

Environment Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Before Clause 1

LORD TEVERSON

Insert the following new Clause—

“Purpose and declaration of biodiversity and climate emergency

- (1) The purpose of this Act is to address the biodiversity and climate emergency domestically and globally.
- (2) As soon as reasonably practicable and no later than one month beginning with the day on which this Act is passed, the Prime Minister must declare that there is a biodiversity and climate emergency domestically and globally.
- (3) The Government must have regard to this purpose and declaration when implementing the provisions of this Act.”

Clause 1

LORD TEVERSON

Page 1, line 16, leave out paragraph (c) and insert—

- “(c) terrestrial biodiversity;
(ca) marine biodiversity;”

Member’s explanatory statement

This amendment ensures that there is a long-term biodiversity target both on-shore and off-shore.

LORD HARRIES OF PENTREGARTH

Page 2, line 1, at end insert—

- “(e) the planting of new trees.
- (3A) The Secretary of State must lay before Parliament, and publish, a statement containing information about progress towards meeting any targets set under subsection (3)(e) on an annual basis after any initial target is set (in addition to the requirements under section 5).”

Clause 1 - continued

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 2, line 1, at end insert –

“(e) a reduction in the use of conventional plastic packaging.

(3A) In this section “conventional plastic packaging” means plastic products that are defined as packaging under EU Directive 94/62/EC, or its successor legislation, and which are not –

(a) reusable;

(b) recyclable; or

(c) compostable as specified within the standard BS EN 13432 or BS EN 14995.”

Member’s explanatory statement

This amendment specifies a reduction in the use of conventional plastic packaging as a priority area in which the Secretary of State must set a long-term target, which must be achieved over 15 or more years.

After Clause 2

BARONESS JONES OF MOULSECOOMB

Insert the following new Clause –

“Targets to include the latest published World Health Organization guidelines

- (1) Before making or amending any targets under section 1 or 2, the Secretary of State must take into account the latest published World Health Organization guidelines for ambient and indoor air quality, when deciding –
 - (a) which targets to set,
 - (b) what those targets should be,
 - (c) where those targets should be met, and
 - (d) by when the targets should be met.
- (2) The Secretary of State must, when making or amending targets under section 1 or 2, send copies of the latest published World Health Organization guidelines to the other national authorities.
- (3) If any regulations made or amended under section 1 or 2 –
 - (a) fail to establish a specific target,
 - (b) exclude any location where there is human exposure to air pollution, or
 - (c) establish a different target or timescale for compliance from that recommended by the latest published World Health Organization guidelines,

the Secretary of State must publish a statement setting out the reasons for that decision.

- (4) Within six months of the publication of new World Health Organization guidelines, the Secretary of State must review targets and timescales for compliance in accordance with this Act.”

After Clause 2 - continued

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Insert the following new Clause –

“Environmental targets: conventional single use plastic packaging

- (1) The Secretary of State must by regulations set a target for reduction in the production and import of conventional single use plastic packaging (“the plastic packaging target”).
- (2) In this section “conventional single use plastic packaging” means plastic products that are defined as packaging under EU Directive 94/62/EC, or its successor legislation, and which are not reusable, recyclable or compostable.
- (3) Regulations setting the plastic packaging target must make provision, in particular, for reducing the use of flexible films made from materials subject to the target.
- (4) In this section “compostable” means products certified to the standard BS EN 13432 or BS EN 14995.
- (5) 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 resource efficiency and waste reduction.”

Member’s explanatory statement

This amendment provides for the Secretary of State to set a specific target for reduction in the import and production of conventional single use plastic packaging, in addition to broader long-term targets already provided for in the Bill on resource efficiency and waste reduction. It specifies the necessity of reducing conventional single use flexible film, since so little of this can be recycled.

LORD HARRIES OF PENTREGARTH

Insert the following new Clause –

“Environmental targets: tree health

- (1) The Secretary of State must by regulations set targets in respect of trees, including targets on the overall health of tree populations, particularly in respect of native species, research into disease-resistant varieties, and progress in planting disease-resistant varieties.
- (2) The specified date for the targets must be 31 December 2030.
- (3) Accordingly, the targets are not long-term targets 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) Section 1(4) to (9) applies to the targets set under this section and to regulations under this section as it applies to targets set under section 1 and to regulations under that section.
- (5) The Secretary of State must lay before Parliament, and publish, a statement containing information about progress towards meeting any targets set under this section on an annual basis after any initial target is set (this is in addition to the requirements under section 5).”

