

Environment Bill

REVISED
SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 14th June 2021, as follows –

Clauses 1 to 21	Schedule 11
Schedule 1	Clause 72
Clauses 22 to 47	Schedule 12
Schedule 2	Clauses 73 to 80
Clause 48	Schedule 13
Schedule 3	Clauses 81 to 92
Clause 49	Schedule 14
Schedule 4	Clauses 93 to 107
Clause 50	Schedule 15
Schedule 5	Clauses 108 and 109
Clause 51	Schedule 16
Schedule 6	Clauses 110 to 123
Clause 52	Schedule 17
Schedule 7	Clauses 124 to 130
Clause 53	Schedule 18
Schedule 8	Clauses 131 and 132
Clause 54	Schedule 19
Schedule 9	Clause 133
Clauses 55 to 65	Schedule 20
Schedule 10	Clauses 134 to 141
Clauses 66 to 71	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

13 Page 2, line 1, at end insert –

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

Clause 1 - continued

(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.

BARONESS BENNETT OF MANOR CASTLE

14 Page 2, line 1, at end insert –
“(e) nitrogen management.”

LORD LUCAS

15 Page 2, line 5, at end insert –
“(c) the reasons why that particular target and that particular date have been chosen, and the evidence on which those choices have been based.”

Member’s explanatory statement

This amendment is to enable people affected by the targets to understand how they have been arrived at.

BARONESS BENNETT OF MANOR CASTLE

16 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.

LORD LUCAS

17 Page 2, line 7, at end insert –
“(5A) Regulations under this section must make provision about undertaking research into the reasons why a target is not being met, regionally or nationally.”

Member’s explanatory statement

This amendment is to make sure that the reasons why targets are not being met is understood and evidenced so that remedies can be accurately and efficiently targeted.

BARONESS BENNETT OF MANOR CASTLE

18 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.

LORD ADDINGTON

19 Page 2, line 11, at end insert –

“(7A) Before making regulations under subsection (1)(b), the Secretary of State must consult –

- (a) the Department of Health and Social Care,
- (b) other government departments, and
- (c) any office or department with responsibility for health promotion.”

Clause 2

BARONESS JONES OF WHITCHURCH

BARONESS WALMSLEY

BARONESS FINLAY OF LLANDAFF

LORD RANDALL OF UXBRIDGE

20 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) so far as practicable, 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.

LORD WHITTY

21 Page 2, line 32, at end insert –

“(8) The Secretary of State must by regulations stipulate the numbers of fixed or mobile devices to monitor the level of PM2.5 in ambient air to be operated by highways authorities or local authorities.”

After Clause 2

LORD GOLDSMITH OF RICHMOND PARK

22 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.

After Clause 2 - continued

- (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.

LORD CHIDGEY

As an amendment to Amendment 22

23

After subsection (1) insert—

“(1A) In the range of species which contribute to the target, at least one must be a species that is significant to chalk streams and its abundance an indicator of the health of its ecosystem.”

Member’s explanatory statement

This amendment aims to ensure that at least one of the species which contributes to the target should act as a proxy for being able to assess the health and abundance of species within chalk streams, which in turn will act as a clear indicator of the overall health of chalk streams.

LORD RANDALL OF UXBRIDGE

LORD KREBS

BARONESS PARMINTER

BARONESS JONES OF WHITCHURCH

As an amendment to Amendment 22

24

In subsection (4), leave out “further” and insert “meet”

Member’s explanatory statement

This amendment would set a clear requirement for a target to halt the decline in the abundance of species by 2030.

BARONESS JONES OF WHITCHURCH

As an amendment to Amendment 22

25

In subsection (4), leave out from “would” to end and insert “—

- (a) in the first instance, further the objective of halting a decline in the abundance of species, and

After Clause 2 - continued

- (b) once the decline in the abundance of species has been halted, contribute to growth in the abundance of species.”

Member’s explanatory statement

This amendment to the amendment on “abundance of species” in the name of the Minister would require the Secretary of State, when setting or amending the target, to do so in a way that satisfies them that once the decline in biodiversity is halted, the abundance of species will begin to grow.

BARONESS BENNETT OF MANOR CASTLE

As an amendment to Amendment 22

- 26 In subsection (4), leave out “halting a decline in the abundance of species” and insert “delivering an improvement in the mass of wild species and the population numbers of Red and Amber list species”

Member’s explanatory statement

This amendment ensures that the target set reflects an improvement in the state of nature, rather than just the halting of decline.

As an amendment to Amendment 22

- 27 At end insert—
- “(7) Species abundance is to be measured by the mass of wild species, the number of species and improvements in the numbers of Red and Amber List species, covering both terrestrial and marine environments.”

Member’s explanatory statement

This amendment seeks to clarify what is included within the species abundance target.

BARONESS JONES OF WHITCHURCH
VISCOUNT COLVILLE OF CULROSS
BARONESS JONES OF MOULSECOOMB
BARONESS BOYCOTT

- 28 Insert the following new Clause—
- “Environmental targets: plastics reduction**
- (1) The Secretary of State must by regulations set a target (the “plastics reduction target”) in respect of a matter relating to reducing plastic pollution and the volume of non-essential single-use products (including but not limited to plastics) in circulation.
 - (2) The specified date for the plastics reduction target must be by 31 December 2030.
 - (3) Accordingly, the plastics reduction 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 resource efficiency and waste reduction.

After Clause 2 - continued

- (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 reducing the volume of non-essential single-use products (including but not limited to plastics) in circulation.
- (5) Section 1(4) to (9) applies to the plastics reduction 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 plastics reduction target” means the target set under subsection (1).”

Member’s explanatory statement

This new Clause would require the Secretary of State to introduce a target for reducing plastic pollution and the volume of non-essential single-use products (including but not limited to plastics) in circulation in the economy and society.

BARONESS JONES OF MOULSECOOMB

29 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

30 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

31 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).”

After Clause 2 - continued

BARONESS JONES OF MOULSECOOMB

32 Insert the following new Clause—

“Environmental targets: meat and dairy consumption

- (1) The Secretary of State must by regulations set a target (“the meat and dairy reduction target”) in respect of the annual consumption of meat and dairy as food in 2030.
- (2) The meat and dairy reduction target must be a reduction of at least 20% of a 2020 baseline figure.
- (3) In setting the meat and dairy reduction target, the Secretary of State must act in accordance with any recommendation or advice received from the Committee on Climate Change.”

Member’s explanatory statement

The Committee on Climate Change has recommended that the government implement a 20% reduction in consumption of meat and dairy by 2030, as livestock accounts for 60% of UK agricultural emissions.

Clause 3

LORD GOLDSMITH OF RICHMOND PARK

33 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*).*

BARONESS PARMINTER

BARONESS JONES OF WHITCHURCH

LORD TEVERSON

34 Page 2, line 36, at end insert—

“(1A) Advice on whom to consult with regards to relevant expertise under subsection (1) must first be sought from the Office for Environmental Protection.”

LORD GOLDSMITH OF RICHMOND PARK

35 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*).*

LORD VAUX OF HARROWDEN

36 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.

LORD GOLDSMITH OF RICHMOND PARK

- 37 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*).*

LORD VAUX OF HARROWDEN

- 38 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.

LORD GOLDSMITH OF RICHMOND PARK

- 39 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*).*

- 40 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*).*

- 41 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*).*

LORD WIGLEY

- 41A Page 3, line 22, at end insert –
“(10) No regulations may be made under section 1 or 2, if they are, or may be, applicable in Wales, Scotland or Northern Ireland, without the prior consent of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly, as appropriate.”
- 41B Page 3, line 22, at end insert –
“(10) The Secretary of State may not make any regulations relating to water in Wales without the prior consent of Senedd Cymru.”

Clause 4

LORD GOLDSMITH OF RICHMOND PARK

- 42 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).

BARONESS JONES OF WHITCHURCH
 BARONESS PARMINTER
 LORD RANDALL OF UXBRIDGE
 BARONESS JONES OF MOULSECOOMB

- 43 Page 3, line 26, at end insert –
 “(c) interim targets are met.”

Member’s explanatory statement

This amendment places a statutory duty on the Secretary of State to meet any interim targets they set.

Clause 5

LORD GOLDSMITH OF RICHMOND PARK

- 44 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).

LORD VAUX OF HARROWDEN

- 45 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

LORD GOLDSMITH OF RICHMOND PARK

- 46 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).

- 47 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).

THE EARL OF CAITHNESS
THE EARL OF SHREWSBURY
BARONESS MCINTOSH OF PICKERING

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

BARONESS JONES OF WHITCHURCH
BARONESS WALMSLEY
BARONESS FINLAY OF LLANDAFF
LORD RANDALL OF UXBRIDGE

- 49 Page 4, line 23, at end insert “and minimise, or where possible eliminate, the harmful impacts of air pollution on human health and the environment as quickly as possible.

(3A) The review of any air quality targets set under section 1 and the PM2.5 air quality target set under section 2 must include an assessment of the targets against the latest relevant air quality guidelines published by the World Health Organization at the time of the review.

(3B) If any air quality targets set under section 1 and the PM2.5 air quality target set under section 2 are weaker than the latest relevant air quality guidelines published by the World Health Organization at the time of the review, the report required by subsection (4) must—

- (a) set out the steps the Secretary of State intends to take to ensure that those targets are at least in line with the latest relevant World Health Organization guidelines; or
- (b) explain the public interest reasons why the Secretary of State considers that those targets should continue to diverge from the latest relevant World Health Organization guidelines.”

Member's explanatory statement

This amendment strengthens the significant improvement test outlined earlier in Clause 6 by requiring explicit consideration of the extent to which air quality targets under section 1 and the PM2.5 air quality target under section 2 are compatible with WHO guidelines. In the event of divergence, the Secretary of State must outline why they believe this is in the public interest.

LORD VAUX OF HARROWDEN

- 50 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.

LORD GOLDSMITH OF RICHMOND PARK

- 51 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 JONES OF WHITCHURCH
BARONESS PARMINTER
LORD KREBS
LORD RANDALL OF UXBRIDGE

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

- “(4) An environmental improvement plan must include, as a minimum –
- (a) measures which, taken together, are likely to achieve any targets set under section 1 or 2 and will ensure that the next interim targets included in the plan are met,
 - (b) measures that each relevant central government department must carry out,
 - (c) measures to protect sensitive and vulnerable population groups (including children, older people, people with chronic illnesses and outdoor and transport workers) from the health impacts of pollution,
 - (d) a timetable for adoption, implementation and review of the chosen measures, and the authorities responsible for their delivery,
 - (e) an analysis of the options considered and their estimated impact on delivering progress against the relevant targets, and
 - (f) measures to minimise, or where possible eliminate, the harmful impacts of pollution on human health and the environment.”

Member's explanatory statement

This amendment strengthens environmental improvement plans by introducing a number of minimum requirements, including (but not limited to) ensuring a link between proposed measures and targets established under this Bill.

BARONESS PARMINTER
BARONESS BOYCOTT

53 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

54 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.

55 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.

BARONESS SCOTT OF NEEDHAM MARKET
BARONESS QUIN
LORD LUCAS
BARONESS BENNETT OF MANOR CASTLE

56 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.

