

Environment Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Before Clause 1

THE EARL OF LINDSAY

Insert the following new Clause—

“Environmental objectives

- (1) The purpose of part 1 is to provide a governance framework for enabling the environmental objectives to be met.
- (2) Within the framework of sustainable development, the environmental objectives referred to in section 1(1) are to achieve and maintain—
 - (a) a healthy, resilient and biodiverse natural environment,
 - (b) an environment that supports human health and wellbeing for everyone, and
 - (c) sustainable use of natural and physical resources.”

Member’s explanatory statement

This amendment aims to align the core elements of the governance framework (process for setting long-term targets, Environmental Improvement Plans and the Policy Statement on Environmental Principles) to a single objective.

Clause 1

THE EARL OF LINDSAY

Page 1, line 10, at end insert—

“(1A) The Secretary of State must exercise the power in subsection (1) with the aim of making a significant contribution to achieving the environmental objectives in section (*Environmental objectives*).”

Member’s explanatory statement

This amendment aims to align the core elements of the governance framework (process for setting long-term targets, Environmental Improvement Plans and the Policy Statement on Environmental Principles) to a single objective.

BARONESS BENNETT OF MANOR CASTLE

Page 2, line 1, leave out “resource efficiency” and insert “reduction in resource use”

Member’s explanatory statement

This amendment indicates that resource use must be reduced, rather than just made more efficient.

LORD RANDALL OF UXBRIDGE

Page 2, line 1, at end insert –

“(e) light pollution.”

Member’s explanatory statement

This amendment aims to set a commitment to act on matters which relate to light pollution that are currently omitted from this Bill. It aims to ensure that the Government must produce targets to reduce levels of light pollution in England.

BARONESS BENNETT OF MANOR CASTLE

Page 2, line 1, at end insert –

“(e) soil quality”

Member’s explanatory statement

This amendment indicates that soil quality is a priority area for environmental improvement.

Page 2, line 5, at end insert –

“(4A) There must be at least one interim target not less than eight years after the target is set.”

Member’s explanatory statement

This amendment ensures that progress must be checked within a functional political timeframe.

Page 2, line 8, after “15 years” insert “and not more than 20 years”

Member’s explanatory statement

This amendment seeks to ensure prompt action is taken to achieve the target.

Clause 3

LORD VAUX OF HARROWDEN

Page 2, line 39, at end insert “and that the environmental, social, economic or other costs of meeting the target, or amended target, are not disproportionate to the benefits.”

Member’s explanatory statement

This amendment makes it a requirement that the costs of meeting the target are not disproportionate to the benefits.

Page 3, line 3, leave out “because of changes in circumstances since the existing target was set or last amended”

Member's explanatory statement

This amendment seeks to allow the target to be amended not only when circumstances have changed, but in any situation where the costs of meeting the target would be disproportionate to the benefits.

Clause 5

LORD VAUX OF HARROWDEN

Page 3, line 38, at end insert –

“(d) that the environmental, social, economic or other costs of meeting the target are either proportionate or disproportionate to the benefits.”

Member's explanatory statement

This amendment introduces a requirement to report on the costs of meeting the target.

Clause 6

THE EARL OF CAITHNESS

Page 4, line 23, after “improve” insert “the maintenance, restoration or enhancement of”

LORD VAUX OF HARROWDEN

Page 4, line 23, at end insert “and the environmental, social, economic or other costs of meeting the target would not be disproportionate to the benefits.”

Member's explanatory statement

The amendment makes it a requirement that the costs of meeting the target are not disproportionate to the benefits.

Clause 7

BARONESS PARMINTER

Page 5, line 11, leave out subsection (4) and insert –

“(4) An environmental improvement plan must set out such policies and proposals Her Majesty's Government intends to pursue that will enable any targets and interim targets set under this Act to be met and improve the natural environment in the period to which the plan relates.”

THE EARL OF LINDSAY

Page 5, line 12, leave out “improve the natural environment” and insert “make a significant contribution to achieving the environmental objectives in section (*Environmental objectives*).”

Member's explanatory statement

This amendment aims to align the core elements of the governance framework (process for setting long-term targets, Environmental Improvement Plans and the Policy Statement on Environmental Principles) to a single objective.

Page 5, line 13, at end insert –

- “(4A) An environmental improvement plan must set out the steps Her Majesty’s Government intends to take to enable the achievement of –
- (a) the targets set under sections 1 and 2,
 - (b) any other environmental targets which meet the conditions in section 6(8), and
 - (c) the interim targets set in section 10(1).”

Member’s explanatory statement

This amendment aims to make explicit that Environmental Improvement Plans must include the policies and actions that Government intends to take to enable long term environmental targets to be met.

Clause 16

THE EARL OF LINDSAY

Page 10, line 18, leave out paragraphs (a) and (b) and insert “achieving the environmental objectives in section (*Environmental objectives*).”

Member’s explanatory statement

This amendment aims to align the core elements of the governance framework (process for setting long-term targets, Environmental Improvement Plans and the Policy Statement on Environmental Principles) to a single objective.