Clause 7

LORD REDESDALE
LORD CORMACK
LORD BLENCATHRA
THE EARL OF LYTTON

Page 5, line 17, at end insert –

“(5A) It may also set out steps Her Majesty’s Government intends to take to improve the conservation of land environments of archaeological, architectural, artistic, cultural or historic interest, including improving people’s enjoyment of them (and if it does so references in this Part to improving the natural environment, in relation to that plan, include conservation of land environments of archaeological, architectural, artistic, cultural or historic interest, including improving people’s enjoyment of them).”

Clause 8

LORD REDESDALE
LORD CORMACK
LORD BLENCATHRA
THE EARL OF LYTTON

Page 5, line 41, at end insert –

“(c) any other targets, goals or objectives specified in the environmental improvement plan, including those relating to beauty, heritage, and people’s enjoyment of the natural environment.”

Clause 15

LORD REDESDALE
LORD CORMACK
LORD BLENCATHRA
THE EARL OF LYTTON

Page 9, line 40, at end insert –

“(d) any other targets, goals or objectives specified in the environmental improvement plan, including those relating to beauty, heritage, and people’s enjoyment of the natural environment.”

Clause 16

BARONESS JONES OF MOULSECOOMB

Page 10, line 9, at end insert –

“(1A) In exercising their functions and carrying out their duties under this Act, the Secretary of State and all public bodies and authorities must adhere to the environmental principles.”

Clause 16 - continued

Page 10, line 21, leave out paragraphs (a) to (e) and insert—

- “(a) progress, which means that measures aimed at protecting human health and the environment must be aimed at achieving an improvement in human health and the environment, must ensure continuous and comprehensive information (such as assessments, monitoring and modelling and zones and agglomerations) and must not weaken standards;
- (b) prevention, which means that environmental regulation must identify and take effective action to reduce the causes of environmental harm before that harm takes place;
- (c) precaution, which means that where there are threats of serious or irreversible damage to the environment, including human health, lack of full scientific certainty must not be used as a reason for postponing measures to prevent harm;
- (d) polluter pays, which means that the costs of pollution or of clean-up should be borne by the person responsible for causing the pollution;
- (e) use of the best available scientific knowledge;
- (f) rectification at source, which means that environmental damage should, as a priority, be remedied at its source;
- (g) integration, which means that environmental protection requirements should be integrated into the definition and implementation of all policies and activities, in particular with a view to protecting public health and promoting sustainable development;
- (h) conservation of the ecosystem structure and functioning, in order to maintain ecosystem services;
- (i) anticipation, prevention or minimisation of the causes of climate change and adaptation to its adverse effects;
- (j) the principles of public participation enshrined in the Aarhus Convention; and
- (k) sustainability, which means to take into account the health of present generations and the needs of future generations.”

Before Clause 21

LORD CAMERON OF DILLINGTON

Insert the following new Clause—

“Office of Commissioner for Environmental Protection

- (1) The office of Commissioner for Environmental Protection is established.
- (2) It is for Her Majesty by Letters Patent to appoint a person to be Commissioner for Environmental Protection.
- (3) Her Majesty’s power is exercisable on an address of the House of Commons.
- (4) It is for the Prime Minister to move the motion for the address.
- (5) To do so the Prime Minister must have the agreement of the person who chairs the Environment Audit Committee.