LORD LUCAS

57 Page 5, line 15, after “of” insert “, understanding of and participation in”

Member’s explanatory statement

This amendment is to encourage the Government to support the establishment of a deeper connection between people and the environment.

LORD BRADSHAW
LORD BLUNKETT
VISCOUNT BRIDGEMAN

58 Page 5, line 17, at end insert –

- “(5A) To assist in informing the environmental improvement plan, the Secretary of State must carry out a public consultation on whether driving a motor vehicle for recreational purposes on unsealed tracks in the countryside, in particular in protected landscapes, should continue to be permitted.”

Member’s explanatory statement

This amendment requires a public consultation on driving motor vehicles for recreational purposes on unsealed tracks. The Natural Environment and Rural Communities Act 2006 protected footpaths and bridleways from use and damage by recreational motor vehicles but not unsealed tracks.

LORD REDESDALE
LORD CORMACK
LORD BLENCATHRA
THE EARL OF LYTTON

59 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 GOLDSMITH OF RICHMOND PARK

60 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).

LORD REDESDALE
LORD CORMACK
LORD BLENCATHRA
THE EARL OF LYTTON

61 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 10

LORD GOLDSMITH OF RICHMOND PARK

62 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).

63 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).

64 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

- 65 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

- 66 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).

- 67 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).

- 68 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

- 69 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).

- 70 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

- 71 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).

LORD REDESDALE
LORD CORMACK
LORD BLENCATHRA
THE EARL OF LYTTON

- 72 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
BARONESS BOYCOTT

- 73 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.”

THE EARL OF LINDSAY

- 74 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.

BARONESS JONES OF MOULSECOOMB

- 75 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;

Clause 16 - continued

- (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.”

Clause 18

BARONESS PARMINTER
BARONESS JONES OF WHITCHURCH

76 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

77 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.

BARONESS PARMINTER
BARONESS BENNETT OF MANOR CASTLE
BARONESS JONES OF WHITCHURCH

78 Page 11, line 20, leave out from “benefit” to end of line 26 and insert –

“(3) Subsection (1) does not apply to policy so far as relating to Wales.”

Member's explanatory statement

This amendment removes the proportionality limitation and the exceptions for armed forces, defence policy, tax, spending and resources from the requirement to have due regard to the policy statement on environmental principles.

LORD WIGLEY

79 Page 11, line 26, at beginning insert “subject to subsections (4) and (5),”

LORD GOLDSMITH OF RICHMOND PARK

80 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.

LORD WIGLEY

81 Page 11, line 26, at end insert –

- “(4) Subsection (3)(c) applies only in regard to devolved functions.
- (5) The Secretary of State may by regulations omit subsection (4) and must do so when legislation applying environmental principles to Ministers of the Crown in Wales has been enacted by Senedd Cymru.”

Member's explanatory statement

It is the intention of the Welsh Government to introduce in the coming session of the Senedd, a Bill to legislate on these matters, but it will not be enacted until 2022. This amendment seeks to fill the gap, in part, by enabling policy made by Ministers of the Crown to apply in relation to reserved matters in Wales, until such time as Welsh legislation has been passed to address these issues.

Clause 19

LORD HOPE OF CRAIGHEAD

81A Page 11, line 31, at end insert –

- “(1A) The purpose of this section is to ensure that the effects of the provision on the level of environmental protection under existing environmental law are considered before the Bill is introduced.”

Before Clause 21

LORD CAMERON OF DILLINGTON
BARONESS BOYCOTT

82 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.
- (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

- 83 Page 129, line 9, at end insert –
 “(1A) The chief executive is to be the Commissioner for Environmental Protection.”
- 84 Page 129, line 10, after first “The” insert “other”

BARONESS JONES OF WHITCHURCH

- 85 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

- 86 Page 129, line 30, leave out sub-paragraph (1)
- 87 Page 130, line 1, leave out sub-paragraph (3)
- 88 Page 130, line 7, leave out from “first” to end and insert “Commissioner for Environmental Protection.”

BARONESS MCINTOSH OF PICKERING LORD BRUCE OF BENNACHIE

- 89 Page 130, line 36, at end insert –
 “(7) A person is to be considered unable or unfit to carry out the member’s functions under sub-paragraph (6) if the Secretary of State is satisfied as regards any of the following matters –
 (a) that he member has becomes insolvent;
 (b) that he member has been convicted of a criminal offence;
 (c) that the member is otherwise unable or unfit to discharge the functions of a member or is unsuitable to continue as a member.”

Member’s explanatory statement

The effect of this amendment is to define the meaning of “unable or unfit” in Schedule 1, sub-paragraph 5(6).

- 90 Page 130, line 36, at end insert –
 “(7) Prior to giving notice under sub-paragraph (6)(c) in relation to a non-executive member other than the Chair, the Secretary of State must consult with the Chair of the OEP.”

Member's explanatory statement

This amendment would impose a duty on the Secretary of State to consult with the Chair of the OEP prior to giving notice to remove a non-executive member from office.

LORD CAMERON OF DILLINGTON

91 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 MCINTOSH OF PICKERING
LORD BRUCE OF BENNACHIE

92 Page 132, line 41, at end insert –

- “(3) The OEP must as soon as practicable prepare a budget for the following five financial years, and then a budget every five financial years thereafter.
- (4) The OEP must –
- (a) arrange for the budget to be laid before Parliament, and
 - (b) publish it.
- (5) The budget must –
- (a) include –
 - (i) an estimate as respects resource requirements;
 - (ii) the proposed amount of funding required;
 - (b) be accompanied by information as to the OEP’s projected work plan for the next five financial years.
- (6) The OEP may revise the budget at any time (and sub-paragraph (4) applies to any revised budget).
- (7) Before preparing or revising the budget, the OEP must consult the Secretary of State and such persons as it considers appropriate.

Member's explanatory statement

This amendment has the effect of introducing a requirement for the OEP to prepare a five-year budget which is subject to consultation.

BARONESS JONES OF WHITCHURCH

93 Page 132, line 41, at end insert –

- “(3) The OEP must as soon as practicable prepare a budget for the following five financial years, and then a budget every five financial years thereafter.
- (4) The OEP must –

Schedule 1 - continued

- (a) arrange for the budget to be laid before Parliament, and
- (b) publish it.
- (5) The budget must –
 - (a) include –
 - (i) an estimate as respects resource requirements, and
 - (ii) the proposed amount of funding required, and
 - (b) be accompanied by information as to the OEP’s projected work plan for the next five financial years.
- (6) The OEP may revise the budget at any time (and subparagraph (4) applies to any revised budget).
- (7) If the OEP requests additional funding, due to a change in the nature or extent of its functions, the Secretary of State must publish and lay before Parliament a statement responding to the request.
- (10) Before preparing or revising the budget, the OEP must consult the Secretary of State and such persons as it considers appropriate.”

Member’s explanatory statement

This amendment requires the OEP to prepare a five-year indicative budget and allows it to request in-budget increases.

94 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 22

LORD GOLDSMITH OF RICHMOND PARK

95 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).

LORD LUCAS

96 Page 13, line 25, at end insert –
 “(5A) The strategy must contain a truth and openness policy that sets out –
 (a) how the OEP intends to establish a curated resource containing high quality research and information from a diverse range of sources and viewpoints to enable citizens to evaluate environmental policies,
 (b) how the OEP intends to secure that all information sources on which environmental policy is based are available for unrestricted viewing and use by the public, and

Clause 22 - continued

- (c) how the OEP intends to ensure that all government environmental policies are supported by a full evidence base, taking a holistic approach and covering all aspects of their impact.”

Member’s explanatory statement

This amendment is to require the creation of a clear, shared and universally available evidence base around which discussions can be formed.

BARONESS JONES OF WHITCHURCH

BARONESS HAYMAN OF ULLOCK

LORD TEVERSON

97 Page 13, line 32, at end insert –

- “(ba) how the OEP intends to determine whether the protected provisions of the REACH Regulation set out in Schedule 20 are being upheld,
(bb) how the OEP intends to exercise its enforcement functions where a breach of obligation is found to have occurred under paragraph (ba),”

Member’s explanatory statement

This amendment would require the OEP’s strategy to consider (a) how it will ensure that protected provisions of the REACH Regulation (including the principle that animal testing should only be used as a last resort) are being upheld, and (b) how its enforcement functions may be applied in the case of breaches of protected provisions.

Clause 24

BARONESS JONES OF WHITCHURCH

LORD KREBS

98 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.

99 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 MCINTOSH OF PICKERING
LORD TEVERSON

- 100 Leave out Clause 24 and insert the following new Clause—
“OEP independence

In performing its functions, the OEP is not subject to the direction or control of the Secretary of State or any member of Her Majesty’s Government.”

Member’s explanatory statement

This revised Clause seeks to ensure beyond doubt the independence of the OEP.

LORD KREBS
BARONESS JONES OF WHITCHURCH
BARONESS MCINTOSH OF PICKERING
BARONESS PARMINTER

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

- 101 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*).*

LORD REDESDALE
LORD CORMACK
LORD BLENCATHRA
THE EARL OF LYTTON

- 102 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.”

Clause 29

BARONESS PARMINTER
LORD TEVERSON

- 103 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.

After Clause 36

BARONESS JONES OF MOULSECOOMB

104 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.”

Clause 37

LORD ANDERSON OF IPSWICH
LORD KREBS
LORD THOMAS OF CWMGIEDD
LORD DUNCAN OF SPRINGBANK

105 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.

106 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.

107 Page 22, line 24, leave out from “damages” to 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
LORD DUNCAN OF SPRINGBANK

108 Page 23, line 13, leave out from “law” to 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.

After Clause 42

BARONESS JONES OF MOULSECOOMB

109 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.
- (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

THE EARL OF CAITHNESS
 THE EARL OF SHREWSBURY
 BARONESS JONES OF MOULSECOOMB
 BARONESS BENNETT OF MANOR CASTLE

110

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

Clause 43 - continued

LORD REDESDALE
LORD CORMACK
LORD BLENCATHRA
THE EARL OF LYTTON

- 111 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”

LORD RANDALL OF UXBRIDGE

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

BARONESS MCINTOSH OF PICKERING
LORD TEVERSON
BARONESS JONES OF MOULSECOOMB
BARONESS BENNETT OF MANOR CASTLE

- 113 Page 26, line 42, at end insert –
“(d) the sea, the marine environment and maritime wildlife, sea mammals, flora and fauna,”

Clause 45

BARONESS PARMINTER
LORD TEVERSON

- 114 Page 27, line 15, leave out subsection (2)

Member’s explanatory statement

This amendment would remove the exceptions for disclosure of or access to information, the armed forces or national security and taxation, spending or the allocation of resources within government from the meaning of environmental law.

Clause 46

LORD GOLDSMITH OF RICHMOND PARK

- 115 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*).*

- 116 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*).*

Schedule 3

BARONESS RITCHIE OF DOWNPATRICK

117 Page 154, line 42, leave out paragraph 24

118 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

BARONESS BOYCOTT

119 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.

