

Environment Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD BLENCATHRA

Page 1, line 16, leave out paragraph (c) and insert –
“(c) nature;”

Member’s explanatory statement

This amendment seeks to change the word ‘biodiversity’ to ‘nature’ and is designed to have a debate in principle on changing the term throughout the bill.

BARONESS SCOTT OF NEEDHAM MARKET

Page 2, line 1, at end insert –
“(e) public access to and enjoyment of the natural environment.”

Member’s explanatory statement

This amendment is designed to require, rather than enable, the Government to set legally binding, long-term targets to increase public access to, and enjoyment of, the natural environment.

Clause 2

BARONESS JONES OF WHITCHURCH

Page 2, line 21, 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 sets 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.

After Clause 2

LORD GOLDSMITH OF RICHMOND PARK

Insert the following new Clause –

“Environmental targets: species abundance

- (1) The Secretary of State must by regulations set a target (the “species abundance target”) in respect of a matter relating to the abundance of species.
- (2) The specified date for the species abundance target must be 31 December 2030.
- (3) Accordingly, the species abundance target is not a long-term target and the duty in subsection (1) is in addition to (and does not discharge) the duty in section 1(2) to set a long-term target in relation to biodiversity.
- (4) Before making regulations under subsection (1) which set or amend a target the Secretary of State must be satisfied that meeting the target, or the amended target, would further the objective of halting a decline in the abundance of species.
- (5) Section 1(4) to (9) applies to the species abundance target and to regulations under this section as it applies to targets set under section 1 and to regulations under that section.
- (6) In this Part “the species abundance target” means the target set under subsection (1).”

Member’s explanatory statement

This new Clause requires the Secretary of State to set a species abundance target, to be met by 31 December 2030. There are amendments throughout the Bill to ensure that the species abundance target is subject to the same regime as targets set under clause 1.

Clause 3

LORD GOLDSMITH OF RICHMOND PARK

Page 2, line 34, leave out “section 1 or 2” and insert “sections 1 to (*Environmental targets: species abundance*)”

Member’s explanatory statement

*See the explanatory statement for new Clause (*Environmental targets: species abundance*).*

Page 2, line 37, leave out “section 1 or 2” and insert “sections 1 to (*Environmental targets: species abundance*)”

Member’s explanatory statement

*See the explanatory statement for new Clause (*Environmental targets: species abundance*).*

Page 2, line 40, leave out “section 1 or 2” and insert “sections 1 to (*Environmental targets: species abundance*)”

Member’s explanatory statement

*See the explanatory statement for new Clause (*Environmental targets: species abundance*).*

Page 3, line 6, leave out “section 1 or 2” and insert “sections 1 to (*Environmental targets: species abundance*)”

Member’s explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Page 3, line 17, leave out “section 1 or 2” and insert “sections 1 to (*Environmental targets: species abundance*)”

Member’s explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Page 3, line 21, at end insert “and
(c) the species abundance target,”

Member’s explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Clause 4

LORD GOLDSMITH OF RICHMOND PARK

Page 3, line 26, at end insert “and
(c) the species abundance target set under section (*Environmental targets: species abundance*) is met.”

Member’s explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Clause 5

LORD GOLDSMITH OF RICHMOND PARK

Page 3, line 28, leave out “or 2” and insert “, 2 or (*Environmental targets: species abundance*)”

Member’s explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Clause 6

LORD GOLDSMITH OF RICHMOND PARK

Page 4, line 14, leave out from “under” to “in” in line 15 and insert “sections 1 to (*Environmental targets: species abundance*)”

Member’s explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Page 4, line 19, leave out “and 2” and insert “to (*Environmental targets: species abundance*)”

Member's explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Page 4, line 29, leave out “section 1 and 2” and insert “sections 1 to (Environmental targets: species abundance)”

Member's explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Clause 7

BARONESS SCOTT OF NEEDHAM MARKET

Page 5, line 14, leave out “may” and insert “must”

Member's explanatory statement

This amendment would require, rather than enable, the Government to include steps to improve people's enjoyment of the natural environment in its environmental improvement plans.

