

Environment Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[For Fourth Marshalled List]

Clause 16

VISCOUNT TRENCHARD

Page 10, line 24, leave out “precautionary” and insert “proportionality”

Member’s explanatory statement

This amendment aims to ensure that the Bill conforms with the recommendations of the report of the Taskforce on Innovation, Growth and Regulatory Reform, published on 16 June 2021.

Clause 42

LORD WILLS

Page 25, line 23, leave out “26(1) or”

Member’s explanatory statement

The amendment would exclude from the prohibition on disclosure in Clause 42(1)(a) information obtained by the Office for Environmental Protection under Clause 26(1).

Page 26, line 3, at end insert –

- “(i) made for the purpose of complying with—
 - (i) the Environmental Information Regulations 2004 (SI 2004/3391) or the Environmental Information (Scotland) Regulations 2004 (SI 2004/520),
 - (ii) the Freedom of Information Act 2000 or the Freedom of Information (Scotland) Act 2002 (asp 13), or
 - (iii) the data protection legislation (and in this sub-paragraph “the data protection legislation” has the same meaning as in section 3(9) of the Data Protection Act 2018).”

Member's explanatory statement

This amendment provides that the prohibition on disclosure of information by the OEP in Clause 42(1) does not apply to a disclosure made in accordance with the Environmental Information Regulations 2004, the Environmental Information (Scotland) Regulations 2004, the Freedom of Information Act 2000, the Freedom of Information (Scotland) Act 2002 or data protection legislation.

Page 26, line 21, at end insert –

- “(e) made for the purpose of complying with –
- (i) the Environmental Information Regulations 2004 (SI 2004/3391) or the Environmental Information (Scotland) Regulations 2004 (SI 2004/520),
 - (ii) the Freedom of Information Act 2000 or the Freedom of Information (Scotland) Act 2002 (asp 13), or
 - (iii) the data protection legislation (and in this sub-paragraph “the data protection legislation” has the same meaning as in section 3(9) of the Data Protection Act 2018).”

Member's explanatory statement

This amendment provides that the prohibition on disclosure of information by a body with public functions in Clause 42(3) does not apply to a disclosure made in accordance with the Environmental Information Regulations 2004, the Environmental Information (Scotland) Regulations 2004, the Freedom of Information Act 2000, the Freedom of Information (Scotland) Act 2002 or data protection legislation.

Page 26, line 30, leave out subsection (7)

Member's explanatory statement

The amendment would remove Clause 42(7) which provides that information which is subject to Clause 42(1) or Clause 42(3) is also considered to be held in connection with confidential proceedings for purpose of the Environmental Information Regulations. The term ‘confidential proceedings’ appears in regulation 12(5)(d) of the Environmental Information Regulations 2004 and in regulation 10(5)(d) of the Environmental Information (Scotland) Regulations.

Clause 45

LORD WILLS

Page 27, line 16, leave out paragraph (a) and insert –

- “(a) for the purpose of sections 30 to 40, disclosure of, or access to, information to which any of the following provisions apply, namely –
- (i) regulation 18 (enforcement and appeal provisions) or regulation 19 (offence of altering records with intent to prevent disclosure) of the Environmental Information Regulations 2004 (SI 2004/3391), or
 - (ii) regulation 17 (enforcement and appeal provisions) or regulation 19 (offences) of the Environmental Information (Scotland) Regulations 2004 (SI 2004/520);”

Member's explanatory statement

Clause 45(2)(a) excludes matters involving "disclosure of or access to information" from the definition of "environmental law" in Clause 45(1). This amendment would limit the exclusion in Clause 45(2)(a) to matters for which the Information Commissioner is responsible under the Environmental Information Regulations 2004, or for which the Scottish Information Commissioner is responsible under the Environmental Information (Scotland) Regulations 2004. The exclusion would apply only in relation to the OEP's function of investigating failures to comply with environmental law under Clauses 30-40.

After Clause 82

LORD CHIDGEY

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 95

LORD LUCAS

Page 96, line 18, at end insert –

- “(1ZA) Such consideration must include consideration of empowering relevant civil society organisations to further the general biodiversity objective, in particular by breeding and releasing native animals.”

Member's explanatory statement

The purpose of this amendment is to enable discussion of how the regeneration of the populations of those insects and other animals that have become locally or nationally extinct can be sped up.

After Clause 103

BARONESS JONES OF WHITCHURCH

Insert the following new Clause –

“Protection of National Parks

- (1) In exercising their functions under –
 - (a) this Act,
 - (b) any subordinate legislation made under this Act, or
 - (c) any legislation amended by this Act,
 a public authority must determine whether and how the carrying out of such functions would impact on National Parks.
- (2) If a public authority determines that their actions would have a material impact on National Parks, that authority must –

After Clause 103 - continued

- (a) have regard to the purposes of National Parks specified in section 5(1) of the National Parks and Access to the Countryside Act 1949, and
 - (b) so far as practicable, act in a manner that is consistent with supporting those purposes.
- (3) Section 11A of the National Parks and Access to the Countryside Act 1949 (duty of certain bodies and persons to have regard to the purposes for which National Parks are designated) is amended as follows –
- (a) in subsection (2), after “land” insert “or the special qualities found”;
 - (b) after subsection (2) insert –
 - “(2A) All relevant authorities have a duty to co-operate in the production and implementation of any relevant National Park Management Plans.”;
 - (c) after subsection (3) insert –
 - “(3A) In subsection (2A) of this section “National Park Management Plans” means any relevant plan or plans published under section 66 of the Environment Act 1995 (National Park Management Plans).”

Member’s explanatory statement

This new Clause would ensure that where the decisions of public authorities impact on national parks, relevant authorities must have regard to the purposes laid out in section 5(1) of the 1949 Act. In addition, the Clause amends inserted section 11A of that Act to strengthen provisions around protecting the special characteristics of national parks.

After Clause 106

LORD LUCAS

Insert the following new Clause –

“Captive breeding of wild animals

The Secretary of State must by regulations make provision for the licensing of taking specified animals from the wild and breeding them in captivity under specified conditions with the intent that they may be made widely available, upon payment, for release into the wild subject to specified conditions.”

Member’s explanatory statement

The purpose of this amendment is to enable the Secretary of State to allow the captive breeding of large quantities of wild animals and their release – subject, for example, to the approval of the local wildlife trust – in areas where they are absent and unlikely to become naturally present.

Clause 135

BARONESS NEVILLE-ROLFE
VISCOUNT RIDLEY
BARONESS NOAKES

Page 123, line 5, at end insert –

- “(10) Except for regulations under this section, regulations under this Act expire after the period of five years beginning with the day on which this Act is passed.
- (11) The Secretary of State may by regulations substitute a later date for the purposes of subsection (10).
- (12) Regulations under this section may make different provision for different purposes or areas.
- (13) Before exercising the power under subsection (11), the Secretary of State must review the effectiveness of the regulations to which the power relates and conduct an assessment of the costs of the policy or provision relative to the benefits, having regard to a broad range of factors, including –
- (a) effect on economic growth;
 - (b) costs to industry, in particular small and medium-sized businesses;
 - (c) social impact.
- (14) Regulations under subsection (11) are subject to the affirmative procedure.”

Member’s explanatory statement

This amendment sets a sunset provision after five years for regulations made under the Bill, including those relating to targets. If the Government wishes to renew regulations, it must conduct a cost-benefit analysis first.

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24 June 2021