LORD BRADSHAW

120 Page 160, line 33, at end insert –

“(4) The relevant national authority must, within 6 months of the passing of this Act, lay before both Houses of Parliament, the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly, as applicable, regulations which make provision about the retail packaging of single-use wet wipes and non-flushable items to –

- (a) require that the text on any surface contains a warning on the disposal of such items, and
- (b) create offences which may be committed by persons who produce or supply non-flushable products which breach prohibitions, requirements or limitations imposed under sub-paragraph (4)(a).”

Member’s explanatory statement

This amendment is designed to require manufacturers of non-flushable items to clearly label these products as ‘DO NOT FLUSH’.

LORD GOLDSMITH OF RICHMOND PARK

121 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.

122 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.

Clause 50

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD RANDALL OF UXBRIDGE

123 Page 30, line 13, at end insert “including fly-tipped items.”

Member's explanatory statement

Farmers and landowners currently have to pay for the removal of all fly-tipping. This amendment is intended to extend the 'polluter pays' principle to fly-tipping.

BARONESS SCOTT OF NEEDHAM MARKET

124 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.

Schedule 5

LORD GOLDSMITH OF RICHMOND PARK

125 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.

126 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 LUCAS

127 Page 170, line 20, at end insert –

“(1A) The relevant national authority must, in respect of any regulations that it makes under Part 3 of this Act, provide specified information about the resource efficiency of the regulations.”

LORD TEVERSON

128 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.

LORD GOLDSMITH OF RICHMOND PARK

129 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.

130 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

BARONESS RITCHIE OF DOWNPATRICK

130A Page 175, line 30, leave out “or supply” and insert “, supply or use in the supply chain”

Member’s explanatory statement

These amendment seeks greater transparency on the part of supermarkets in terms of plastic packaging.

130B Page 175, line 37, at end insert –

“(1A) The regulations must include provision for annual reporting by businesses which employ more than 250 people of their use of primary, secondary and tertiary plastic packaging throughout the supply chain.

(1B) For the purposes of paragraph (1A) –

“primary plastic packaging” means packaging conceived so as to constitute a sales unit to the final user or consumer at the point of purchase;

“secondary plastic packaging” means packaging conceived to constitute at the point of purchase a grouping of a certain number of sales units, whether it is sold as such to the final user or consumer or whether it serves only as a means to replenish the shelves at the point of sale;

“tertiary plastic packaging” means packaging conceived to facilitate handling and transport of a number of sales units or group packaging, in order to prevent physical handling and transport damage.”

Member’s explanatory statement

These amendment seeks greater transparency on the part of supermarkets in terms of plastic packaging.

LORD GOLDSMITH OF RICHMOND PARK

131 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.

132 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 8

BARONESS JONES OF WHITCHURCH
BARONESS BOYCOTT
VISCOUNT COLVILLE OF CULROSS

133 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

134 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.

VISCOUNT TRENCHARD

LORD BERKELEY

134A Page 179, line 34, at end insert –

“(6A) A deposit scheme may make provision for the size of a supplier or producer of deposit items that is in the scope of the scheme.”

Member's explanatory statement

This amendment is intended to allow the deposit scheme to take account of the size of the producer when setting fees and the scope.

134B Page 179, line 34, at end insert –

“(6A) A deposit scheme will exempt small breweries as a supplier of deposit items, where a “small brewery” is defined as producing less than 5,000 hectolitres per year.”

Member's explanatory statement

This would exempt very small breweries producing below 5,000 hectolitres per year from the scheme.

VISCOUNT COLVILLE OF CULROSS

135 Page 179, line 36, at end insert –

“(8) Regulations under this Schedule must be made by the Secretary of State within the period of six months beginning with the day on which this Act is passed.”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

LORD RANDALL OF UXBRIDGE

136 Page 180, line 12, at end insert –

“(ea) to remove all fly-tipping at the expense of the manufacturer or producer;”

Member's explanatory statement

Farmers and landowners currently have to pay for the removal of all fly-tipping. This amendment extends the 'polluter pays' principle to fly-tipping.

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

137 Page 181, line 2, at end insert –

“(l) to reimburse landowners for fly-tipping expenses.”

Member's explanatory statement

Farmers and landowners currently have to pay for the removal of all fly-tipping. This amendment extends the 'polluter pays' principle to fly-tipping.

138 Page 182, line 7, at end insert –

“(t) a power to make payments to reimburse landowners for fly-tipping expenses.”

Member's explanatory statement

Farmers and landowners currently have to pay for the removal of all fly-tipping. This amendment extends the 'polluter pays' principle to fly-tipping.

VISCOUNT TRENCHARD
LORD BERKELEY

138A Page 182, line 7, at end insert –

“(t) requirements to operate in a way that gives due regard to the needs of small businesses.”

Member's explanatory statement

This amendment is intended to ensure that the Scheme Administrator demonstrates how it will fulfil its duty for small producers.

Schedule 9

VISCOUNT COLVILLE OF CULROSS
BARONESS JONES OF WHITCHURCH
BARONESS PARMINTER
BARONESS BOYCOTT

139 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
BARONESS JONES OF MOULSECOOMB
BARONESS BENNETT OF MANOR CASTLE

140 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,

After Clause 55 - continued

- (c) as a liquid used in spray guns, and
 - (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.”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

141 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.

BARONESS RITCHIE OF DOWNPATRICK

141A Insert the following new Clause—

“Prohibition of single use cosmetic and household sachets

- (1) The Secretary of State must make provision by regulations to prohibit the use of single use plastic sachets for the purposes set out in subsection (2).
- (2) The purposes are—
 - (a) the packaging of single doses of cosmetic products including, but not limited to, soaps, shampoos, hair conditioners, moisturisers and fragrances, and
 - (b) the packaging of single doses of household products including, but not limited to, detergents for washing clothes or crockery, fabric softeners, dishwasher tablets and cleaning wipes.
- (3) The purposes in subsection (2) may be amended by regulations under this section.

After Clause 55 - continued

- (4) Regulations under this section must be made and take effect by 31 December 2021.
- (5) Regulations under this section are subject to the affirmative procedure.”

Member’s explanatory statement

The purpose of this new Clause is to ban sachets for cosmetic items and non food products such as household cleaning products by 31 December 2021.

Clause 56

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

142 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.

143 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.

144 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.

145 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.

LORD GOLDSMITH OF RICHMOND PARK

146 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.

147 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

148 Page 38, line 38, at end insert –

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

After Clause 62

BARONESS BOYCOTT

149 Insert the following new Clause –

“Food waste

- (1) This section applies to a retailer who –
 - (a) generates more than 10 tons of food waste per year, or
 - (b) operates stores which with a floor area of more than 400 metres squared.
- (2) A retailer to whom this section applies must recycle wasted food products, having regard to the following steps listed in order of priority –
 - (a) preventing food waste (for example, by not ordering more of a food product than they expect to sell);
 - (b) using unsold food which is fit for human consumption (for example, through food donation or processing);
 - (c) recovering unsold food which is fit for animal consumption into feedstock;
 - (d) converting food waste into compost for agriculture or for energy recovery, including biogas.
- (3) A retailer to whom this section applies must make an agreement in relation to each store which it operates with at least one charitable organisation which distributes donated food, having taken reasonable steps to ascertain that the charitable organisation uses appropriate processes to distribute food through a clearly advertised address.

After Clause 62 - continued

- (4) A local authority may impose a financial penalty on a retailer in relation to a store within its area if the authority is satisfied beyond reasonable that the person has breached subsection (2) or (3).
- (5) The amount of the financial penalty is to be such amount as the authority determines but not to be more than £5,000.
- (6) A retailer to whom this section applies or a large food manufacturer must disclose to the Secretary of State the volume of food waste in their supply chain.
- (7) The Secretary of State may by regulations make provision about the requirement in subsection (6), including the definition of “a large food manufacturer” and what details must be disclosed and to whom.
- (8) The Secretary of State must make regular reports to Parliament about the volume of food waste being reported under subsection (6).
- (9) The Secretary of State must consult those likely to be affected by this section before making regulations under this section.
- (10) The Secretary of State must ensure that the volume of food being wasted is at least—
 - (a) 60% lower than the 2020 baseline for 2025;
 - (b) 80% lower than the 2020 baseline for 2030.
- (11) The Secretary of State must conduct a public education campaign on the issues caused by food waste including but not limited to—
 - (a) climate change, and
 - (b) biodiversity loss.
- (12) In this section—

“food waste” and “food waste reduction” are to be defined by the Secretary of State by regulations, taking account of such terms as have been validated by or are in accordance with—

 - (a) the Food and Agriculture Organization of the United Nations,
 - (b) the Waste and Resources Action Programme, and
 - (c) the waste hierarchy as set out in the Waste (England and Wales) (Amendment) Regulations 2012 (SI 2011/988) and Waste (England and Wales) Regulations 2011 (SI 2012/1889), save that methods of “food waste reduction” for the purposes of this section may not include any form of waste disposal.

“retailer” means any person carrying on (or actively seeking to carry on) a business in any part of the United Kingdom for the supply of groceries to consumers.”

Clause 67

LORD BLENCATHRA
BARONESS MEACHER

150

Page 61, line 21, at end insert—

- “(4A) The Secretary of State must lay before Parliament, and publish, the guidance (and any revised guidance).

Clause 67 - continued

- (4B) The Welsh Ministers must lay before Senedd Cymru, and publish, the guidance (and any revised guidance)."

Schedule 11

LORD GOLDSMITH OF RICHMOND PARK

151 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.

After Clause 72

LORD WHITTY

LORD RANDALL OF UXBRIDGE

BARONESS FINLAY OF LLANDAFF

BARONESS BENNETT OF MANOR CASTLE

152 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
 - (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

153 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.
- (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.”

After Clause 72 - continued

154 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.”

155 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,
 - (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

After Clause 72 - continued

- (h) report on progress towards achieving net zero emissions.”

LORD KENNEDY OF SOUTHWARK

156 Insert the following new Clause—

“Air pollution and health

- (1) In performing duties under this section, the Secretary of State must ensure that protecting the health of members of the public is central to all government policies, guidance or otherwise.
- (2) The Secretary of State must—
 - (a) establish, long-term targets for particulate matter, at levels which are no weaker than those set out in World Health Organization guidance as issued from time to time,
 - (b) achieve compliance with those targets as soon as possible,
 - (c) monitor air quality,
 - (d) publish live monitoring data and supplementary information in such a form that individuals understand their personal exposure to air pollution,
 - (e) provide public information at a national and local level to increase public awareness, in particular among vulnerable groups, of air pollution levels, health risks associated with air pollution and steps that would help to reduce personal exposure to air pollution, and
 - (f) ensure that the education, training and guidance given to healthcare professionals equips them to communicate the adverse effects of air pollution on health to patients and their carers.
- (3) For the purposes of subsection (2)(c) and (d), the Secretary of State must ensure that, within an area where air quality is poor, there are sufficient air quality monitors to ensure reasonable accuracy in relation to specific neighbourhoods within that area.”

Clause 73

LORD BERKELEY

157 Page 63, line 29, at end insert “, train, ship or aircraft;”

Member’s explanatory statement

This Clause appears to enable the Government to recall pieces of internal combustion engines that are no longer compliant with emissions legislation. This amendment, as well as others in Lord Berkeley’s name, is to probe why trains, ships and aircraft are not included as they are capable of similar emissions.