Clause 8

LORD GOLDSMITH OF RICHMOND PARK

Page 5, line 39, leave out “and 2” and insert “to (Environmental targets: species abundance)”

Member's explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Clause 10

LORD GOLDSMITH OF RICHMOND PARK

Page 7, line 16, leave out “section 1 or 2” and insert “sections 1 to (Environmental targets: species abundance)”

Member's explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Page 7, line 18, leave out “section 1 or 2” and insert “sections 1 to (Environmental targets: species abundance)”

Member's explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Page 7, line 33, leave out “section 1 or 2” and insert “sections 1 to (Environmental targets: species abundance)”

Member's explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Clause 11

LORD GOLDSMITH OF RICHMOND PARK

Page 8, line 6, leave out “and 2” and insert “to (*Environmental targets: species abundance*)”

Member’s explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Clause 13

LORD GOLDSMITH OF RICHMOND PARK

Page 8, line 31, leave out “section 1 or 2” and insert “sections 1 to (*Environmental targets: species abundance*)”

Member’s explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Page 8, line 33, leave out “section 1 or 2” and insert “sections 1 to (*Environmental targets: species abundance*)”

Member’s explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Page 9, line 3, leave out “section 1 or 2” and insert “sections 1 to (*Environmental targets: species abundance*)”

Member’s explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Clause 14

LORD GOLDSMITH OF RICHMOND PARK

Page 9, line 21, leave out “and 2” and insert “to (*Environmental targets: species abundance*)”

Member’s explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Page 9, line 26, leave out “and 2” and insert “to (*Environmental targets: species abundance*)”

Member’s explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Clause 15

LORD GOLDSMITH OF RICHMOND PARK

Page 9, line 38, leave out “and 2” and insert “to (*Environmental targets: species abundance*)”

Member’s explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Clause 18

LORD GOLDSMITH OF RICHMOND PARK

Page 11, line 26, at end insert –

- “(4) Subsection (1) applies to policy relating to Scotland only so far as relating to reserved matters.
- (5) Section 14(2) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (asp 4) (UK Ministers must have regard to guiding principles on the environment in making policies extending to Scotland) does not apply to policies so far as relating to reserved matters.
- (6) In this section “reserved matters” has the same meaning as in the Scotland Act 1998.”

Member’s explanatory statement

This amendment and Lord Goldsmith’s amendment to Clause 138, page 123, line 22, apply the provisions about the policy statement on environmental principles to reserved matters in Scotland, and provide that section 14(2) of the UK Withdrawal from the European Union (Continuity)(Scotland) Act 2021 does not apply to such matters.

Clause 22

LORD GOLDSMITH OF RICHMOND PARK

Page 13, line 25, at end insert “and

- (b) how the OEP intends to co-operate with devolved environmental governance bodies.”

Member’s explanatory statement

This amendment provides that the OEP’s strategy must set out how the OEP intends to co-operate with devolved environmental governance bodies (as defined in Clause 46 of the Bill).

Clause 24

BARONESS JONES OF WHITCHURCH

Page 14, line 32, leave out “The OEP must” and insert “Insofar as it supports the delivery of its principal objective, the OEP may”

Member’s explanatory statement

This amendment would remove the statutory requirement for the OEP to have regard to the Secretary of State’s guidance and instead make the guidance discretionary, ensuring it is compatible with the delivery of the OEP’s principal objective.

Page 14, line 37, at end insert –

- “(4A) In the event that the OEP resolves not to act on guidance issued under subsection (1), a representative of the body must –
- (a) notify the Secretary of State of its reasons in writing, and
 - (b) publish the correspondence in a manner it deems appropriate.”

Member’s explanatory statement

This amendment would require that in the event of the OEP disagreeing with the Secretary of State’s guidance, a written justification must be provided and made available to the public.

BARONESS JONES OF WHITCHURCH
BARONESS MCINTOSH OF PICKERING
LORD CAMERON OF DILLINGTON

The above named Lords give notice of their intention to oppose the Question that Clause 24 stand part of the Bill.

Clause 27

LORD GOLDSMITH OF RICHMOND PARK

Page 15, line 32, leave out “and 2” and insert “to (*Environmental targets: species abundance*)”

Member’s explanatory statement

*See the explanatory statement for new Clause (*Environmental targets: species abundance*).*

Clause 29

BARONESS PARMINTER

Page 17, line 7, at end insert “and any other matters relating to the natural environment.”

Member’s explanatory statement

This amendment seeks to ensure the OEP can offer advice to Ministers on matters they consider relevant to their remit.

Clause 43

BARONESS MCINTOSH OF PICKERING

Page 26, line 42, at end insert –

- “(d) the sea, the marine environment and maritime wildlife, sea mammals, flora and fauna,”

Clause 46

LORD GOLDSMITH OF RICHMOND PARK

Page 28, line 41, leave out “section 1 or 2” and insert “sections 1 to (*Environmental targets: species abundance*)”

Member's explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Page 29, line 7, leave out “section 1 or 2” and insert “sections 1 to (Environmental targets: species abundance)”

Member's explanatory statement

See the explanatory statement for new Clause (Environmental targets: species abundance).