Clause 18

BARONESS PARMINTER

Page 11, line 16, after “Crown” insert “and public authorities”

Member’s explanatory statement

This amendment seeks to drive consideration of the environmental impacts of policy-making throughout all governmental bodies.

BARONESS JONES OF WHITCHURCH

Page 11, line 16, after “policy,” insert “(including proposals for legislation) –

- (a) apply the environmental principles currently in effect, and
- (b) ”

Member’s explanatory statement

This amendment would ensure a Minister of the Crown must, when making policy, directly apply the environmental principles in effect at that time.

Clause 37

LORD ANDERSON OF IPSWICH
LORD KREBS
LORD THOMAS OF CWMGIEDD

Page 22, line 3, at end insert –

“(2A) The OEP may include in the application for an environmental review a request that the court also review additional alleged conduct constituting a failure to comply with environmental law where –

- (a) the additional conduct is similar to, or related to, the conduct described in the decision notice, and
- (b) the additional conduct is conduct of –
 - (i) the public authority to whom the decision notice was given, or
 - (ii) another public authority, where that additional conduct indicates there may be systemic failures to comply with environmental law.

(2B) Where subsection (2A) applies –

- (a) the OEP need not have given an information notice nor a decision notice to the public authority to whom the additional conduct relates in respect of that additional conduct, and
- (b) the court may review that additional conduct if it thinks it reasonable to do so.”

Member’s explanatory statement

This amendment allows greater flexibility to consider multiple instances of misconduct rolled up into one single application, rather than issuing separate proceedings in respect of each individual incident.

Page 22, line 21, leave out subsection (7).

Member’s explanatory statement

This amendment removes the provision that a statement of non-compliance does not affect the validity of the conduct in respect of which it is given.

Page 22, line 24, leave out from “damages” to the end of line 28.

Member’s explanatory statement

This amendment removes the restrictions on the discretion of a court to grant a remedy where the court has found there to be a breach of environmental law. The restriction that damages may not be awarded to the OEP is retained.

Clause 38

LORD ANDERSON OF IPSWICH
LORD KREBS
LORD THOMAS OF CWMGIEDD

Page 23, line 13, leave out from “law” to the end of line 17.

Member's explanatory statement

This amendment removes the criterion that the OEP may only apply for a judicial review in cases of urgency.

Clause 43

THE EARL OF CAITHNESS

Page 26, line 41, after “habitats” insert “(including the soil)”

LORD RANDALL OF UXBRIDGE

Page 26, line 42, after “air” insert “soil”

Schedule 6

LORD TEVERSON

Page 171, line 26, leave out paragraph (a) and insert –

“(a) about how information to consumers about a product is to be provided (for example, by affixing one or multiple labels to the product of a common approved and consistent design);”

Member's explanatory statement

This amendment aims to ensure any mandatory labelling on packaging created as part of the Schedule on Resource Efficiency Information (and other information) is required to be part of a single consistent design framework.

Schedule 9

VISCOUNT COLVILLE OF CULROSS

Page 183, line 31, leave out paragraph (b) and insert –

“(b) are made of plastic or any other single use material, and”

After Clause 55

LORD BLENCATHRA

Insert the following new Clause –

“Ban on use of polystyrene

- (1) Polystyrene is prohibited from use in any of the following functions –
 - (a) as a receptacle or part of a receptacle to hold food either pre-packed or take-away,
 - (b) in any part of packaging of any article, whether as protection padding, scratch resistance or separating articles,
 - (c) as empty consumer containers or sheets for consumers to utilise.
- (2) Polystyrene in construction use is restricted in accordance with regulations made by the Secretary of State.
- (3) Such regulations must include the prohibition of the use of polystyrene –
 - (a) as sheeting for insulation purposes,
 - (b) as part of a mortar and render mix,
 - (c) as a liquid used in spray guns, and

After Clause 55 - continued

- (d) other such building or construction uses as the Secretary of State may determine.
- (4) The Secretary of State may by regulations determine what materials or substances constitute polystyrene for the purposes of this Act.
- (5) The prohibition in subsection (1) must be brought in by 1 January 2023.
- (6) The restrictions in subsection (2) may be brought in at different times as the Secretary of State may determine but no later than 31 December 2026.
- (7) Regulations made under subsections (1) and (2) are subject to the affirmative procedure.
- (8) Regulations made under subsection (3) are subject to the negative procedure.”

Clause 82

LORD CARRINGTON

Page 79, line 37, leave out “No”

Page 80, line 3, leave out subsection (b) and insert –

- “(b) the ground for revoking or varying the licence is that, having consulted relevant experts, the Secretary of State is satisfied that the revocation or variation is necessary to meet a relevant environmental objective.
- (c) in considering (b) above, the Secretary of State must have regard to the proportionality of any revocation or variation in the context of any benefit which may be delivered in achieving the relevant environmental objective.”

