity;
 - (b) wildlife corridors and stepping stones that connect them;
 - (c) natural assets identified by the Natural Capital Committee to be at risk; 30
 - (d) ecosystem services provided by habitats and species;
 - (e) natural infrastructure required for flood risk management and climate change adaptation;
 - (f) areas of accessible natural green space described in section 9; and
 - (g) areas identified by local partnerships for the purpose of habitat restoration or creation. 35
- (4) Every public authority must seek opportunities to contribute to the development and implementation of local ecological network strategies.
- (5) In this section –

- (a) “local authority” and “public authority” have the same meanings as in section 40 of the Natural Environment and Rural Communities Act 2006 (duty to conserve biodiversity); and
- (b) “local ecological network strategy” means a strategy for the identification and improvement of the component of local ecological networks which has the purpose of developing a local ecological network that contributes to the conservation or improvement of the environment in the local authority area and beyond. 5

9 Local authority duty: accessible natural green space

- (1) Each local authority in England must, in exercising its functions, aim to ensure that every household within the local authority area has, within a 300 metre radius, safe access to natural green space of at least 2 hectares in size. 10
- (2) In complying with its duty under subsection (1), each local authority in England must take into account any guidance issued by the Secretary of State and Natural England on the provision of natural green space. 15
- (3) In this section –
 - (a) “local authority” has the same meaning as in section 40 of the Natural Environment and Rural Communities Act 2006 (duty to conserve biodiversity); and
 - (b) “natural green space” means areas of value for conserving biodiversity and for human recreation, including, but not limited to –
 - (i) nature conservation areas,
 - (ii) local wildlife sites,
 - (iii) regionally important geological sites,
 - (iv) local nature reserves, 25
 - (v) national nature reserves,
 - (vi) woodland,
 - (vii) moorland, upland and mountainous areas,
 - (viii) remnant countryside (within urban and urban fringe areas),
 - (ix) unimproved farmland, 30
 - (x) rivers and canals,
 - (xi) unimproved grassland,
 - (xii) country parks,
 - (xiii) allotments, and
 - (xiv) church yards and cemeteries. 35

Education

10 Connection with nature

- (1) The Secretary of State must, in the exercise of any statutory or other functions, take any reasonable steps for the purpose of ensuring that children, aged between 8 and 13 are, in his opinion, adequately connected with nature having regard to the Connection to Nature Index. 40
- (2) For the purposes of subsection (1), the Connection to Nature Index is an index specified by regulations made by the Secretary of State.

- (3) The regulations shall provide for the Index to be maintained by a specified organisation, and shall provide that the Index must reflect the level among children aged between 8 and 13 of—
- (a) enjoyment of nature;
 - (b) empathy for creatures; 5
 - (c) sense of oneness with nature; and
 - (d) sense of responsibility for the environment.
- (4) Regulations under subsection (2) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- 11 Curriculum in maintained schools 10**
- After section 78(1)(b) of the Education Act 2002 (general requirements in relation to curriculum) at the end insert “, and
- (c) instils an ethos and ability actively to care for oneself, others and the natural environment, now and in the future.”
- Species recovery 15*
- 12 Species recovery**
- (1) Section 41 of the Natural Environment and Rural Communities Act 2006 (biodiversity lists and action (England)) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) The Secretary of State must, with respect to England, publish a list of the living organisms which in the Secretary of State’s opinion are most at risk of extinction.” 20
- (3) After subsection (4) insert—
- “(5) The Secretary of State must—
- (a) identify and publish the actions needed to further the conservation of the species included in any list published under subsection (1A) within one year of the list being published; and 25
 - (b) at least once every three years, lay before Parliament a report on the population trends of all living organisms listed under subsection (1A) and on the progress made in carrying out the actions identified under paragraph (a).” 30
- Technical provision*
- 13 Commencement**
- This Act comes into force at the end of the period of two months beginning with the day on which it is passed. 35
- 14 Extent**
- This Act extends to England and Wales only, and applies in relation to England only.

15 Short title

This Act may be cited as the National Environment Act 2015.

SCHEDULE

Section 2

THE NATURAL CAPITAL COMMITTEE

Membership

- 1 The Committee shall consist of –
- (a) a person appointed by the Secretary of State to chair the Committee, and
 - (b) not less than 5 nor more than 8 other members appointed by the Secretary of State.
- 2 In appointing a member, the Secretary of State must have regard to the desirability of ensuring that the Committee has experience in relation to biodiversity and other matters relating to the natural environment. 10
- 3 A member holds and vacates office in accordance with the terms of appointment.
- 4 A member may resign by giving written notice to the Secretary of State.
- 5 A person who ceases to be a member or the Chair may be reappointed. 15

Money

- 6 The Secretary of State may pay grants to the Committee.
- 7 The Committee may pay such remuneration and allowances to or in respect of members or staff as the Secretary of State determines.
- 8 In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which section 1 of that Act applies), in the list of other bodies, at the appropriate place insert – 20
“The Natural Capital Committee.”
- 9 The Committee must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to paragraph 8 in the sums payable out of money provided by Parliament under the Superannuation Act 1972. 25
- 10 For each financial year (ending 31 March) –
- (a) the Committee must prepare accounts and submit them to the Secretary of State, and
 - (b) the Secretary of State must lay the accounts before Parliament.
- 30

Proceedings

- 11 The Committee must appoint a chief executive, with the approval of the Secretary of State.
- 12 The Committee may appoint other staff. 35

- 13 The Committee may regulate its own procedure (including quorum).
- 14 The validity of anything done by the Committee is not affected by –
- (a) a vacancy in the membership, or
 - (b) a defect in the appointment of a member.

Miscellaneous

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- 15 The Committee is not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown; and neither members nor staff of the Committee are civil servants.

- 16 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3, at the appropriate place insert – 10
- “The Natural Capital Committee.”

- 17 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), at the appropriate place insert – 15
- “The Natural Capital Committee.”

- 18 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place insert –
- “The Natural Capital Committee.”

- 19 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place insert – 20
- “The Natural Capital Committee.”

- 20 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices which are public authorities), at the appropriate place insert – 25
- “The Natural Capital Committee.”

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Baroness Jones of Moulsecoomb

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