Before Clause 21 - continued

- (6) The person appointed holds office for 10 years, and may not be appointed again.
- (7) The Commissioner for Environmental Protection is by that name to be a corporation sole.
- (8) The Commissioner for Environmental Protection is to be an officer of the House of Commons.
- (9) But section 4(4) of the House of Commons (Administration) Act 1978 (which provides for the application of provisions of that Act to staff employed in or for the purposes of the House of Commons) does not apply in relation to the office of Commissioner for Environmental Protection.
- (10) The person who is Commissioner for Environmental Protection may not be a member of the House of Lords.
- (11) The Commissioner for Environmental Protection is not to be regarded –
 - (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (12) The person who is Commissioner for Environmental Protection may not hold any other office or position to which a person may be appointed, or recommended for appointment, by or on behalf of the Crown.
- (13) Before a person is appointed as Commissioner for Environmental Protection, remuneration arrangements are to be made in relation to the person jointly by the Prime Minister and the person who chairs the Committee of Public Accounts.
- (14) The Commissioner for Environmental Protection may resign from office by giving written notice to the Prime Minister.
- (15) Her Majesty may remove the Commissioner for Environmental Protection from office on an address of both Houses of Parliament.”

Member’s explanatory statement

This amendment is to help secure the independence of the OEP by making its chief executive a separate office holder appointed by the House of Commons. It is modelled on provision made for the Comptroller and Auditor General under the Budget Responsibility and National Audit Act 2011.

Schedule 1

LORD CAMERON OF DILLINGTON

Page 129, line 9, at end insert –

“(1A) The chief executive is to be the Commissioner for Environmental Protection.”

Page 129, line 10, after first “The” insert “other”

BARONESS JONES OF WHITCHURCH

Page 129, line 16, at end insert “with the consent of the Environmental Audit and Environment, Food and Rural Affairs Committees of the House of Commons”

Member's explanatory statement

This amendment would require the appointment of the Chair and other non-executive members of the Office for Environmental Protection to be made with the consent of the relevant select committees.

LORD CAMERON OF DILLINGTON

Page 129, line 30, leave out sub-paragraph (1)

Page 130, line 1, leave out sub-paragraph (3)

Page 130, line 7, leave out from “first” to end and insert “Commissioner for Environmental Protection.”

Page 132, line 36, leave out paragraph 12 and insert –

- “12 (1) The OEP’s expenditure is to be paid out of money provided by Parliament.
- (2) For each financial year the OEP and Commissioner for Environmental Protection must jointly prepare an estimate of OEP’s use of resources.
- (3) The Chair of the OEP and the Commissioner for Environmental Protection must jointly submit the estimate to the Public Accounts Commission.
- (4) The Commission must –
- (a) review the estimate, and
- (b) lay it before the House of Commons with such modifications (if any) as the Commission considers appropriate.
- (5) In doing this the Commission must have regard to any advice given by the Committee of Public Accounts or the Treasury.”

BARONESS JONES OF WHITCHURCH

Page 134, line 3, leave out “have regard to the need to”

Member's explanatory statement

This amendment makes the independence of the OEP an absolute requirement.

Clause 27

LORD REDESDALE
LORD CORMACK
LORD BLENCATHRA
THE EARL OF LYTTON

Page 15, line 33, at end insert –

- “(d) towards meeting any other targets, goals or objectives specified in the environmental improvement plan, including those relating to beauty, heritage, and people’s enjoyment of the natural environment.”

After Clause 36

BARONESS JONES OF MOULSECOOMB

Insert the following new Clause –

“Penalty notices

- (1) If the OEP is satisfied that a public authority has failed to comply with a decision notice, the OEP may by written notice (a “penalty notice”) require the public authority to pay to the OEP an amount in sterling specified in the notice.
- (2) A penalty notice may not be issued before the earlier of –
 - (a) the end of the period within which the authority must respond to the decision notice in accordance with section 35(3), and
 - (b) the date on which the OEP receives the authority’s response to that notice.
- (2) When deciding whether to give a penalty notice to a public authority and determining the amount of the penalty, the OEP must have regard to the matters listed in subsection (3).
- (3) Those matters are –
 - (a) the nature, gravity and duration of the failure;
 - (b) the intentional or negligent character of the failure;
 - (c) any relevant previous failures by the public authority;
 - (d) the degree of co-operation with the Commissioner, in order to remedy the failure and mitigate the possible adverse effects of the failure;
 - (e) the manner in which the infringement became known to the OEP, including whether, and if so to what extent, the public authority notified the OEP of the failure;
 - (f) the extent to which the public authority has complied with previous enforcement notices or penalty notices;
 - (g) whether the penalty would be effective, proportionate and dissuasive.
- (4) Once collected, penalties must be distributed to the NHS, Mayors for combined authority areas and local authorities for the treatment and research of illnesses related to air pollution.
- (5) The Secretary of State must, by regulations, set the minimum and maximum amount of penalty.
- (6) Regulations under this section are subject to the affirmative procedure.”