158 Page 63, line 30, at end insert “, train, ship or aircraft;”

159 Page 63, line 30, at end insert—

- “(ba) a mechanical piece of construction or agricultural plant or equipment;”

Clause 73 - continued

LORD BLENCATHRA
BARONESS MEACHER

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

After Clause 77

BARONESS JONES OF WHITCHURCH
BARONESS JONES OF MOULSECOOMB
BARONESS HAYMAN OF ULLOCK

161 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 –
 - (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

After Clause 77 - continued

- (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);
 - (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;

After Clause 77 - continued

- (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.

Clause 78

THE DUKE OF WELLINGTON
BARONESS ALTMANN

162

Page 70, line 5, at end insert “with a requirement to improve every year the grade of sewage treatment of the sewerage system and also to separate the operation of the drainage system from the sewerage system.”

Member’s explanatory statement

This amendment is intended to secure continuous improvement of sewage treatment plants and to secure the separation of drainage systems from the sewerage systems through a legal obligation placed on the water companies.

163 Page 70, line 17, at end insert –

- “(ca) the impact of the discharges of the undertaker’s drainage and sewerage on water quality,
- (cb) 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,
- (cc) monitoring and publishing annual reports on the quality, frequency and duration of discharges made from CSOs,”

Member’s explanatory statement

This amendment seeks to place an obligation on water companies to improve progressively their drainage and sewerage systems and makes a register of CSOs and the publishing of annual reports on the quality frequency and duration of discharges a legal obligation.

LORD BRADSHAW

164 Page 73, line 23, at end insert –

- “(4A) Directions may provide that new premises cannot be connected to sewage treatment plants unless and until capacity is available for the treatment of additional demand.”

Member’s explanatory statement

This amendment is intended to ensure that developers cannot connect new premises to sewage treatment plants until capacity is made available at sewage works to treat the extra load.

After Clause 78

LORD GOLDSMITH OF RICHMOND PARK

165 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 –

After Clause 78 - continued

- (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

- (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;

After Clause 78 - continued

- (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

- (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

After Clause 78 - continued

- (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.

THE DUKE OF WELLINGTON
BARONESS ALTMANN

As an amendment to Amendment 165

166 Before inserted section 141A, insert—

“141ZA Duty to take steps to ensure untreated sewage is not discharged from storm overflows

- (1) A sewerage undertaker must take all reasonable steps to ensure that untreated sewage is not discharged from storm overflows.
- (2) The Secretary of State, the Director and the Environment Agency must exercise their respective functions under this and any other Act to secure compliance with the duty under subsection (1).”

Member’s explanatory statement

The purpose of the amendment is to try to eliminate, not simply reduce, the discharge of untreated sewage into rivers, and to ensure that the various agencies use their existing powers of enforcement.

As an amendment to Amendment 165

167 In the inserted section 141A(1)(a), after “reducing” insert “and eventually eliminating”

Member’s explanatory statement

The purpose of the amendment is to oblige the water companies to eliminate, not simply reduce, discharges from storm overflows.

As an amendment to Amendment 165

168 In inserted section 141A(4), leave out “may” and insert “must”

Member's explanatory statement

The purpose of the amendment is to ensure the various provisions of paragraphs (a) to (d) of section 141A(4) are included as essential elements and are not optional in the plan.

As an amendment to Amendment 165

- 169 In inserted section 141A(4), at end insert –
 “(e) the use of nature-based solutions to achieve the purposes in subsection (1)”

Member's explanatory statement

The purpose of the amendment is to require the consideration and inclusion in the plan of nature-based solutions.

As an amendment to Amendment 165

- 170 In inserted section 141A, after subsection (4) insert –
 “(4A) The plan must include measures to increase progressively and ensure the continuous monitoring by 2025 in respect of storm overflows of sewerage undertakers whose area is wholly or mainly in England, and the publication of any data so obtained in as close to real time as possible.”

Member's explanatory statement

The purpose of this amendment is to ensure that timely information is accessible to the public and can minimise the risk of harm.

As an amendment to Amendment 165

- 171 In inserted section 141A(6), leave out “1 September 2022” and insert “1 June 2022”

Member's explanatory statement

The purpose of the amendment is to create a greater sense of urgency to rectify the current level of sewage discharges.

As an amendment to Amendment 165

- 172 In inserted section 141C(2), at end insert –
 “(f) the extent to which the sewerage undertaker has performed the duty in section 94(1)(b) in the light of the frequency and duration of discharges from the storm overflow;
 (g) the likely period during which the duty in section 94(1)(b) is not expected to be met in relation to the storm overflow;
 (h) any adverse impacts on the environment or public health as a result of any discharges from the storm overflow.”

Member's explanatory statement

This amendment aims to address any failures of sewerage undertakers to meet the duty in section 94(1)(b) of the Water Industry Act 1991 to prevent effectively overflows.

As an amendment to Amendment 165

- 173 In inserted section 141D(2), at end insert –
 “(e) the extent to which each sewerage undertaker has performed the duty in section 94(1)(b) in the light of the frequency and duration of discharges from the storm overflow;

After Clause 78 - continued

- (f) an assessment of the likely period during which the duty in section 94(1)(b) is not expected to be met in relation to storm overflows;
- (g) any adverse impacts on the environment or public health as a result of any discharges from storm overflows.”

Member’s explanatory statement

This amendment seeks to place a requirement on the Environment Agency to report on whether the duty in section 94(1)(b) of the Water Industry Act 1991 to prevent effectively overflows has been met, how long any failure to meet the duty will continue, and acknowledge the potential harm caused.

As an amendment to Amendment 165

174 In inserted section 141E(2), leave out “do not”

Member’s explanatory statement

The purpose of the amendment is to remove technical failures as a justification for untreated sewage discharges.

LORD TEVERSON
BARONESS MCINTOSH OF PICKERING
LORD BERKELEY

175 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.

LORD BERKELEY

175A Insert the following new Clause –

“Blue-Green flood risk management

- (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 and other new impervious structures constructed after 2022 are equipped with a Blue-Green flood risk management system to reduce flooding from rainwater.

After Clause 78 - continued

- (2) A “Blue-Green flood risk management system” means a flood risk management system which prevents rainwater from entering any wastewater systems containing faecal contamination and which incorporates the rainwater into irrigation, water storage or other schemes which are designed to reduce peak runoff into streams and rivers.”

Member’s explanatory statement

This measure is intended to support the UK’s commitment to target 6.5 of the United Nations Global Sustainable Development Goals.

LORD CHIDGEY

175B Insert the following new Clause –

“Water and sewage management

- (1) The Environment Agency must direct water undertakers to install mains drainage in rural settlements lying within the headwaters of catchment areas to replace existing septic tank systems as a priority.
- (2) Sewage treatment works serving rural settlements of more than 5,000 people must be equipped with phosphate strippers as a priority, with this figure reviewed downwards by the Environment Agency every five years.
- (3) Manufacturers of domestic chemical cleaners with a chlorine or similar base must add a conspicuous label to their products warning against their use in households reliant on septic tank drainage, and to advise householders with septic tanks.”

Clause 82

LORD CARRINGTON

176 Page 79, line 37, leave out “No”

Member’s explanatory statement

This amendment seeks to remove the proposals for increased powers to vary or revoke abstraction rights without offering compensation to licence holders.

177 Page 80, line 3, leave out paragraph (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 paragraph (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.”

Member’s explanatory statement

This amendment seeks to raise the evidential bar for removal or revocation of abstraction licences.

LORD CARRINGTON
LORD COLGRAIN

178 Page 80, line 12, leave out “no”

Member’s explanatory statement

This amendment seeks to remove the proposals for increased powers to vary or revoke abstraction rights without offering compensation to licence holders.

LORD CARRINGTON

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

Member’s explanatory statement

This amendment seeks to raise the evidential bar for removal or revocation of abstraction licences.

180 Page 80, line 31, leave out “No”

Member’s explanatory statement

This amendment seeks to limit the circumstances in which ‘excess headroom’ can be removed from abstraction licences without compensation.

181 Page 80, line 39, leave out “No”

Member’s explanatory statement

This amendment seeks to limit the circumstances in which ‘excess headroom’ can be removed from abstraction licences without compensation.

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

Member’s explanatory statement

This amendment seeks to limit the circumstances in which ‘excess headroom’ can be removed from abstraction licences without compensation.

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

Member’s explanatory statement

This amendment seeks to limit the circumstances in which ‘excess headroom’ can be removed from abstraction licences without compensation.

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

Member’s explanatory statement

This amendment seeks to limit the circumstances in which ‘excess headroom’ can be removed from abstraction licences without compensation.

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

Member’s explanatory statement

This amendment seeks to limit the circumstances in which ‘excess headroom’ can be removed from abstraction licences without compensation.

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

Member’s explanatory statement

This amendment seeks to limit the circumstances in which ‘excess headroom’ can be removed from abstraction licences without compensation.

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

Member’s explanatory statement

This amendment seeks to limit the circumstances in which ‘excess headroom’ can be removed from abstraction licences without compensation.

After Clause 82

LORD CHIDGEY

187A Insert the following new Clause—

“Water abstraction

- (1) Any party licensed to abstract and discharge water to and from an aquifer or a watercourse is required to monitor the water quality—
 - (a) above their abstraction point, and
 - (b) again below their discharge point
 to ensure there is no reduction in water quality at the cost of the public purse.
- (2) The licensed party must make their records public.”

Clause 83

BARONESS MCINTOSH OF PICKERING

188 Page 81, line 17, at end insert—

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

After Clause 87

BARONESS PARMINTER
BARONESS YOUNG OF OLD SCONE
BARONESS BOYCOTT

189 Insert the following new Clause—

“Household water demand

- (1) The Secretary of State must by January 2023 introduce regulations to require water-using appliances to meet water efficiency standards and to bear appropriate labelling and must in particular—
 - (a) establish appropriate standards to achieve Government objectives for reducing water demand, and
 - (b) establish the appropriate labelling format.
- (2) The Secretary of State must by January 2023 amend Part G of Schedule 1 to the Building Regulations 2010 (S.I. 2010/2214) to—

After Clause 87 - continued

- (a) require all fittings to meet specified minimum water efficiency requirements, and
- (b) specify such water efficiency requirements.
- (3) Standards as introduced under subsections (1)(a) and (2)(b) must be reviewed every 5 years to assess their contribution to meeting government objectives for reducing water demand.
- (4) The Secretary of State must bring forward regulations by January 2023 to require water companies to progress compulsory smart water metering linked to charging by volume for all customers by 2035.”

Member’s explanatory statement

The purpose of this new Clause is to introduce measures to reduce household water demand.

Clause 88

LORD BLENCATHRA
BARONESS MEACHER

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

Clause 90

LORD BLENCATHRA
BARONESS MEACHER

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

After Clause 91

BARONESS MCINTOSH OF PICKERING

192 Insert the following new Clause—

“Right to connect water to housing developments

- (1) The Secretary of State may by regulations provide that the right of water companies to connect water and waste water to major new housing developments depends on the ability of those water companies to prove that they have the capacity to take waste water without impacting on other households, and is not automatic.
- (2) Regulations under this section are subject to the affirmative procedure.”