Clause 50

BARONESS SCOTT OF NEEDHAM MARKET

Page 30, line 13, at end insert –

“(1A) The Secretary of State must publish by December 2021 such a scheme in respect of single use plastics in England.”

Member's explanatory statement

This amendment requires the Secretary of State to publish a scheme by December 2021 in relation to disposal costs in respect of single use plastics.

Clause 56

LORD GOLDSMITH OF RICHMOND PARK

Page 38, line 2, at end insert –

“(6) The requirement in subsection (5) may be met by consultation carried out before this section comes into force.”

Member's explanatory statement

This amendment provides that the consultation requirement in inserted section 45AZC(5) of the Environmental Protection Act 1990 may be met by pre-commencement consultation.

Page 38, line 36, at end insert –

“(4A) The requirement in subsection (4) may be met by consultation carried out before this section comes into force.”

Member's explanatory statement

This amendment provides that the consultation requirement in inserted section 45AZE(4) of the Environmental Protection Act 1990 may be met by pre-commencement consultation.

LORD BLENCATHRA

Page 38, line 38, at end insert –

“(6) The Secretary of State must lay before Parliament, and publish, the guidance (and any revised guidance).”

Clause 67

LORD BLENCATHRA

Page 61, line 21, at end insert –

- “(4A) The Secretary of State must lay before Parliament, and publish, the guidance (and any revised guidance).
- (4B) The Welsh Ministers must lay before Senedd Cymru, and publish, the guidance (and any revised guidance).”

Clause 73

LORD BLENCATHRA

Page 64, line 10, leave out “negative” and insert “affirmative”

After Clause 77

BARONESS JONES OF WHITCHURCH

Insert the following new Clause –

“Duty on water companies: untreated sewage

In Part 1 of the Water Industry Act 1991, after Chapter 1 (appointments) insert –

“CHAPTER 1ZA

DUTY ON WATER COMPANIES: UNTREATED SEWAGE

17ZA Duty on water companies: untreated sewage (England)

- (1) A water company in England must take all reasonable steps to ensure that untreated sewage is not discharged into inland waters.
- (2) The Secretary of State, the Authority and the Environment Agency must exercise their respective functions under this and any other Act to seek to secure compliance with that duty.
- (3) In this Chapter, “water company” means any company holding an appointment under Chapter I of this Part (appointments).

17ZB Requirements in connection with section 17ZA duty

Reasonable steps to be taken by water companies in accordance with the duty under section 17ZA include, but are not limited to –

- (a) maintaining and publishing a register of combined sewer overflows (CSOs) and any other sewer catchment assets from which discharges of treated or untreated sewage may be made to inland waters;
- (b) publishing biannual reports on the operational status of those assets;
- (c) progressively installing capacity to monitor continuously all discharges of treated or untreated sewage into inland waters from those assets and publishing the data so obtained;
- (d) monitoring and publishing reports on the quality and duration of discharges made from CSOs;
- (e) as part of drainage and wastewater management plans, setting out steps to ensure that –

After Clause 77 - continued

- (i) biological or nature-based treatments are progressively installed where practicable and made operational at wastewater treatment works discharging to inland waters that do not otherwise provide for the tertiary treatment of effluent; and
- (ii) reliance upon CSOs is progressively reduced; and
- (f) any requirements specified by the Secretary of State under section 17ZC(2)(b).

17ZC Report on measures to assist water companies in fulfilling section 17ZA duty

- (1) The Secretary of State must lay before Parliament a report on measures to assist water companies in fulfilling the duty in section 17ZA –
 - (a) within one year of this section coming into force; and
 - (b) in every calendar year after the year in which that first report is published.
- (2) Each report under subsection (1) must for each of the measures listed in subsections (3) to (7) set out –
 - (a) the Secretary of State’s assessment of the contribution that measure could make to reducing treated and untreated sewage discharges to inland waters in England; and
 - (b) what steps, if any, the Secretary of State intends to take in connection with that measure, including any specific requirements on water companies in relation to their duty under section 17ZA.
- (3) Measures intended to separate surface water and sewage collection including –
 - (a) requiring all new developments of more than two residential or commercial buildings to have separate surface water and sewage collection systems;
 - (b) bringing Schedule 3 to the Flood and Water Management Act 2010 into force for England;
 - (c) requiring all new surface water collection systems to incorporate sustainable urban drainage systems (SUDS);
 - (d) requiring all major retrofitting or redevelopment projects of buildings where practicable to incorporate SUDS and separate surface water and sewage collection systems; and
 - (e) amending strategic guidance to the Authority to require it to facilitate capital expenditure on –
 - (i) nature-based drainage systems, such as integrated constructed wetlands, and
 - (ii) SUDS.
- (4) Measures intended to reduce the volume of sewage produced by domestic properties, including –
 - (a) requiring by 2025 all domestic properties to have a metered water supply when being leased, rented or sold;
 - (b) requiring the Environment Agency to maintain a register of all private sewage treatment systems;
 - (c) amending Building Regulations to require efficient processing of grey water (sullage);

