
Report Stage: Tuesday 18 May 2021

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 Any withdrawn amendments are listed at the end of the document.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.

☆ Amendments which will comply with the required notice period at their next appearance.

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

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”.”

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.

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

Fleur Anderson
Mr Tanmanjeet Singh Dhesi
Janet Daby
Mick Whitley

Lilian Greenwood
Mary Glendon
Clive Efford
Dawn Butler

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.

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."

AMENDMENTS TO PART 6

Sir Oliver Heald 45
Caroline Lucas

- ☆ 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”

Sarah Olney 29
Caroline Lucas
Lilian Greenwood
Layla Moran

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.

Ruth Jones 22
Dr Alan Whitehead
Daniel Zeichner
Luke Pollard
Gill Furniss
Stephanie Peacock
Kerry McCarthy
Mr Tanmanjeet Singh Dhese
Mary Glendon
Debbie Abrahams

Fleur Anderson	Lilian Greenwood
Ruth Cadbury	Olivia Blake
Janet Daby	Clive Efford
Mick Whitley	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.

Mrs Maria Miller

Sir Roger Gale

Caroline Lucas

Dr Julian Lewis

Daisy Cooper

Bob Seely

James Sunderland

41

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.

Neil Parish

Ben Lake

Jonathan Edwards

Caroline Lucas

Sir Oliver Heald

Sir Roger Gale

Stephen Farry

Barry Gardiner

Janet Daby

26

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.

Neil Parish
Ben Lake
Jonathan Edwards
Caroline Lucas
Lilian Greenwood
Sir Oliver Heald
Olivia Blake
Janet Daby
Debbie Abrahams

Sir Roger Gale
Clive Efford
Barry Gardiner

Stephen Farry
Kerry McCarthy

27

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.

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.

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.

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).

REMAINING PROCEEDINGS ON CONSIDERATION

<p>Ruth Jones Dr Alan Whitehead Luke Pollard Daniel Zeichner Fleur Anderson Gill Furniss Stephanie Peacock Olivia Blake Ruth Cadbury Debbie Abrahams</p>	<p>Kerry McCarthy Mr Tanmanjeet Singh Dhesi Janet Daby Mick Whitley</p>	<p style="text-align: right;">NC12</p> <p>Lilian Greenwood Mary Glindon Clive Efford Dawn Butler</p>
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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.

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

Day	Proceedings	Time for conclusion of proceedings
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.