193 Insert the following new Clause—

“Sustainable drainage systems and natural flood defences

- (1) The Secretary of State may by regulations make provision to approve and promote sustainable drainage systems and natural flood defences.
- (2) Regulations under this section are subject to the affirmative procedure.”

After Clause 91 - continued

194 Insert the following new Clause –

“Statutory consultees on housing developments

- (1) The Secretary of State may by regulations vest –
- (a) water companies, and
 - (b) local drainage boards,
- with the status of statutory consultees on all major new housing developments.
- (2) Regulations under this section are subject to the affirmative procedure.”

THE EARL OF CAITHNESS

194A Insert the following new Clause –

“Duty to ensure adequacy of surface water management

The Secretary of State must by regulations amend the drainage provisions of the Water Industry Act 1991 by October 2022 to ensure they remain fit for purpose in support of water quality, flood management and climate resilience goals.”

After Clause 92

LORD GOLDSMITH OF RICHMOND PARK

194B Insert the following new Clause –

“Biodiversity gain in nationally significant infrastructure projects

Schedule (*Biodiversity gain in nationally significant infrastructure projects*) makes provision about biodiversity gain in relation to development consent for nationally significant infrastructure projects.”

Member’s explanatory statement

This new Clause introduces Lord Goldsmith’s proposed new Schedule relating to biodiversity gain.

Schedule 14

LORD BLENCATHRA

195 Page 216, line 37, at end insert –

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

BARONESS JONES OF WHITCHURCH

BARONESS PARMINTER

BARONESS BENNETT OF MANOR CASTLE

196 Page 218, line 37, leave out “maintained for at least 30 years” and insert “consistent with the terms of the biodiversity gain plan and maintained in perpetuity”

Member’s explanatory statement

This amendment requires a habitat created under net gain to be secured in perpetuity.

LORD BLENCATHRA

197 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

198 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.

199 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.

LORD BLENCATHRA
BARONESS PARMINTER

200 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.
- (2) Regulations under this paragraph are subject to the negative procedure.”

201 Page 221, leave out lines 23 to 30

After Schedule 14

LORD GOLDSMITH OF RICHMOND PARK

201A Insert the following new Schedule –

“SCHEDULE 14A

BIODIVERSITY GAIN IN NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

After Schedule 14 - continued

PART 1

PRINCIPAL AMENDMENTS TO PLANNING ACT 2008

- 1 The Planning Act 2008 is amended as follows.
- 2 In section 103 (Secretary of State is to decide applications), after subsection (1) insert—
 - “(1A) Schedule 2A makes provision about biodiversity gain in relation to decisions of the Secretary of State under sections 104 and 105; and for related matters.”
- 3 (1) Section 104 (decisions in cases where national policy statement has effect) is amended as follows.
 - (2) For subsection (3) substitute—
 - “(3) The Secretary of State must decide the application in accordance with any relevant national policy statement.
 - (3A) In particular, if a relevant national policy statement contains a biodiversity gain statement under Schedule 2A in relation to development of the description to which the application relates, the Secretary of State may not grant the application unless satisfied that the biodiversity gain objective contained in the statement is met in relation to the development to which the application relates.
 - (3B) Subsections (3) and (3A) do not apply to the extent that one or more of subsections (4) to (8) applies.”
 - (3) In each of subsections (4), (5) and (6), for “any relevant national policy statement” substitute “subsection (3) or (3A)”.
 - (4) In subsection (8), for “a national policy statement” substitute “subsection (3) or (3A)”.
- 4 (1) Section 105 (decisions in cases where no national policy statement has effect), after subsection (2) insert—
 - “(3) Where there is a biodiversity gain statement under Schedule 2A in relation to development of the description to which the application relates, the Secretary of State may not grant the application unless satisfied that the biodiversity gain objective contained in the statement is met in relation to the development to which the application relates.
 - (4) Subsection (3) does not apply to the extent that the Secretary of State is satisfied that deciding the application in accordance with that subsection would have an effect referred to in section 104(4), (5), (6) or (7).”
- 5 After Schedule 2 insert—

“SCHEDULE 2A Section 103

BIODIVERSITY GAIN

Introductory

- 1 (1) This Schedule applies to development which—
 - (a) is of a description of development to which a development consent order application may relate, and
 - (b) is not excluded development,

After Schedule 14 - continued

to the extent that the development is carried out in England.

- (2) In this Schedule –
- “development consent order application” means an application made under section 37 which falls to be determined under section 104 or 105;
 - “excluded development” means development of a description specified in regulations made by the Secretary of State.

Biodiversity gain statement

- 2 (1) A biodiversity gain statement is a statement of government policy in relation to the biodiversity gain to be achieved in connection with any description of development to which this Schedule applies.
- (2) In particular the statement must –
- (a) set out a biodiversity gain objective for any description of development to which this Schedule applies, and
 - (b) set out that, where development consent order applications are made for any development of that description during a period specified in the statement, the development must meet that objective.
- (3) The statement may specify how development of any description may or must meet the biodiversity gain objective.
- (4) In this Schedule, references to the period for which a biodiversity gain statement has effect are to the period referred to in sub-paragraph (2)(b).
- 3 (1) A biodiversity gain objective is an objective that the biodiversity value attributable to development to which a biodiversity gain statement relates exceeds the pre-development biodiversity value of the onsite habitat by a percentage specified in the statement.
- (2) The percentage specified under sub-paragraph (1) must be at least 10%.
- (3) The Secretary of State may by regulations amend sub-paragraph (2) so as to change the percentage for the time being specified in it.
- 4 (1) A biodiversity gain statement may specify for the purposes of a biodiversity gain objective how the biodiversity value or relative biodiversity value of any habitat or habitat enhancement is to be calculated.
- (2) That may include calculation by, or by reference to –
- (a) a biodiversity metric set out in a document produced by the Secretary of State for the purposes of the statement,
 - (b) the biodiversity metric referred to in paragraph 4 of Schedule 7A to the Town and Country Planning Act 1990, or
 - (c) such other biodiversity metric as the Secretary of State considers appropriate.
- (3) The Secretary of State must –
- (a) lay any document within sub-paragraph (2)(a) before Parliament, and
 - (b) publish it in such manner as the Secretary of State considers appropriate.

After Schedule 14 - continued

- 5 (1) A biodiversity gain statement may specify for the purposes of a biodiversity gain objective—
 - (a) what the pre-development biodiversity value of onsite habitat consists of, and
 - (b) the date by reference to which it is calculated.
 - (2) A biodiversity gain statement may in particular under sub-paragraph (1)(b) specify a different date in relation to development on land where activities on the land before the making of a development consent order application have, or have had, the result that the biodiversity value of the onsite habitat is lower than it would otherwise have been.
 - (3) A biodiversity gain statement must include provision to secure that, where a development consent order application relates to land which is registered in the biodiversity gain site register, the pre-development biodiversity value of the onsite habitat includes the biodiversity value of the habitat enhancement which is, on the date specified under sub-paragraph (1)(b), recorded in the register as habitat enhancement to be achieved on the land.
- 6 (1) A biodiversity gain statement may specify for the purposes of a biodiversity gain objective what the biodiversity value attributable to any development consists of.
 - (2) In particular, a biodiversity gain statement may specify any of the following as included in the biodiversity value attributable to any development—
 - (a) the post-development biodiversity value of the onsite habitat,
 - (b) the biodiversity value of any offsite biodiversity gain allocated to the development (which may be registered offsite biodiversity gain), and
 - (c) the biodiversity value of any biodiversity credits purchased for the development.
 - (3) If pursuant to sub-paragraph (2)(a) a biodiversity gain statement specifies the post-development biodiversity value of the onsite habitat, the statement must specify what that value consists of.
 - (4) If pursuant to sub-paragraph (2)(b) a biodiversity gain statement specifies the biodiversity value of any offsite biodiversity gain allocated to the development, other than registered offsite biodiversity gain, the statement must specify—
 - (a) what offsite biodiversity gain consists of, and
 - (b) how the allocation of offsite biodiversity gain is to be recorded.
 - (5) Provision under sub-paragraph (3) or (4) must include provision to secure that, where works are carried out for the purposes of any development that increase the biodiversity value of onsite or offsite habitat by an amount that is significant in relation to its previous biodiversity value, the increase is to be taken into account only if—
 - (a) any habitat enhancement resulting from the works is maintained for a period specified in the statement, and

After Schedule 14 - continued

- (b) the maintenance of that habitat enhancement is secured in a way specified in the statement (for example, through conservation covenants or requirements imposed by a development consent order).
- 7 (1) A biodiversity gain statement must set out whether, and if so how, the biodiversity gain objective applies in relation to development where the onsite habitat is irreplaceable habitat.
- (2) A biodiversity gain statement may specify requirements, in relation to any such development, relating to the making of arrangements for the purpose of minimising the adverse effect of the development on the onsite habitat.
- 8 A biodiversity gain statement must specify the evidence that persons making a development consent order application in relation to which the statement has effect must produce in order to demonstrate how the biodiversity gain objective is met.

Development covered by an existing national policy statement

- 9 (1) This paragraph applies where, at the time this Schedule comes into force, an existing national policy statement sets out policy in respect of a description of development to which this Schedule applies.
- (2) On the first review of the existing national policy statement under section 6 after the coming into force of this Schedule, the Secretary of State must amend the statement under section 6(5)(a) so as to include a biodiversity gain statement for development of that description.
- (3) The Secretary of State may issue a separate biodiversity gain statement (a “separate biodiversity gain statement”) having effect for any period before that for which the statement included in the existing national policy statement under sub-paragraph (2) has effect.
- (4) Before issuing a separate biodiversity gain statement the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (5) The Secretary of State must keep a separate biodiversity gain statement under review and may amend it at any time.
- (6) The Secretary of State must –
- (a) lay a separate biodiversity gain statement before Parliament, and
 - (b) publish it in such manner as the Secretary of State considers appropriate.
- (7) A separate biodiversity gain statement is for the purposes of section 104(2) to (9) to be regarded as contained in the existing national policy statement.
- (8) If it appears to the Secretary of State that the existing national policy statement is inconsistent with a separate biodiversity gain statement, the Secretary of State may amend the existing national policy statement in such manner as seems appropriate to the Secretary of State to remove the inconsistency.

After Schedule 14 - continued

- (9) Where the existing national policy statement is amended pursuant to sub-paragraph (2) to include a biodiversity gain statement in relation to any description of development, a separate biodiversity gain statement relating to development of that description must be revoked as from the beginning of the period for which the new statement has effect.
- (10) If the existing national policy statement's designation as a national policy statement is withdrawn in relation to any description of development, any separate biodiversity gain statement relating to development of that description has effect as if it were a biodiversity gain statement issued under paragraph 10(2).
- (11) References in sub-paragraphs (4) to (10) to separate biodiversity gain statements include amended versions of such statements.
- (12) For the purposes of this Schedule, "existing national policy statement" means a national policy statement which is designated under section 5 before the coming into force of this Schedule.
- (13) For the purposes of sub-paragraph (2), an existing national policy statement is only reviewed under section 6 after the coming into force of this Schedule if the review begins after that time.