After Clause 77 - continued

- (d) requiring all new domestic and commercial outside ground-level surfaces where practicable to be made from permeable materials; and
 - (e) introducing water efficiency labelling on household appliances.
- (5) Measures to reduce the polluting content of sewage, including –
- (a) establishing a regulatory standard for flushable products;
 - (b) prohibiting the use of plastics in sanitary products and wet wipes;
 - (c) reducing the use of microplastics in flushable products; and
 - (d) prohibiting the disposal of fats and oils into sewers by food service establishments.
- (6) Measures intended to reduce the impact of CSO discharges, including –
- (a) requiring the Environment Agency to work with water companies in reducing harmful discharges from CSOs; and
 - (b) directing the Environment Agency to research the effects of CSO discharges on water quality in inland waters and water bodies.
- (7) Measures intended to promote improvements in bathing water quality in inland waters, including –
- (a) setting statutory targets for the increase in the number of bathing waters classified as “good” or “excellent”;
 - (b) designating a minimum of two inland bathing waters, to include one in-river inland bathing water, in each water company area for each year of any price review period; and
 - (c) amending strategic guidance to the Authority to require it to facilitate capital expenditure on the improvement of water quality in inland bathing waters.

17ZD Reports on performance against section 17ZA duty

- (1) The Secretary of State must lay before Parliament a report on the performance of water companies against the duty in section 17ZA –
- (a) within one year of this section coming into force; and
 - (b) in every calendar year after the year in which that first report is published.
- (2) Reports under this section must include assessments of –
- (a) the performance of the sewerage assets of each water company; and
 - (b) the quantities of treated and untreated sewage discharged into inland waters from those assets.””

Member’s explanatory statement

This amendment inserts into the Environment Bill the provisions of the Sewage (Inland Waters) Bill, which was prepared by Rt Hon Philip Dunne MP in the last parliamentary session.

After Clause 78

LORD GOLDSMITH OF RICHMOND PARK

Insert the following new Clause –

“Storm overflows

In Part 4 of the Water Industry Act 1991 (sewerage services), after Chapter 3 insert –

“CHAPTER 4

STORM OVERFLOWS

141A Storm overflow discharge reduction plan

- (1) The Secretary of State must prepare a plan for the purposes of –
 - (a) reducing discharges from the storm overflows of sewerage undertakers whose area is wholly or mainly in England, and
 - (b) reducing the adverse impacts of those discharges.
- (2) The reference in subsection (1)(a) to reducing discharges of sewage includes –
 - (a) reducing the frequency and duration of the discharges, and
 - (b) reducing the volume of the discharges.
- (3) The reference in subsection (1)(b) to reducing adverse impacts includes –
 - (a) reducing adverse impacts on the environment, and
 - (b) reducing adverse impacts on public health.
- (4) The plan may in particular include proposals for –
 - (a) reducing the need for anything to be discharged by the storm overflows;
 - (b) treating sewage that is discharged by the storm overflows;
 - (c) monitoring the quality of watercourses, bodies of water or water in underground strata into which the storm overflows discharge;
 - (d) obtaining information about the operation of the storm overflows.
- (5) When preparing the plan the Secretary of State must consult –
 - (a) the Environment Agency,
 - (b) the Authority,
 - (c) the Council,
 - (d) Natural England,
 - (e) sewerage undertakers whose area is wholly or mainly in England, or persons representing them, and
 - (f) such other persons as the Secretary of State considers appropriate.
- (6) The Secretary of State must publish the plan before 1 September 2022.
- (7) The Secretary of State may at any time revise the plan, having consulted the persons referred to in subsection (5), and must publish any revised version.
- (8) The plan, and any revised version of it, must be laid before Parliament once it is published.