After Clause 42

BARONESS JONES OF MOULSECOOMB

Insert the following new Clause –

“Reporting to the OEP

- (1) The Secretary of State must report to the OEP any information that the Secretary of State was, immediately before IP completion day, required to report to the European Commission pursuant to existing EU law that relates to the environment, in accordance with the same timeframes as set out in that law.

After Clause 42 - continued

- (2) The OEP must review the reporting requirements referred to in subsection (1) no later than two years after the day on which this Act is passed.
- (3) If the OEP concludes, as a result of this review, that a reporting requirement is no longer necessary to contribute to environmental protection or the improvement of the natural environment, it must arrange for a report setting out its reasons to be –
 - (a) laid before Parliament, and
 - (b) published.
- (4) The Secretary of State must –
 - (a) respond to the report referred to in subsection (3), and
 - (b) lay before Parliament, and publish, a copy of the response no later than 3 months after the report is laid.
- (5) For the purposes of this section –
 - (a) “existing EU law” means anything that is “retained EU law” as defined in section 6(7) of the European Union Withdrawal Act 2018 before any such “retained EU law” is added to or otherwise modified by or under the European Union Withdrawal Act 2018 or by other domestic law from time to time, and
 - (b) “IP completion day” has the meaning given in section 39 of the European Union (Withdrawal Agreement) Act 2020.”

Member’s explanatory statement

This amendment would provide for requirements for the Secretary of State to report to the European Commission to be replaced by requirements to report to the OEP.

Clause 43

LORD REDESDALE
LORD CORMACK
LORD BLENCATHRA
THE EARL OF LYTTON

Page 26, line 42, after “structures” insert “but including sites of archaeological, architectural, artistic, cultural or historic interest insofar as they form part of the landscape”

Schedule 3

BARONESS RITCHIE OF DOWNPATRICK

Page 154, line 42, leave out paragraph 24

Page 157, line 34, at end insert –

“(2ZA) The appointment requires the consent of the Committee for Agriculture, Environment and Rural Affairs of the Northern Ireland Assembly.”

Schedule 4

BARONESS JONES OF WHITCHURCH

Page 160, line 8, at end insert –

“(1A) When making regulations imposing producer responsibility obligations, the relevant national authority must have regard to the public interest in such obligations being operational by 1 January 2024.”

Member’s explanatory statement

This amendment aims to ensure that the new packaging producer responsibility system is in place for the beginning of 2024, given that the final compliance year of the current package will end on 31 December 2023.

Schedule 8

BARONESS JONES OF WHITCHURCH

Page 179, line 11, at end insert –

“(1A) When making regulations establishing a deposit scheme, the relevant national authority must have regard to the public interest in such a scheme being operational by 1 January 2023.”

Member’s explanatory statement

This amendment aims to accelerate the establishment of deposit return schemes, which a recent government consultation suggests will not be operational until late 2024 at the earliest.

BARONESS BENNETT OF MANOR CASTLE

Page 179, line 29, after “item” insert “varies by the size of container and”

Member’s explanatory statement

This amendment is ensuring that deposit return schemes have a deposit fee that varies by size of container.

After Clause 55

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Insert the following new Clause –

“Plastic Packaging Tax: exemptions

- (1) The Finance Act 2021 is amended as follows.
- (2) In section 52(2), after “subsection” insert “(2A),”.
- (3) After section 52(2), insert –
 - “(2A) This subsection applies if the plastic packaging components are independently certified compliant with BS EN 13432 and, as such, are capable of being composted through an organic recycling process.”

Member’s explanatory statement

This probing amendment would create an exemption for independently certified plastic packaging products from the Plastic Packaging Tax, due to come into effect next year. At present, the tax makes no distinction between conventional polluting plastics, and compostable materials which can break down leaving no microplastics behind.

Clause 56

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 34, line 41, at end insert “(including compostable flexible materials)”

Member’s explanatory statement

This amendment specifies that compostable flexible materials should be collected from domestic premises by local authorities alongside food and garden waste.