Development not covered by a national policy statement

- 10 (1) This paragraph applies where, at the time this Schedule comes into force or any subsequent time, no national policy statement sets out policy in respect of a description of development to which this Schedule applies.
 - (2) The Secretary of State may issue a biodiversity gain statement in relation to that description of development.
 - (3) Before issuing a biodiversity gain statement under sub-paragraph (2) the Secretary of State must consult such persons as the Secretary of State considers appropriate.
 - (4) The Secretary of State must keep a statement issued under sub-paragraph (2) under review and may amend or revoke it at any time.
 - (5) The Secretary of State must –
 - (a) lay a statement issued under sub-paragraph (2) before Parliament, and
 - (b) publish it in such manner as the Secretary of State considers appropriate.
 - (6) References in sub-paragraphs (3) to (5) to statements issued under sub-paragraph (2) include amended versions of such statements.
 - (7) If after a statement is issued under sub-paragraph (2) a national policy statement relating to the description of development is designated under section 5, the Secretary of State must –
 - (a) include a biodiversity gain statement in relation to that description of development in the national policy statement, and
 - (b) revoke the statement issued under sub-paragraph (2).

Development at sea

- 11 (1) The Secretary of State may by regulations provide for this Schedule to apply, with or without modifications, to any development to which this paragraph applies.

After Schedule 14 - continued

- (2) This paragraph applies to development which—
- (a) is of a description to which a development consent order application may relate, and
 - (b) is not excluded development,
- to the extent that the development is carried out in the English marine region.
- (3) In sub-paragraph (2), the “English marine region” means—
- (a) the English offshore region, and
 - (b) the English inshore region, excluding waters in England.
- (4) Regulations under this paragraph may make provision modifying the application of this Schedule in relation to development which is carried out at an inter-tidal location.
- (5) In sub-paragraph (4), “inter-tidal location” means a location that—
- (a) is in England, and
 - (b) is also at any time in the English inshore region.

Interpretation

- 12 For the purposes of this Schedule—
- “biodiversity credits” means credits under section 94 of the Environment Act 2021;
- “biodiversity gain site register” means the register under section 93 of the Environment Act 2021;
- a “biodiversity metric” is a means of measuring the biodiversity value or relative biodiversity value of habitat or habitat enhancement;
- “development consent order application” has the meaning given by paragraph 1(2);
- “English inshore region” and “English offshore region” have the meanings given by section 322 of the Marine and Coastal Access Act 2009;
- “excluded development” has the meaning given by paragraph 1(2);
- “existing national policy statement” has the meaning given by paragraph 9(12);
- “irreplaceable habitat” has the meaning given in regulations under paragraph 18 of Schedule 7A to the Town and Country Planning Act 1990;
- “onsite habitat”, in relation to any development, means habitat on the land to which the development consent order application relates, and “offsite habitat” means habitat on other land;
- “registered offsite biodiversity gain” has the meaning given by paragraph 10 of Schedule 7A to the Town and Country Planning Act 1990.”

PART 2

SUPPLEMENTARY AMENDMENTS TO THE PLANNING ACT 2008

- 6 The Planning Act 2008 is amended as follows.
- 7 In section 37 (applications for orders for development consent), after subsection (3) insert—

After Schedule 14 - continued

- “(3A) The documents and information prescribed under subsection (3)(d) may include documents and information demonstrating how any biodiversity gain objective in a biodiversity gain statement under Schedule 2A having effect in relation to the development is to be met.”
- 8 In section 120 (what may be included in development consent order), in subsection (2), at the end insert—
- “(c) requirements designed to secure that—
- (i) the biodiversity gain objective under Schedule 2A relevant to the development is met;
- (ii) any proposals included in the application for the order for the purposes of meeting the biodiversity gain objective are implemented.”
- 9 (1) Section 232 (orders and regulations) is amended as follows.
- (2) In subsection (5), at the end insert—
- “(f) regulations under paragraph 3(3) or 11 of Schedule 2A.”
- (3) In subsection (7), after “or 105(2)(b)” insert “or paragraph 3(3) or 11 of Schedule 2A.”

Member’s explanatory statement

This amendment makes provision for biodiversity gain to be taken into account in decisions under sections 104 and 105 of the Planning Act 2008 relating to development consent for nationally significant infrastructure projects.

Clause 93

LORD GOLDSMITH OF RICHMOND PARK

- 201B** Page 94, line 41, after “1990” insert “or Schedule 2A to the Planning Act 2008”.

Member’s explanatory statement

This amendment is consequential on Lord Goldsmith’s proposed new Schedule relating to biodiversity gain.

Clause 94

LORD GOLDSMITH OF RICHMOND PARK

- 201C** Page 95, line 8, after “1990” insert “or Schedule 2A to the Planning Act 2008”.

Member’s explanatory statement

This amendment is consequential on Lord Goldsmith’s proposed new Schedule relating to biodiversity gain.

Before Clause 95

BARONESS JONES OF WHITCHURCH

- 202** Insert the following new Clause—

“State of nature target

- (1) The Secretary of State must set a target (“the state of nature target”) to—

Before Clause 95 - continued

- (a) halt, and
 - (b) begin to reverse
- the 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

- 203** Page 96, line 12, leave out “biodiversity” and insert “nature”
- 204** Page 96, line 13, leave out “biodiversity” and insert “nature”
- 205** Page 96, line 18, leave out “biodiversity” and insert “nature”

Clause 95 - continued

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

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

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

BARONESS PARMINTER
BARONESS YOUNG OF OLD SCONE
LORD TEVERSON

209 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

210 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

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

After Clause 95

LORD OATES
LORD TEVERSON
BARONESS BOYCOTT

212 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

- 213 Page 97, line 30, leave out “Biodiversity” and insert “Nature”
- 214 Page 97, line 36, leave out “biodiversity” and insert “nature”
- 215 Page 97, line 37, leave out “biodiversity” and insert “nature”
- 216 Page 98, line 5, leave out “biodiversity” and insert “nature”
- 217 Page 98, line 11, leave out “biodiversity” and insert “nature”
- 218 Page 98, line 12, leave out “biodiversity” and insert “nature”
- 219 Page 98, line 17, leave out “biodiversity” and insert “nature”
- 220 Page 98, line 21, leave out “biodiversity” and insert “nature”
- 221 Page 98, line 26, leave out “biodiversity” and insert “nature”
- 222 Page 98, line 30, leave out “biodiversity” and insert “nature”
- 223 Page 98, line 35, leave out “biodiversity” and insert “nature”
- 224 Page 98, line 36, leave out “biodiversity” and insert “nature”
- 225 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 97

LORD TEVERSON

- 226 Page 99, line 3, after “England” insert “and its territorial waters”

Member’s explanatory statement

This amendment ensures that an area’s adjacent territorial waters are included in a Nature Recovery strategy

- 227 Page 99, line 4, after “England” insert “and its territorial waters”

Member's explanatory statement

This amendment ensures that an area's adjacent territorial waters are included in a Nature Recovery strategy

Clause 98

LORD TEVERSON

228 Page 99, line 14, at end insert –

“(1A) The local nature recovery strategy must be drawn up in consultation with the area's Local Nature Partnership”

Member's explanatory statement

This amendment ensures that England's network of Local Nature Partnerships are partners in the process of delivering local nature recovery strategies.

229 Page 99, line 14, at end insert –

“(1A) The responsible authority must include any adjacent territorial waters in its local nature recovery strategy.”

Member's explanatory statement

This amendment ensures that an area's adjacent territorial waters are included in a Nature Recovery strategy.

Clause 99

LORD LUCAS

230 Page 100, line 29, at end insert –

“(4A) A local drainage board which covers part of the area of a local nature recovery strategy, and the Environment Agency, must collaborate in giving effect to that strategy.”

Member's explanatory statement

This amendment is to ensure that, once a set of environmental objectives have been agreed for a wetland, agencies with the power to achieve those objectives are obliged to help do so.

LORD BLENCATHRA

231 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 100

LORD TEVERSON

232 Page 101, line 14, at end insert –

“(7) The Secretary of State must agree with each responsible authority how the local nature recovery strategy shall be resourced.”

Member's explanatory statement

This amendment requires the Secretary of State to agree with each responsible authority how the local nature recovery strategy will be resourced.

After Clause 100

LORD TEVERSON
BARONESS MCINTOSH OF PICKERING

233 Insert the following new Clause—

“The United Kingdom Exclusive Economic Zone for England

- (1) The Secretary of State must prepare and publish a nature recovery strategy for the United Kingdom Exclusive Economic Zone for England.
- (2) The strategy may be divided regionally.
- (3) Fisheries Management Plans drawn up under the Fisheries Act 2020 must be compatible with any existing nature recovery strategy for the United Kingdom Exclusive Economic Zone for England.
- (4) The nature recovery strategy for the United Kingdom Exclusive Economic Zone for England is to be reviewed and republished from time to time by the Secretary of State.”

Clause 102

LORD CHIDGEY

234 Page 101, line 34, leave out “may” and insert “must”

Member's explanatory statement

This amendment requires Natural England to prepare and publish species conservation strategies.

LORD KREBS
LORD RANDALL OF UXBRIDGE
BARONESS PARMINTER
BARONESS JONES OF WHITCHURCH

235 Page 101, line 36, at end insert—

- “(2A) The objective of a species conservation strategy must be—
- (a) to identify the factors that adversely affect the conservation status of relevant species of fauna or flora,
 - (b) to identify measures to improve the conservation status of relevant species of fauna or flora,
 - (c) to inform the definition of favourable conservation status of relevant species of fauna or flora, and
 - (d) taking the information set out pursuant to paragraphs (a), (b) and (c) into account, to contribute to relevant planning, land management and conservation policies for those species of fauna or flora.
- (2B) All provisions in a species conservation strategy must be in accordance with the mitigation hierarchy.
- (2C) The Secretary of State must publish guidance relating to the content, interpretation and implementation of species conservation strategies.”

Member's explanatory statement

The proposed amendment would ensure that these strategies contribute to nature recovery, and that all measures set out within them will be designed to contribute to the enhancement of the conservation of the species which they concern.

THE EARL OF CAITHNESS
BARONESS MCINTOSH OF PICKERING
As an amendment to Amendment 235

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

THE EARL OF CAITHNESS
THE EARL OF SHREWSBURY

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

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

239 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,”

240 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.”

LORD CHIDGEY

241 Page 102, line 16, at end insert –

“(f) identify priorities in relation to the protection and enhancement of habitats for the purpose of improving the conservation status of the species in chalk streams including a new category of protection under sections 105 and 106.”

Member's explanatory statement

This amendment aims to create a new designation of protection for chalk streams.

THE EARL OF CAITHNESS
THE EARL OF SHREWSBURY
BARONESS MCINTOSH OF PICKERING

242 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.”

Clause 102 - continued

LORD BLENCATHRA

243 Page 102, line 24, at end insert –

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

THE EARL OF CAITHNESS
THE EARL OF SHREWSBURY
BARONESS MCINTOSH OF PICKERING

244 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.”

THE EARL OF CAITHNESS
THE EARL OF SHREWSBURY

245 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

LORD TEVERSON

246 Page 102, line 44, at end insert –

“(A1) Within six months of the passing of this Act the Secretary of State must publish proposals for initial locations to be designated as Highly Protected Marine Areas.”