141B Progress reports on storm overflow discharge reduction plan

After Clause 78 - continued

- (1) The Secretary of State must publish reports (“progress reports”) relating to the plan under section 141A.
- (2) A progress report is to contain the Secretary of State’s assessment of—
 - (a) the progress made, during the period to which the report relates, in implementing the proposals in the plan (or any revised version of it), and
 - (b) the effect of that progress on the matters referred to in section 141A(1)(a) and (b).
- (3) The first progress report must relate to the period of three years beginning with the day on which the plan under section 141A is first published.
- (4) Subsequent progress reports must relate to successive periods of five years after the period referred to in subsection (3).
- (5) A progress report must be published within 12 weeks following the last day of the period to which it relates.
- (6) A progress report must be laid before Parliament once it is published.

141C Annual reports on discharges from storm overflows

- (1) A sewerage undertaker whose area is wholly or mainly in England must publish annual reports in relation to the undertaker’s storm overflows (“storm overflow reports”).
- (2) A storm overflow report must specify, for each of the sewerage undertaker’s storm overflows—
 - (a) the location of the storm overflow;
 - (b) the watercourse, body of water or underground strata into which the storm overflow discharges;
 - (c) the frequency and duration of discharges from the storm overflow in the period to which the report relates;
 - (d) where the information is available, the volume of each discharge in that period;
 - (e) information on any investigations that have taken place or improvement works that have been undertaken in relation to the storm overflow during that period.
- (3) Storm overflow reports are to relate to successive calendar years, starting with 2021.
- (4) A storm overflow report must be published by a sewerage undertaker before 1 April in the year after the calendar year to which it relates.
- (5) A storm overflow report must—
 - (a) be in a form which allows the public readily to understand the information contained in the report, and
 - (b) be published in a way which makes the report readily accessible to the public.
- (6) The duties of a sewerage undertaker under this section are enforceable under section 18 by—
 - (a) the Secretary of State, or
 - (b) the Authority, with the consent of or in accordance with a general authorisation given by the Secretary of State.

141D Environment Agency reports

After Clause 78 - continued

- (1) The Environment Agency must publish annual reports in relation to the operation of storm overflows of sewerage undertakers whose area is wholly or mainly in England.
- (2) A report under this section must specify –
 - (a) the location of the storm overflows;
 - (b) the watercourse, body of water or underground strata into which the storm overflows discharge;
 - (c) the frequency and duration of discharges from the storm overflows in the period to which the report relates;
 - (d) where the information is available, the volume of each discharge in that period.
- (3) Reports under this section are to relate to successive calendar years, starting with 2021.
- (4) A storm overflow report must be published by the Environment Agency –
 - (a) before 1 April in the year after the calendar year to which it relates, and
 - (b) in such manner as the Environment Agency thinks fit.

141E Interpretation of Chapter 4

- (1) In this Chapter, references to a storm overflow of a sewerage undertaker are to any structure or apparatus –
 - (a) which is comprised in the sewerage system of the sewerage undertaker, and
 - (b) which, when the capacity of other parts of the system downstream or of storage tanks at sewage disposal works is exceeded, relieves them by discharging their excess contents into inland waters, underground strata or the sea.
- (2) References in this Chapter to discharges from a storm overflow do not include discharges occurring as a result of –
 - (a) electrical power failure at sewage disposal works,
 - (b) mechanical breakdown at sewage disposal works,
 - (c) rising main failure, or
 - (d) blockage of any part of the sewerage system downstream of the storm overflow.
- (3) Section 17BA(7) (meaning of sewerage system of a sewerage undertaker) applies for the purposes of subsection (1).”

Member’s explanatory statement

This amendment makes provision for a plan to reduce discharges from storm overflows, for progress reports on the plan and for reports on storm overflows by sewerage undertakers and the Environment Agency.

Clause 83

BARONESS MCINTOSH OF PICKERING

Page 81, line 17, at end insert –

“having regard to the constraints of the periodic price review to which water companies are bound.”

Clause 88

LORD BLENCATHRA

Page 86, leave out line 19 and insert “this Act only.”

Clause 90

LORD BLENCATHRA

Page 89, leave out line 21 and insert “this Act only.”