Page 80, line 12, leave out “no”

Page 80, line 14, leave out subsection (4)

Page 80, line 31, leave out “No”

Page 80, line 39, leave out “No”

Page 80, line 40, leave out “each year during”

Page 80, line 40, leave out “12” and insert “21”

Page 80, line 42, leave out “75%” and insert “50%”

Page 80, line 43, leave out “that” and insert “each”

Page 80, line 47, at end insert “for existing and future water resource needs”

Clause 82 - continued

Page 81, line 1, leave out from third “the” to end of line 3 and insert “direction in subsection (1) is made.”

Clause 102

THE EARL OF CAITHNESS

Page 101, line 41, leave out “may” and insert “must”

Page 102, line 1, leave out “areas or features” and insert “all relevant factors”

Page 102, line 3, leave out paragraph (b) and insert –

- “(b) identify the management measures required to address the factors identified in paragraph (a) for the purpose of improving the conservation status of the species in the strategy area
- (ba) identify the basis for achieving favourable conservation status for the relevant species of flora or fauna in the strategy area,”

Page 102, line 16, at end insert –

- “(f) identify the period of application of the strategy and the frequency of review of its application guided by paragraph (b) above.”

Page 102, line 17, leave out subsection (5) and insert –

- “(5) Natural England may, from time to time, amend, update or withdraw a species conservation strategy following review of the conservation status of the relevant species of flora or fauna.”

Page 102, line 24, at end insert –

- “(7A) The Secretary of State must, before publishing guidance relating to the content, interpretation and implementation of species conservation strategies, make available for consultation a draft of the same.”

Page 102, line 28, at end insert –

- ““conservation status” means the distribution and abundance of a species population as defined in the Habitats Directive 92/43/EEC;”

Clause 103

THE EARL OF CAITHNESS

Page 103, line 19, leave out “considers” and insert “can demonstrate, based on current available scientific evidence,”

Page 104, line 7, after “including” insert “landowners, those with a legal interest or right in relation to the site,”

After Clause 104

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Insert the following new Clause –

“Protection of pollinators from pesticides

- (1) A competent authority shall not authorise for use any pesticide product, active ingredient, safener or synergist unless it is satisfied that there will be no negative effect on the short-term or long-term health of honeybees or wild pollinator populations.
- (2) A pollinator risk assessment report relating to the relevant substance shall be published by an expert body.
- (3) The expert body shall consist of individuals free from vested interests in pesticide use, who shall have been independently appointed.
- (4) The pollinator risk assessment report must include –
 - (a) data examining acute and chronic effects of the relevant substance on honeybees, bumblebees, solitary bees, butterflies and hoverflies,
 - (b) all relevant available scientific evidence relating to any pollinators,
 - (c) conclusions relating to the likely acute and chronic effects of the relevant substance on honeybees, bumblebees, solitary bees, butterflies, hoverflies and other pollinators, and
 - (d) the identification of any risks to pollinators where the available evidence is insufficient to reach a conclusion.
- (5) The expert body must consult the public on the draft content of the pollinator risk assessment report.
- (6) When making any authorisation decision the competent authority must –
 - (a) aim to achieve a high level of protection for pollinators,
 - (b) be satisfied that the requirements of subsections (2) to (5) have been met,
 - (c) consult all relevant authorities with environmental responsibilities,
 - (d) consult other persons as the competent authority considers appropriate,
 - (e) lay before Parliament, and publish, a statement explaining why the competent authority is satisfied that the requirements of subsection (1) have been met,
 - (f) ensure the public has been informed by public notice early in the decision-making procedure, and in an adequate, timely and effective manner, that a decision will be made, and
 - (g) ensure the public has been consulted on the decision that the competent authority intends to make, including on any mitigation or restriction measures that are proposed.
- (7) The consultation period referred to in subsection (6)(g) will be at least three months, except for emergency derogations where the period will be at least four weeks.
- (8) This section will come into force on 1 February 2023.
- (9) In this section –

“Authorisation of use” includes authorisation by derogation.

After Clause 104 - continued

“competent authority” means –

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) the Secretary of State when acting with the consent of either or both (b) or (c).”

After Clause 133

BARONESS JONES OF WHITCHURCH

Insert the following new Clause –

“Prohibition on burning of peat in upland areas

- (1) A person must not burn specified vegetation on land in England which is within an upland area on peat.
- (2) In this section –
 - (a) “specified vegetation” means heather, rough grass, bracken, gorse or vaccinium.
 - (b) “upland area” means all the land shown coloured pink on the map marked as “Map of Upland Area in England” held by the Department for Environment, Food and Rural Affairs but does not include the land coloured pink in the Isles of Scilly.”

BARONESS BENNETT OF MANOR CASTLE

Insert the following new Clause –

“Public Rights for Recreational Access to Land in England

- (1) Within six months of the passage of this Act, the Secretary of State must publish a review of public rights for recreational access to land in England (“the Review”).
- (2) The Review must include –
 - (a) a comparison of public rights to access land for recreational purposes in England and the other parts of the United Kingdom;
 - (b) a public consultation on rights to access land for recreational purposes in England; and
 - (c) proposals to set long-term targets to increase people's enjoyment of the natural environment by increasing rights for recreational access to land.”

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14 June 2021