Page 34, line 42, at end insert “(including compostable flexible materials).”

- (11) For the purposes of subsection (10)(e) and (f) “compostable flexible materials” means items independently certified to BS EN 13432 or BS EN 14995.”

Member’s explanatory statement

This amendment specifies that compostable flexible materials should be collected from domestic premises by local authorities alongside food and garden waste.

Page 35, line 45, at end insert “(including compostable flexible materials).”

- (10A) For the purposes of subsection (10)(e) “compostable flexible materials” means items independently certified to BS EN 13432 or BS EN 14995.”

Member’s explanatory statement

This amendment specifies that compostable flexible materials should be collected alongside food waste from “relevant non-domestic premises” by those who collect waste as a business or in exercising a public function.

Page 37, line 10, at end insert “(including compostable flexible materials).”

- (11) For the purposes of subsection (10)(e) “compostable flexible materials” means items independently certified to BS EN 13432 or BS EN 14995.”

Member’s explanatory statement

This amendment specifies that compostable flexible materials should be collected alongside industrial or commercial food waste by those who collect waste as a business or in exercising a public function.

After Clause 72

LORD WHITTY

LORD RANDALL OF UXBRIDGE

BARONESS FINLAY OF LLANDAFF

BARONESS BENNETT OF MANOR CASTLE

Insert the following new Clause –

“Air quality and human health in rural areas: application of pesticides

- (1) The Secretary of State must by regulations make provision prohibiting the application of pesticides for the purposes of agriculture or horticulture near –
- (a) buildings used for human habitation, and

After Clause 72 - continued

- (b) public or private buildings and associated open spaces where members of the public may be present, including but not limited to—
 - (i) schools and childcare nurseries, and
 - (ii) hospitals and health care facilities.
- (2) Regulations under subsection (1) must specify a minimum distance from any of the locations listed under subsection (1) to be maintained during the application of any pesticide.
- (3) In determining the distance in subsection (2) the Secretary of State must be guided by the optimum distance that would make a significant difference in air quality for people using the locations listed in subsection (1).
- (4) In this section “public building” includes any building used for the purpose of education.
- (5) Regulations under this section are subject to the affirmative procedure.”

Member’s explanatory statement

In order to improve air quality and thereby protect human health and the environment in rural areas, this new Clause would require the Secretary of State to make regulations to prohibit the application of chemical pesticides near buildings and open spaces used by residents and members of the public.

BARONESS JONES OF MOULSECOOMB

Insert the following new Clause—

“Air pollution improvement areas

- (1) Where the air in a local authority area or any part thereof exceeds, or is expected to exceed—
 - (a) the latest published World Health Organization guidelines for one or more air pollutants, or
 - (b) Committee on Climate Change guidance for achieving net zero emissions by a due date,
 the Secretary of State, the Mayor for a combined authority area (the “Designating Mayor”) or the local authority for that area (the “Designating Local Authority”) must designate the area, or part thereof, as an air pollution improvement area.
- (2) Where the Secretary of State, the Mayor for a combined authority area or the local authority has designated an air pollution improvement area under this Act, the Secretary of State must provide funding to the Mayor for that combined authority area or the local authority responsible for that area sufficient for them to carry out their duties arising from such a designation.
- (3) The designation must include—
 - (a) the applicable NO_x, NO₂ and PM emission limits including particle number concentrations, and
 - (b) the GHG emission limits for each type of plant as provided for in regulations made by the Secretary of State, standards set by the Designating Mayor or byelaws made by the Designating Local Authority under this Act.

After Clause 72 - continued

- (4) Within an air pollution improvement area, the amount of NO_x and PM emitted by the following must at all times be less than the lowest of an amount specified in regulations made by the Secretary of State, standards set by the Designating Mayor or byelaws made by the Designating Local Authority under this Act—
 - (a) in any premises, a boiler which is fired by gaseous fuels and has a rated heat output of less than 1MW,
 - (b) in any premises, a solid fuel boiler with a rated output of less than 1MW,
 - (c) the operation of non-road mobile machinery, and
 - (d) any combined cooling, heat and power plant or combined heat and power plant.
- (5) In any premises within an air pollution improvement area, the amount of NO_x, NO₂ and PM emitted by a stationary generator with a rated thermal input equal to or less than 1MW installed on the premises must at all times be less than the lowest of an amount specified in regulations made by the Secretary of State, standards set by the Designating Mayor or byelaws made by the Designating Local Authority under this Act.
- (6) Within an air pollution improvement area, the use of fireplaces, wood burning appliances including stoves, diesel vehicles and other potential emitters of greenhouse gases and air pollutants may be prohibited by standards set by the Designating Mayor or byelaws made by the Designating Local Authority.”