Before Clause 95

BARONESS JONES OF WHITCHURCH

Insert the following new Clause –

“State of nature target

- (1) The Secretary of State must set a target (“the state of nature target”) to –
 - (a) halt, and
 - (b) begin to reversethe decline in the state of nature in England.
- (2) To satisfy the requirement under subsection (1), the Secretary of State must, as soon as reasonably practicable and no later than 6 months after the day on which this Act is passed, lay before both Houses of Parliament –
 - (a) a statement containing –
 - (i) the state of nature target,
 - (ii) a deadline for achieving the target that is no later than 2030, and
 - (iii) details of any interim targets or progress reviews,
 - (b) a draft statutory instrument containing regulations outlining how Her Majesty’s Government will measure progress toward the target, and
 - (c) details of any supplementary legislative proposals needed to meet the target.
- (3) In preparing the target and any legislation needed to enact it, the Secretary of State must obtain, publish and have due regard to the advice of –
 - (a) the Environment Agency,
 - (b) Natural England,
 - (c) the Office for Environmental Protection,
 - (d) the Joint Nature Conservation Committee, and
 - (e) any other body the Secretary of State deems appropriate.
- (4) In this section –

“the state of nature” includes –

 - (a) the abundance and distribution of territorial and marine wildlife 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 (biodiversity lists and action (England)).”

Member's explanatory statement

This new Clause would require the Secretary of State to set a target and accompanying mechanisms to begin to reverse the loss of biodiversity in England, with the end date of 2030 aligning with the new Convention on Biological Diversity goals that are due to be agreed later this year.

Clause 95

LORD BLENCATHRA

Page 96, line 12, leave out “biodiversity” and insert “nature”

Page 96, line 13, leave out “biodiversity” and insert “nature”

Page 96, line 18, leave out “biodiversity” and insert “nature”

Page 96, line 22, leave out “biodiversity” and insert “nature”

Page 96, line 28, leave out “biodiversity” and insert “nature”

Page 96, line 41, leave out “biodiversity” and insert “nature”

BARONESS PARMINTER

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.

BARONESS JONES OF WHITCHURCH

Page 97, line 6, at end insert –

“(c) the need to support biodiversity growth through planning decisions.”

Member's explanatory statement

This amendment proposes that in order to comply with the general duty to conserve and enhance biodiversity, public authorities must have regard to the link between biodiversity and local planning decisions.

LORD BLENCATHRA

Page 97, line 9, leave out “biodiversity” and insert “nature”

After Clause 95

LORD OATES

Insert the following new Clause –

“Power to conserve biodiversity

After section 40 of the Natural Environment and Rural Communities Act 2006 insert –

“40ZA Power to conserve biodiversity

- (1) This section applies to –
 - (a) a local authority in England other than a parish council, and
 - (b) a local planning authority in England.
- (2) For the purposes of complying with the general biodiversity objective under section 40(1) and (1A), a public authority to which this section applies may designate a site within the area of the authority as a site at risk of biodiversity loss.
- (3) Proposals under this section must be submitted for consideration to a public meeting in the area to which they relate prior to a site being designated.
- (4) An authority exercising powers under this section must have regard to any views concerning the proposals expressed by –
 - (a) those attending the meeting;
 - (b) those who own or otherwise possess land in the proposed site at risk of biodiversity loss;
 - (c) any other party with a relevant interest in the site.
- (5) An authority exercising its power under this section may publish a plan to protect the biodiversity of a designated site, which may include –
 - (a) an assessment of the impact that any plan, project or other activity may have on the biodiversity of the protected site,
 - (b) its assessment of activities that should not take place on the site where it reasonably believes those activities would be significantly detrimental to biodiversity on the site, and
 - (c) any plan, project or other activity that the authority considers is necessary for the purposes of protecting biodiversity on the site.
- (6) An authority exercising its power to designate land under this section may enter into a “conservation covenant agreement” with a landowner as provided for in Part 7 of the Environment Act 2021.
- (7) An authority to which this section applies has a right of entry to land designated as a site of importance for local biodiversity, where it has reasonable cause to believe that local biodiversity is at significant risk.”

Member’s explanatory statement

The purpose of this amendment is to provide local authorities with powers to assist them in discharging their duties under Clause 95 “General duty to conserve and enhance biodiversity”.

Clause 96

LORD BLENCATHRA

Page 97, line 30, leave out “Biodiversity” and insert “Nature”

Page 97, line 36, leave out “biodiversity” and insert “nature”

Page 97, line 37, leave out “biodiversity” and insert “nature”

Page 98, line 5, leave out “biodiversity” and insert “nature”

Page 98, line 11, leave out “biodiversity” and insert “nature”

Page 98, line 12, leave out “biodiversity” and insert “nature”

Page 98, line 17, leave out “biodiversity” and insert “nature”

Page 98, line 21, leave out “biodiversity” and insert “nature”

Page 98, line 26, leave out “biodiversity” and insert “nature”

Page 98, line 30, leave out “biodiversity” and insert “nature”

Page 98, line 35, leave out “biodiversity” and insert “nature”

Page 98, line 36, leave out “biodiversity” and insert “nature”

Page 98, line 47, at end insert –

“(13) In this section “nature” has the same meaning as in the Environment Act 2021.”