247 Page 103, line 7, at end insert –

“(d) a Highly Protected Marine Area,”

THE EARL OF CAITHNESS
THE EARL OF SHREWSBURY

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

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

LORD BLENCATHRA

250 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 103 - continued

LORD TEVERSON

251 Page 104, line 41, at end insert –

- ““Highly Protected Marine Area” means an area of the sea –
- (a) that allows the protection and recovery of marine ecosystems, and
 - (b) where extractive, destructive and depositional human activities are prohibited;”

Member’s explanatory statement

This amendment defines “Highly Protected Marine Area” as it is defined in the Benyon Review, for the purposes of previous amendments in the name of Lord Teverson.

Clause 104

THE EARL OF CAITHNESS

252 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 104

LORD LUCAS

253 Insert the following new Clause –

“Animal By-Products Regulations: power to amend general duties

- (1) The Secretary of State may by regulations amend the Animal By-Products (Enforcement) (England) Regulations 2013 (SI 2013/2952), as they apply in relation to England, for the purpose in subsection (2).
- (2) The purpose is to allow, subject to specified safeguards, fallen stock that is wild-kept as part of a rewilding project to remain on the land for consumption by necrophagous birds.”

Member’s explanatory statement

This amendment is to allow rewilding to result in the re-establishment of a complete ecosystem, by providing for animals and other organisms that rely on animal carcasses for part or all of their nutrition.

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS JONES OF WHITCHURCH
BARONESS BENNETT OF MANOR CASTLE
LORD RANDALL OF UXBRIDGE

254 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 paragraph (b) or (c).”

Clause 105

LORD KREBS
LORD RANDALL OF UXBRIDGE
BARONESS PARMINTER
BARONESS JONES OF WHITCHURCH

255 Page 106, line 7, leave out “instead of” and insert “in addition to”

Member’s explanatory statement

This amendment would allow the Conservation of Habitats and Species Regulations 2017 to be amended to further new objectives in addition to existing objectives, rather than in place of existing objectives.

256 Page 106, line 11, leave out “instead of” and insert “in addition to”

Member’s explanatory statement

This amendment would allow the Conservation of Habitats and Species Regulations 2017 to be amended to require people exercising functions under the regulations to have regard to new requirements in addition to existing requirements, rather than in place of them.

LORD GOLDSMITH OF RICHMOND PARK

257 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).

Clause 106

LORD KREBS
LORD RANDALL OF UXBRIDGE
BARONESS PARMINTER
BARONESS JONES OF WHITCHURCH

The above-named Lords give notice of their intention to oppose the Question that Clause 106 stand part of the Bill.

After Clause 108

BARONESS YOUNG OF OLD SCONE
BARONESS JONES OF WHITCHURCH
BARONESS JONES OF MOULSECOOMB
BARONESS BENNETT OF MANOR CASTLE

258 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.

BARONESS YOUNG OF OLD SCONE
BARONESS JONES OF WHITCHURCH
THE EARL OF KINNOULL

259 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.
- (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.

After Clause 108 - continued

- (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.

BARONESS YOUNG OF OLD SCONE

260

Insert the following new Clause –

“Duty to prepare a Tree Strategy for England

- (1) The Government must prepare a Tree Strategy for England as set out in this section.
- (2) The strategy must set out the Government’s vision, objectives, priorities and policies for trees in England, including individual trees, woodland and forestry, and set out other matters with respect to the promotion of sustainable management of trees in these contexts.
- (3) The Tree Strategy for England must include the Government’s targets and interim targets with respect to –
 - (a) the percentage of England under tree cover;
 - (b) hectares of new native woodland creation achieved by tree planting;
 - (c) hectares of new native woodland creation achieved by natural regeneration;
 - (d) the percentage of native woodland in favourable ecological condition;
 - (e) hectares of Plantations on Ancient Woodland Sites (PAWS) undergoing restoration;
 - (f) the condition of England’s Long Established Woodlands; and
 - (g) hectares of Long Established Woodlands undergoing restoration.
- (4) The Tree Strategy for England must set out –
 - (a) England’s contribution to the 30,000 hectares of woodland to be planted in the UK each year, as set out in the Ten Point Plan for a Green Industrial Revolution and England Trees Action Plan 2021-2024;
 - (b) a plan for the maintenance of the trees and woodlands planted under the England Trees Action Plan 2021-2024; and
 - (c) which authorities or individuals are responsible for the maintenance of the trees and woodlands planted under the England Trees Action Plan 2021-2024.
- (5) The Government must publish –

After Clause 108 - continued

- (a) an annual statement on progress against the Tree Strategy for England; and
 - (b) any revisions of the Tree Strategy which may be necessary.
- (6) The Government must publish a revised Tree Strategy for England within the period of 10 years beginning with the day on which the strategy or its most recent revision was published.”

Member’s explanatory statement

The aim of this new Clause is to ensure that the preparation of a tree strategy for England becomes a statutory requirement and that as part of the process it has to produce targets for the protection, restoration and expansion of trees and woodland in England.

THE EARL OF KINNOULL

260A Insert the following new Clause—

“Duty to set an animal damage protection standard in England when planting trees

- (1) The Secretary of State must by regulations establish a standard as set out in this section to be observed in England when planting trees in relation to mitigating the risk of damage caused by animals to newly planted trees (“the animal damage protection standard”).
- (2) The animal damage protection standard is to be binding on land after regulations under this section come into force where public money has been given as subsidy for the planting of the trees.
- (3) The animal damage protection standard is to be binding on land owned by the Government or public bodies including but not limited to local authorities, the Forestry Commission and the agencies owning or operating public roads and railways.
- (4) The animal damage protection standard will be advisory to other landowners and managers and the Secretary of State must make reasonable efforts to promote the standard.”

Member’s explanatory statement

This probing amendment is designed to deal with the risk that animals such as deer and grey squirrels present to planting.

After Clause 109

LORD BLENCATHRA

261 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);

After Clause 109 - continued

- (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).”

LORD TEVERSON

262 Insert the following new Clause –

“Local Nature Partnerships

Within six months of the passing of this Act the Secretary of State must open a consultation on the role, powers and resourcing of Local Nature Partnerships, together with their specific role in delivering local nature recovery strategies.”

Schedule 16

LORD LUCAS

263 Page 227, line 21, at end insert “, or other area of environmental significance (including peat moors and wetlands).”

Member’s explanatory statement

This amendment aims to extend the coverage of protection to other environments currently under threat from commodity production.

264 Page 227, line 21, at end insert “on 31 December 2021, as evidenced by maps freely available for public use.”

Member’s explanatory statement

This amendment aims to ensure that encroachments on forest after the passage of this Bill cannot remove land from the definition of “forest”.

BARONESS MEACHER

264A Page 228, line 38, at end insert –

- “2A (1) A regulated person in relation to a forest risk commodity must not use that commodity, or a product derived from that commodity, in their UK commercial activities unless the source organism was not grown, raised, or cultivated on land that was forest at the date this paragraph comes into force, or an earlier date specified in regulations made by the Secretary of State, and has since been degraded or converted to agricultural use.
- (2) Without limiting sub-paragraph (1), forest will be regarded as degraded if its tree canopy cover (excluding trees planted for the purpose of producing timber or other commodities) has decreased due to human activity.
- (3) Sub-paragraph (1) does not apply to source organisms grown, raised or cultivated by indigenous peoples, or other communities with customary land use rights, in accordance with their customary rights and practices.”

Member's explanatory statement

This amendment introduces a requirement that a regulated person does not use forest risk commodities or products derived from those commodities in their UK commercial activities if the commodities or products are derived from land that is deforested after the commencement of Schedule 16 or an earlier date set by regulation, with the exception of forest risk commodities produced by indigenous people or other communities with customary land use rights according to traditional farming practices.

LORD LUCAS

265 Page 229, line 8, at end insert –

- “(4) The Secretary of State may designate a body as an authorised due diligence provider in respect of a specified forest risk commodity.
- (5) The Secretary of State may –
- (a) by regulations make provision for a levy to be paid on any imports of that commodity or of products containing that commodity;
 - (b) exempt from the levy material certified in a specified manner by the authorised due diligence provider;
 - (c) use monies received from the levy to support the safeguarding of forests at risk.”

Member's explanatory statement

This amendment aims to advantage product that has been subject to due diligence, and allow the Government to support the extension of quality due diligence.

Clause 110

THE EARL OF DEVON

266 Page 109, line 11, leave out “appears from” and insert “is stated within”

Member's explanatory statement

This amendment, along with others to this Clause, is intended to add formal requirements for an agreement to qualify as a conservation covenant.

267 Page 109, line 13, leave out “in writing signed” and insert “signed as a deed”

268 Page 109, line 13, at end insert –

- “(d) the agreement makes provision for the payment of consideration to the landowner, or states that no consideration is to be provided, and
- (e) the agreement includes provision regarding the duration or end date of the agreement.”

Clause 111

THE EARL OF DEVON

269 Page 110, line 16, at end insert –

“(2A) Ancillary provisions include any provision in the conservation covenant agreement for the payment of consideration in relation to the provisions under section 110(1)(a), and private rights of access necessary for the fulfilment of the obligations under section 110(1)(a).”

Member's explanatory statement

This amendment aims to ensure that payment obligations and access arrangements are written into the contract and given statutory effect.

Clause 112

LORD OATES

- 270 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.

- 271 Page 110, line 34, leave out “a local authority or” and insert “any”
- 272 Page 110, line 36, leave out subsection (3)
- 273 Page 110, line 38, leave out “that is not a local authority”

THE EARL OF DEVON

- 274 Page 110, line 43, leave out “at least some” and insert “all”

Member's explanatory statement

This amendment aims to ensure that responsible bodies which are not local authorities or charities demonstrate that all of their main activities relate to conservation to ensure that landowners have the confidence that the body entering into the agreement has the expertise and ability to carry out obligations under the covenant for the duration of the term.

LORD OATES

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

Clause 125

THE EARL OF DEVON

- 276 Page 118, line 14, leave out “has no liability with respect to the performance of any obligation” and insert “must perform all obligations”

Member's explanatory statement

This amendment aims to ensure that in the event that a conservation covenant is transferred to the Secretary of State as custodian, the obligations transfer as well.

Clause 133

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 277 Page 120, line 29, at end insert –
- “(1) Article 26 of the REACH Regulation is amended as follows.
- (2) After the words “the same” insert “or similar” in each place where they appear.
- (3) After paragraph 4 insert –

Clause 133 - continued

“5. In this Article, “similar substance” means a substance whose physicochemical, toxicological and eco-toxicological properties are likely to be similar, or which follows a regular pattern as a result of structure, to the substance with which comparison is made.””

Member’s explanatory statement

REACH Regulation Articles 26, 27 and 30 deal with prevention of duplication of testing. This amendment would extend the duties to enquire and data share to sufficiently similar substances with a view to further avoiding any unnecessary duplication of testing on animals.

After Clause 133

LORD GOLDSMITH OF RICHMOND PARK

278 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 remove the Secretary of State’s functions relating to Welsh devolved matters without the Secretary of State’s consent.

LORD FAULKNER OF WORCESTER
LORD FORSYTH OF DRUMLEAN
LORD BRADSHAW
THE EARL OF CLANCARTY

279 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 –

After Clause 133 - continued

- (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;
 - (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.”