Insert the following new Clause—

“Committee on Climate Change enhanced advisory duty on air pollutants and emissions in the atmosphere

In the Climate Change Act 2008, after section 38 (duty to provide advice or other assistance on request), insert the following new section—

“38A Advice on environmental targets for air quality

- (1) It is the duty of the Committee to advise the Secretary of State on the legally binding targets required for air quality, taking into account the latest published World Health Organization guidelines for ambient and indoor air quality, and how to achieve the targets.
- (2) Advice given by the Committee under this section must also contain the evidence for that advice.
- (3) Upon receiving the advice of the Committee, the Secretary of State must lay the advice before Parliament.
- (4) As soon as is reasonably practicable after giving its advice to the Secretary of State, the Committee must publish that advice.”

Insert the following new Clause—

“Air quality: monitoring and data

- (1) It is the duty of the Secretary of State to ensure that—
 - (a) adequate monitoring and modelling of air quality and greenhouse gases is undertaken,

After Clause 72 - continued

- (b) an assessment is made in all postcode districts to fulfil statutory obligations, and
 - (c) good quality data on air quality is made available to the public.
- (2) In fulfilling that duty, the Secretary of State must –
- (a) use air quality data to generate pollution alerts and messages and use a full range of media to inform the public and health care professionals,
 - (b) publish an annual report of air quality and greenhouse gas emissions data in each postcode district,
 - (c) send a copy of the annual report of air quality and greenhouse gas emissions data to the European Environment Agency,
 - (d) make live data from continuous air quality monitors available to the general public,
 - (e) regularly publish guidance for the public on the efficacy of new air quality sensors,
 - (f) maintain and publish registers of all relevant air pollutants, all known controllable sources of each pollutant and the measures and best available technologies that in their opinion would mitigate those pollutants at source,
 - (g) undertake an annual assessment of air quality in each postcode district to inform progress towards meeting the latest published World Health Organization guidelines for air quality, and
 - (h) report on progress towards achieving net zero emissions.”

After Clause 78

LORD TEVERSON

Insert the following new Clause –

“Grey water systems

- (1) Within one year of the day on which this Act is passed, the Secretary of State must by regulations make provision to ensure that all new buildings with a water supply constructed after 2022 are equipped with grey water systems.
- (2) A “grey water system” is a system for reusing wastewater generated in buildings from streams without faecal contamination (that is all streams except for the wastewater from toilets) for onsite toilet flushing, landscape or crop irrigation, and other non-potable uses.”

Member’s explanatory statement

This amendment will change building regulations from 2023 to ensure that new buildings are fitted with grey water systems.

Schedule 14**LORD BLENCATHRA**

This amendment replaces a similar amendment tabled by Lord Blencathra which appeared on sheet HL Bill 16(a)

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,
 - (b) under section 293A (urgent Crown development),
 - (c) under the High Speed Rail (London-West Midlands) Act 2017,
 - (d) under the High Speed Rail (West Midlands-Crewe) Act 2021,
- and to the proposed extension of HS2 Phase 2b (Crewe-Manchester).”

BARONESS BENNETT OF MANOR CASTLE

Page 220, line 22, at end insert –

“(ea) proof that sufficient funds have been allocated to implement the plan in full, including contingencies,”

Member’s explanatory statement

This amendment would require biodiversity gain plans to prove that sufficient money will be available to implement the plan for its duration.

Page 221, line 11, after “met” insert –

“(ea) that sufficient funding and resources will be available to implement the plan, including in the event of insolvency, dissolution or death of any persons referred to in the plan,”

Member’s explanatory statement

This amendment would require planning authorities to ensure that sufficient funding will be available to implement biodiversity gain plans before approving any development.