Member’s explanatory statement

This is a consequential amendment that links to the new Clause after Clause 109 in the name of Lord Blencathra.

Clause 99

LORD BLENCATHRA

Page 100, line 35, at end insert –

“(7) The Secretary of State must lay before Parliament, and publish, the guidance (and any revised guidance).”

Clause 102

LORD BLENCATHRA

Page 102, line 24, at end insert –

“(7A) The Secretary of State must lay before Parliament, and publish, the guidance (and any revised guidance).”

Clause 103

LORD BLENCATHRA

Page 104, line 27, at end insert –

“(8A) The Secretary of State must lay before Parliament, and publish, the guidance (and any revised guidance).”

Clause 105

LORD GOLDSMITH OF RICHMOND PARK

Page 106, line 15, at end insert “or (*Environmental targets: species abundance*)”***Member’s explanatory statement***

See the explanatory statement for new Clause (Environmental targets: species abundance).

After Clause 109

LORD BLENCATHRA

Insert the following new Clause –

“Interpretation of Part 6

In this part –

- (a) “nature” means the biodiversity of –
 - (i) plants, wild animals and other living organisms,
 - (ii) their habitats, and
 - (iii) air and water, and the natural systems, cycles and processes through which they interact (except buildings or other structures);
- (b) “nature recovery” means enhancing all the aspects of biodiversity in paragraph (a), including landscape beauty and improving the health of natural capital (the elements of nature that directly and indirectly produce value to people, including ecosystems, species, fresh water, land, minerals, the air and oceans, and natural processes and functions).”

Clause 112

LORD OATES

Page 110, line 31, at end insert –

“(aa) a local authority,”

Member's explanatory statement

The purpose of this amendment and others to this Clause is to designate local authorities as responsible bodies for the purposes of Part 7 of the Bill and to make consequent changes.

Page 110, line 34, leave out “a local authority or” and insert “any”

Page 110, line 36, leave out subsection (3)

Page 110, line 38, leave out “that is not a local authority”

Page 111, line 9, leave out “in the case of a body other than a local authority,”

After Clause 133

LORD GOLDSMITH OF RICHMOND PARK

Insert the following new Clause –

“Amendments of Schedule 7B to the Government of Wales Act 2006

- (1) Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru) is amended as follows.
- (2) In paragraph 9(8)(b) (exceptions to restrictions relating to reserved authorities) –
 - (a) omit the “or” at the end of paragraph (v);
 - (b) after paragraph (vi) insert “; or –
(vii) the Environment Act 2021.”
- (3) In paragraph 11(6)(b) (exceptions to restrictions relating to Ministers of the Crown) –
 - (a) omit the “or” at the end of paragraph (v);
 - (b) after paragraph (vi) insert “; or –
(vii) the Environment Act 2021.”

Member's explanatory statement

Several provisions of the Bill give both the Welsh Ministers and the Secretary of State functions relating to Welsh devolved matters. The amendments made by this new Clause enable Senedd Cymru to alter or remove the Secretary of State's functions relating to Welsh devolved matters without the Secretary of State's consent.

LORD FAULKNER OF WORCESTER

Insert the following new Clause –

“Non-application to smoke emissions from heritage vehicles or historic buildings

- (1) For the avoidance of doubt, this Act has no application to the emission of smoke from –
 - (a) the chimney of a railway locomotive, the chimney of a road vehicle or portable or stationary engine, or the funnel of a vessel in respect of which the emission of the smoke is an intrinsic feature of the functioning of the motive power concerned and in respect of which such motive power has been preserved, restored or recreated for heritage purposes;

After Clause 133 - continued

- (b) the chimney of an historic building or the chimney or other outlet of a museum intended to portray the means of internal heating of the rooms in such building or museum or facilities for the cooking of food or the provision of other services therein.
- (2) In this section—
- “heritage purposes” means a state of affairs intended to display a transport mode or machinery in a past setting for educational, recreational or tourist purposes;
- “smoke” includes grit, dust or other matter derived from the burning of solid, liquid or gaseous substances.”