BARONESS MCINTOSH OF PICKERING
LORD TEVERSON

280

Insert the following new Clause –

“Research into impact of offshore windfarms

- (1) The Secretary of State may by regulations provide that before planning permission is granted, research must be undertaken by companies seeking to construct and operate offshore windfarms into the cumulative impact on –
 - (a) the environment,
 - (b) marine life, and
 - (c) sea mammals,
 of the construction and operation phase of such windfarms.
- (2) Regulations under this section are subject to the affirmative procedure.”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS JONES OF MOULSECOOMB

281

Insert the following new Clause –

“REACH: targets to replace testing on animals

- (1) The Secretary of State must by regulations set targets for the replacement of types of tests on animals conducted to protect human health and the environment within the scope of the REACH Regulation, and for the reduction pending replacement of the numbers of animals used and the suffering they endure.
- (2) A target under this section to reduce the suffering of animals must specify –
 - (a) a standard to be achieved, which must be capable of being objectively measured, and
 - (b) a date by which it is to be achieved.

After Clause 133 - continued

- (3) Regulations under this section may make provision about how a set target is to be measured.
- (4) A target under this section is initially set when the regulations setting it come into force.”

Member’s explanatory statement

This amendment requires the Secretary of State to set targets for replacing testing on animals within the scope of the REACH Regulation.

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

282

Insert the following new Clause—

“REACH: data sharing for unnecessary testing

- (1) The Secretary of State must by regulations make provision for sharing data and the avoidance of unnecessary testing of substances where they are sufficiently similar in nature.
- (2) Regulations made under this section must require potential registrants to enquire of the agency whether registration has already been submitted for a substance of a sufficiently similar nature in addition to substances which are the same.
- (3) Potential registrants must share—
 - (a) their identity;
 - (b) the identity of the substance;
 - (c) which information requirements would require new studies involving animals to be carried out by the registrant;
 - (d) an assessment of alternative non-animal testing methods available to meet these requirements.
- (4) For the purposes of regulations made under this section, “sufficiently similar” has the same meaning as used for the purposes of the International Programme on Chemical Safety.”

Member’s explanatory statement

This amendment will enable further avoidance of unnecessary duplication of animal tests where data from sufficiently similar substances is already available.

BARONESS JONES OF WHITCHURCH
 BARONESS JONES OF MOULSECOOMB
 BARONESS BENNETT OF MANOR CASTLE

283

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;

After Clause 133 - continued

- (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

284 Insert the following new Clause –

“Public Rights for Recreational Access to Land in England

- (1) Within six months of the passing 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.”

BARONESS JONES OF MOULSECOOMB

285 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
 - (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

286

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
 - (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,

After Clause 133 - continued

- (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.

287

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.”

BARONESS JONES OF MOULSECOOMB

288

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—

After Clause 133 - continued

- (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

289 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).

THE EARL OF LYTTON

290 Insert the following new Clause –

“National Parks: economic and social purpose

- In section 5(1) of the National Parks and Access to the Countryside Act 1949 –
- (a) in paragraph (a), omit the final “and”;
 - (b) at the end insert “and
 - (c) of promoting the socio-economic wellbeing of communities and businesses.””

Member’s explanatory statement

This amendment would place businesses and communities located in National Parks on a more viable footing by bringing the third statutory purpose into legislation, ensuring sustainable development.

291 Insert the following new Clause—

“Areas of outstanding natural beauty: economic and social purpose

- (1) Section 87 of the Countryside and Rights of Way Act 2000 is amended as follows.
- (2) In subsection (1)—
 - (a) in paragraph (a), omit the final “and”;
 - (b) in paragraph (b), at the end insert “and
 - (c) the purpose of promoting the economic and social well-being of local communities and businesses in areas of outstanding natural beauty,”.
- (3) In subsection (2), omit the words from “seek to foster” to “for that purpose”.

Member’s explanatory statement

This amendment would place businesses and communities located in AONBs on a more viable footing by bringing in an additional statutory purpose into legislation, ensuring sustainable development.

BARONESS BENNETT OF MANOR CASTLE
BARONESS BOYCOTT

292 Insert the following new Clause—

“Environmental impact of nappy waste

- (1) The relevant national authority must by regulations establish schemes to reduce the impact of nappies on the environment by—
 - (a) defining the characteristics required for a nappy to meet environmental standards;
 - (b) promoting nappies which meet environmental standards; and
 - (c) reporting on the steps taken to encourage local authorities to promote reusable nappies and reduce nappy waste.
- (2) The relevant national authority must by regulations establish environmental standards for nappies.
- (3) The standards in subsection (2) must define the characteristics required for a nappy to be traded, advertised or promoted as—
 - (a) “reusable”;
 - (b) “biodegradable”;
 - (c) “eco-friendly”;
 - (d) “environmentally friendly”; and
 - (e) other such similar terms as may be defined in the standards.
- (4) The regulations in subsection (2) may provide for nappies or the packaging in which they are contained to bear a mark signifying that they meet the environmental standards.
- (5) The trading, advertising or promotion of a nappy is an unfair commercial practice for the purposes of the Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277) if—
 - (a) that nappy is described using a term used in subsection (2)(a) to (d) or a similar term defined in regulations under subsection (1) but does not meet the relevant standards, or

After Clause 133 - continued

- (b) that nappy or its packaging bears the mark in subsection (3) but does not meet the relevant standards.
- (6) The relevant national authority must by regulations establish a scheme to promote nappies that meet the environmental standards in subsection (2).
- (7) The scheme under subsection (6) must be a collaboration between public bodies and the nappy industry.
- (8) The Secretary of State may by regulations make provision for a levy to be paid by persons who manufacture or trade in nappies for the purpose of meeting the operating expenses of the scheme of subsection (6).
- (9) The scheme under subsection (6) must provide public information on—
- (a) the effects of disposable nappies on the environment;
 - (b) the financial advantages of reusable nappies for families and local authorities; and
 - (c) other advantages of nappies that meet the standards in subsection (2).
- (10) The relevant national authority must prepare a report on steps that will be taken to encourage local authorities to operate schemes to—
- (a) promote the use of reusable nappies, and
 - (b) reduce nappy waste.
- (11) In preparing that report, the relevant national authority must consult—
- (a) operators of existing reusable nappy schemes,
 - (b) local authorities involved in those schemes,
 - (c) parents who have participated in such schemes,
 - (d) manufacturers of reusable nappies.
- (12) The report must be laid—
- (a) in relation to England, before Parliament;
 - (b) in relation to Wales, in Senedd Cymru;
 - (c) in relation to Scotland, in the Scottish Parliament; and
 - (d) in relation to Northern Ireland, in the Northern Ireland Assembly; or in Parliament;
- within six months of this section coming into force.”

BARONESS YOUNG OF OLD SCONE

293

Insert the following new Clause—

“Land use strategy for England

- (1) The Secretary of State must, no later than 31 March 2023, lay an agricultural land use strategy for England before Parliament.
- (2) The strategy must set out—
 - (a) the Secretary of State’s objectives in relation to integrated land use within a sustainable land use framework;
 - (b) proposals and policies for meeting those objectives;
 - (c) the timescales over which those proposals and policies are expected to take effect.

After Clause 133 - continued

- (3) The objectives, proposals and policies referred to in subsection (2) must contribute to—
 - (a) achievement of multifunctional land use, balancing the range of needs for land, including agriculture and food production;
 - (b) achievement of objectives in relation to mitigation and adaptation to climate change, including achieving carbon budgets under Part 1 of the Climate Change Act 2008;
 - (c) sustainable development, including the use of land for development and infrastructure;
 - (d) the achievement of objectives of the 25 Year Environment Plan for halting the decline of biodiversity.
- (4) Before laying the strategy before Parliament, the Secretary of State must publish a draft strategy and consult with—
 - (a) such bodies as he or she considers appropriate, and
 - (b) the general public.
- (5) The Secretary of State must, no later than 5 years after laying a strategy before Parliament under subsection (1), and at the end of every subsequent period of 5 years, lay a revised strategy before Parliament under the terms set out in subsections (2) to (4).
- (6) The Secretary of State must, no later than 3 years after the laying of a strategy before Parliament under this section and at three year intervals thereafter, lay before Parliament a report on the implementation of the strategy and progress in achieving the objectives, proposals and policies under subsection (2).”

Member’s explanatory statement

This new Clause would provide a land use context to enable the Secretary of State to make optimal decisions about the balance of land use to achieve the targets, plans and policies for improving the natural environment.

LORD BROWNE OF LADYTON
BARONESS PARMINTER

293A

Insert the following new Clause –

“Prohibition of the use of toxic lead ammunition in killing of wild birds and wild animals

- (1) The Wildlife and Countryside Act 1981 is amended in accordance with subsections (2) and (3).
- (2) After section 5(c)(viii) insert –
 - “(ix) any form of lead ammunition used in a shotgun.”
- (3) After section 11(1)(d) insert –
 - “(e) uses lead ammunition in a shotgun for the purposes of killing or taking any wild animal”.
- (4) The provisions in this section come into force on 1 January 2023.”

Member's explanatory statement

This new Clause intends to provide an effective regulation to protect wildlife, the environment and human health by replacing widely-used toxic lead gunshot with alternatives. It intends to ensure a supply of healthy game for the market, whilst meeting societal requirements and those of shooting, food retail and conservation stakeholders.

Schedule 20

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

294 Page 250, line 6, at end insert –

“Article 13 (general requirements for generation of information on intrinsic properties of substances)”

Member's explanatory statement

This amendment is intended to ensure that the Government has the power to ensure that animal testing requirements reflect evolving scientific consensus and thereby promote animal welfare.

295 Page 250, line 7, at end insert –

“Article 26 (duty to inquire prior to registration)
Article 27 (sharing of existing data in the case of registered substances)
Article 30 (sharing of information involving tests)”

Member's explanatory statement

This amendment is intended to ensure that the Government has the power to ensure that animal testing requirements reflect evolving scientific consensus and thereby promote animal welfare.

296 Page 250, line 8, at end insert –

“Article 40(2) (third party information)”

Member's explanatory statement

This amendment is intended to ensure that the Government has the power to ensure that animal testing requirements reflect evolving scientific consensus and thereby promote animal welfare.

297 Page 250, line 33, after “Annexes” insert “save insofar as they contain endpoints for tests using animals”

Member's explanatory statement

This amendment is intended to ensure that the Government has the power to ensure that animal testing requirements reflect evolving scientific consensus and thereby promote animal welfare.

Clause 138

LORD GOLDSMITH OF RICHMOND PARK

298 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.

299 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.

299A Page 124, line 32, after “that” insert –

“(a) the amendments made by Schedule (*Biodiversity gain in nationally significant infrastructure projects*)(biodiversity gain in nationally significant infrastructure projects) have the same extent as the provisions amended, and
(b) ”

Member's explanatory statement

This amendment makes provision for the extent, as a matter of law, of Lord Goldsmith's proposed new Schedule relating to biodiversity gain (which applies only in relation to development in England and the English marine area).

Clause 139**LORD GOLDSMITH OF RICHMOND PARK**

300 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.

Environment Bill

REVISED
SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

21 June 2021