Clause 102**THE EARL OF CAITHNESS**

As an amendment to the amendment to page 101, line 36 in the name of Lord Krebs published in HL Bill 16(c)

In subsection (2C), after “publish” insert “and make available for consultation”

Clause 104

THE EARL OF CAITHNESS

Page 105, leave out lines 26 to 29 and insert –

- “(a) that there is no other solution based on reasonable endeavours to achieve the purpose in question using alternative lawful methods, and
- (b) that the grant of the licence is not, based on scientific assessment, likely to be detrimental to the survival status of the population of the species of animal or plant at the scale to which the licence relates.”

After Clause 108

BARONESS YOUNG OF OLD SCONE

Insert the following new Clause –

“Ancient woodland protection

- (1) Section 28 of the Wildlife and Countryside Act 1981 (sites of special scientific interest) is amended as follows.
- (2) In subsection (1), after “interest” insert “or ancient woodland”.
- (3) After subsection (1A) insert –
 - “(1AA) Ancient woodland is defined as an area that has been continuously wooded since at least 1600 AD in England, and includes ancient semi-natural woodland, plantations on ancient woodland sites, ancient wood pasture and parkland, as recorded on the Ancient Woodland Inventory.””

Member’s explanatory statement

This amendment seeks to protect ancient woodland by placing it on equal footing to Sites of Special Scientific Interest.

Insert the following new Clause –

“Duty to implement a biosecurity standard in England when planting trees

- (1) The Secretary of State must by regulations establish a biosecurity standard in England as set out in this section to be observed when planting trees.
- (2) The biosecurity standard must set out the steps necessary to secure the biosecurity of England, especially emphasising the actions that Her Majesty’s Government can take to support this goal through implementation and promotion of its adopted standard through the course of a biosecurity transition period.
- (3) The biosecurity transition period in subsection (2) must give government agencies, arms-length bodies and third-party contractors under the instruction of the Government, sufficient time to bring their internal programmes into line with the objectives of the biosecurity standard.

After Clause 108 - continued

- (4) Regulations under subsection (1) must commit the Government to adopting a standard across all of its operations whereby native, broadleaf trees and shrubs are sourced from UK growers and grown within the United Kingdom for their entire lives with respect to the planting of native, broadleaf trees, whether by the Government directly, through its arms-length bodies, or through third party contractors working in collaboration with the Government or under its instruction.
- (5) The commitment in subsection (4) may include but is not limited to the planting of native, broadleaf trees for associated purposes.
- (6) The biosecurity transition period for England is as set out in regulations by the Secretary of State.
- (7) Regulations under this section do not apply to commercial forestry operations comprising coniferous, non-native species, which remain subject to existing standards applied by the Department for Environment, Food and Rural Affairs under the Plant Healthy programme.”

Member’s explanatory statement

This amendment would require the government to adhere to a biosecurity standard when sourcing native, broadleaf trees for planting by either itself, its agencies or third party contractors for associated environmental works. This is to prevent the potential importing of tree diseases, with subsequent tree losses which could negate the government’s tree planting targets.

After Clause 133

BARONESS JONES OF MOULSECOOMB

Insert the following new 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) In the Petroleum Act 1998 omit sections 4A and 4B (as inserted by section 50 of the Infrastructure Act 2015).
- (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 is passed,
 shall cease to be valid three months after that day.
- (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

After Clause 133 - continued

(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.

BARONESS BENNETT OF MANOR CASTLE

Insert the following new Clause –

“Strategy for new economic goals to deliver environmental protection and societal wellbeing