Clause 138

LORD GOLDSMITH OF RICHMOND PARK

Page 123, leave out line 20 and insert “sections 16 to 19 ”

Member’s explanatory statement

This is consequential on Lord Goldsmith’s amendment to Clause 138, page 123, line 22.

Page 123, line 22, at end insert —

- “(ab) sections 16 to 18 (policy statement on environmental principles) extend to England and Wales and Scotland;”

Member’s explanatory statement

See Lord Goldsmith’s amendment to Clause 18, page 11, line 26.

Clause 139

LORD GOLDSMITH OF RICHMOND PARK

Page 125, line 16, at end insert —

- “(ia) section (*storm overflows*) (*storm overflows*),”.

Member’s explanatory statement

This amendment provides for the new Clause relating to storm overflows to come into force two months after Royal Assent.

Schedule 4

LORD GOLDSMITH OF RICHMOND PARK

Page 162, line 34, at end insert —

- “(2) The requirement in sub-paragraph (1) may be met by consultation carried out before this paragraph comes into force.”

Member’s explanatory statement

This amendment provides that the consultation requirement in paragraph 8 of Schedule 4 may be met by pre-commencement consultation.

Page 165, line 38, at end insert –

“(2) The requirement in sub-paragraph (1) may be met by consultation carried out before this paragraph comes into force.”

Member’s explanatory statement

This amendment provides that the consultation requirement in paragraph 20 of Schedule 4 may be met by pre-commencement consultation.

Schedule 5

LORD GOLDSMITH OF RICHMOND PARK

Page 168, line 8, at end insert –

“(2) The requirement in sub-paragraph (1) may be met by consultation carried out before this paragraph comes into force.”

Member’s explanatory statement

This amendment provides that the consultation requirement in paragraph 10 of Schedule 5 may be met by pre-commencement consultation.

Page 170, line 11, at end insert –

“(2) The requirement in sub-paragraph (1) may be met by consultation carried out before this paragraph comes into force.”

Member’s explanatory statement

This amendment provides that the consultation requirement in paragraph 18 of Schedule 5 may be met by pre-commencement consultation.

Schedule 6

LORD GOLDSMITH OF RICHMOND PARK

Page 172, line 7, at end insert –

“(3) The requirement in sub-paragraph (1)(a) may be met by consultation carried out before this paragraph comes into force.”

Member’s explanatory statement

This amendment provides that the consultation requirement in paragraph 5 of Schedule 6 may be met by pre-commencement consultation.

Page 174, line 16, at end insert –

“(2) The requirement in sub-paragraph (1) may be met by consultation carried out before this paragraph comes into force.”

Member’s explanatory statement

This amendment provides that the consultation requirement in paragraph 14 of Schedule 6 may be met by pre-commencement consultation.

Schedule 7

LORD GOLDSMITH OF RICHMOND PARK

Page 176, line 9, at end insert –

“(1A) The requirements in sub-paragraph (1) may be met by consultation carried out, and assessments and draft regulations published, before this paragraph comes into force.”

Member’s explanatory statement

This amendment provides that the consultation requirement in paragraph 5 of Schedule 7 may be met by pre-commencement consultation.

Page 179, line 3, at end insert –

“(2) The requirement in sub-paragraph (1) may be met by consultation carried out before this paragraph comes into force.”

Member’s explanatory statement

This amendment provides that the consultation requirement in paragraph 14 of Schedule 7 may be met by pre-commencement consultation.

Schedule 11

LORD GOLDSMITH OF RICHMOND PARK

Page 190, line 41, at end insert –

“(4A) The requirement in subsection (4) may be met by consultation carried out before this section comes into force.”

Member’s explanatory statement

This amendment provides that the consultation requirement in inserted section 81A(4) of the Environment Act 1995 may be met by pre-commencement consultation.

Schedule 14

LORD BLENCATHRA

Page 216, line 37, at end insert –

“(2A) The Secretary of State must lay before Parliament, and publish, the biodiversity metric (and any revisions).”

Page 220, line 4, at end insert –

“(3) For the avoidance of doubt, the condition in sub-paragraph (2) also applies to development for which planning permission is granted –
(a) by a development order, or
(b) under section 293A (urgent Crown development).”

Page 221, line 22, at end insert –

“16A(1) The Secretary of State may by regulations extend the biodiversity net gain obligations to the marine environment.

Schedule 14 - *continued*

(2) Regulations under this paragraph are subject to the negative procedure.”

Page 221, line 23, leave out from beginning to end of line 30

Environment Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

8 June 2021