- (1) Her Majesty’s Government must prepare a strategy for the adoption of new economic goals to deliver environmental protection and societal wellbeing.
- (2) “Environmental protection” in subsection (1) means the protection of humans and the natural environment from the impacts of human activity as defined in section 44.
- (3) The new economic goals must address –
 - (a) the environmental targets in this Act,
 - (b) the Climate Change Act 2008,
 - (c) the United Kingdom’s commitments under international environmental agreements, laws and treaties,
 - (d) the wellbeing of future generations,
 - (e) the overseas environmental impacts of UK consumption and economic activity, and
 - (f) the contribution of the UK’s consumption and production to the state of the global environment, in relation to nine planetary boundaries –
 - (i) stratospheric ozone depletion,
 - (ii) loss of biosphere integrity (biodiversity loss and extinctions),
 - (iii) chemical pollution and the release of novel entities,
 - (iv) climate change,
 - (v) ocean acidification,
 - (vi) freshwater consumption and the global hydrological cycle,
 - (vii) land system change,
 - (viii) nitrogen and phosphorus flows to the biosphere and oceans, and
 - (ix) atmospheric aerosol loading.
- (4) The strategy must –
 - (a) set out how the new economic goals will replace growth in gross domestic product as the principal measure of national economic progress,
 - (b) set out a vision for how the economy can be designed to serve the wellbeing of humans and protect the natural environment,
 - (c) include a set of indicators for each new economic goal, and

After Clause 133 - continued

- (d) set out plans for the application of new economic goals and indicators to central and local government decision-making processes including but not limited to Central Government Guidance on Appraisal and Evaluation produced by HM Treasury (the Green Book).
- (5) In drawing up the strategy, Her Majesty's Government must obtain, publish and take into account the advice of—
 - (a) experts in the field of ecological economics,
 - (b) a nationally representative citizens assembly,
 - (c) trades unions,
 - (d) businesses,
 - (e) statutory agencies,
 - (f) representatives of local and regional government, and
 - (g) any persons the Secretary of State considers to be independent and to have relevant expertise.
- (6) The strategy must be laid before Parliament within 12 months of the passing of this Act.
- (7) The Secretary of State must lay before Parliament an annual report on progress towards meeting the new economic goals and their efficacy in delivering environmental protection and societal wellbeing.
- (8) A Minister of the Crown must, not later than one month after the report has been laid before Parliament, move a motion in the House of Commons in relation to that report."

Member's explanatory statement

This new Clause requires the Government to prepare a strategy for the adoption of new economic goals that are designed to deliver environmental protection and societal wellbeing and to report annually on these goals.

Insert the following new Clause—

“International crime of ecocide

- (1) It is an objective of Her Majesty's Government to support the negotiation of an amendment to the Rome Statute of the International Criminal Court to establish a crime of ecocide.
- (2) In pursuance of subsection (1), a relevant Minister of the Crown must propose, either independently or jointly with other sovereign states, an amendment to the Rome Statute of the International Criminal Court within 12 months of the passing of this Act.
- (3) In this section “ecocide” refers to harm to nature which is severe and widespread or long-term.”

After Clause 133 - continued

BARONESS JONES OF MOULSECOOMB

Insert the following new Clause –

“Rights and duties

- (1) The powers and duties in this Act must be exercised in pursuance and recognition of the duties of the state and public authorities at all levels to protect human life and health and to ensure a healthy environment now and for future generations under Article 2 (Right to life) and Article 8 (Right to respect for private and family life and home) of the European Convention on Human Rights.
- (2) There is a right to breathe clean air.
- (3) Public authorities at all levels must act compatibly with –
 - (a) the National Air Quality Strategy,
 - (b) the national Environmental Improvement Plan,
 - (c) any national air quality plan,
 - (d) any national short-term action plan on air quality,
 - (e) any Air Pollution Improvement Area, and
 - (f) the need to achieve net zero emissions by 2030,
 when exercising any relevant function.”

BARONESS JONES OF WHITCHURCH
BARONESS HAYMAN OF ULLOCK

Insert the following new Clause –

“Review of the operation of REACH legislation

- (1) Within two years of the day on which this Act is passed, the Secretary of State must undertake a review of –
 - (a) the operation of UK REACH legislation, and
 - (b) the performance of the Health and Safety Executive (“the HSE”) in relation to that legislation.
- (2) The review under subsection (1) must consider –
 - (a) the impact of actual or planned revisions to REACH legislation under the powers of Schedule 20, and
 - (b) the suitability of the HSE’s resourcing, including (but not limited to) staffing levels and technical expertise.
- (3) Upon completion of the review, the Secretary of State must lay a report before both Houses of Parliament.”

Member’s explanatory statement

This amendment would establish a mechanism for reviewing the performance of the Health and Safety Executive in relation to its expanded responsibilities under UK REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals).

Environment Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

15 June 2021
