

Environment Bill

[This provisional Marshalled List includes all amendments tabled for Day 3 onwards. A revised Marshalled List will be produced following the conclusion of proceedings on Day 3. Neither amendments nor members' names may be added between the two.]

PROVISIONAL FOURTH
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 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;
 - (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

Clause 16 - continued

- (k) sustainability, which means to take into account the health of present generations and the needs of future generations.”

VISCOUNT TRENCHARD

- 75A 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 18

BARONESS PARMINTER

BARONESS JONES OF WHITCHURCH

BARONESS YOUNG OF OLD SCONE

- 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 MCINTOSH OF PICKERING

- 77A Page 11, line 16, leave out “have due regard to” and insert “ensure compliance with”

BARONESS PARMINTER

BARONESS BENNETT OF MANOR CASTLE

BARONESS JONES OF WHITCHURCH

BARONESS YOUNG OF OLD SCONE

- 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),”

Clause 18 - continued

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 HOPE OF CRAIGHEAD

As an amendment to Amendment 80

80A After subsection (5) insert –

- “(5A) When making policy under this section relating to reserved matters, the Minister must nevertheless consult with the Scottish Ministers.”

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

BARONESS MCINTOSH OF PICKERING

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
 BARONESS YOUNG OF OLD SCONE

- 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
BARONESS YOUNG OF OLD SCONE

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.

Schedule 1 - continued

- (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, 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 sub-paragraph (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.
- (8) 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.

BARONESS MCINTOSH OF PICKERING

107A Page 22, line 40, at end insert –

“(11A) In the event of a severe breach of environmental law, financial penalties may be imposed.”

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.

Clause 42

LORD WILLS

108A 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).

108B 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.

108C 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.

108D 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.

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)”

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,”

LORD BERKELEY

113A Page 26, line 43, after “natural” insert “ecosystems and”

After Clause 43

THE EARL OF CAITHNESS

113B Insert the following new Clause –

“Meaning of “biodiversity”

- (1) In this Part “biodiversity” means the variability amongst living organisms from all sources including, inter alia –
 - (a) terrestrial,
 - (b) marine, and
 - (c) other aquatic ecosystems,
 and the ecological complexes of which they are part.
- (2) This includes diversity –
 - (a) within species,
 - (b) between species, and

After Clause 43 - continued

(c) of ecosystems.”

Clause 44

LORD BERKELEY

- 113C** Page 27, line 3, after “environment” insert “and ecosystems”
- 113D** Page 27, line 6, after “environment” insert “and ecosystems;”
- 113E** Page 27, line 7, after “environment” insert “and ecosystems;”

Clause 45

BARONESS MCINTOSH OF PICKERING

- 113F** Page 27, line 14, at end insert –
- “(c) has regard to the provisions of the Aarhus Convention (UNECE Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters which entered into force on 30 October 2001).”

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.

LORD WILLS

- 114A** 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.

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

BARONESS MEACHER

- 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 CHIDGEY

120A 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 household cleaning products to –

- (a) require that the text on any product contains a warning on the use of such items in households not connected to mains sewers, and
- (b) create offences which may be committed by persons who produce or supply household cleaning products which breach prohibitions, requirements or limitations imposed under sub-paragraph (4)(a).”

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.”

Schedule 6 - continued

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;

Schedule 7 - continued

“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 JONES OF WHITCHURCH
 VISCOUNT COLVILLE OF CULROSS
 BARONESS BOYCOTT
 THE EARL OF CAITHNESS

133A Page 179, line 22, at end insert –

- “(4A) Where a deposit scheme includes beverage containers, that scheme must, at a minimum, make provision for deposit items to include any containers that are –
- (a) made of –
 - (i) polyethylene terephthalate,
 - (ii) glass,
 - (iii) aluminium, or
 - (iv) steel, and
 - (b) not more than three litres in volume.”

Member’s explanatory statement

This amendment would set a minimum parameter for the deposit return scheme for beverage containers and provide consistency with the system that will be implemented in Scotland and the stated preference of the Welsh Government, ensuring compatibility and consistency for consumers and businesses across the UK.

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.

135 [Withdrawn]

Schedule 8 - continued

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,
 - (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.
- (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).”

Clause 61

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 148A Page 51, line 37, leave out “may” and insert “must”

Member’s explanatory statement

These amendments seek to strengthen Clause 61 of the Bill to mandate a total ban on the export of plastics.

- 148B Page 51, line 38, leave out “regulation” and insert “prohibition”

Member’s explanatory statement

These amendments seek to strengthen Clause 61 of the Bill to mandate a total ban on the export of plastics.

- 148C Page 51, line 38, after “exportation” insert “to any country”

Member's explanatory statement

These amendments seek to strengthen Clause 61 of the Bill to mandate a total ban on the export of plastics.

After Clause 62

BARONESS BOYCOTT
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
THE EARL OF CAITHNESS

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.
- (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.

After Clause 62 - continued

- (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.”

THE EARL OF CAITHNESS

149A Insert the following new Clause—

“Obligations on supermarkets to address food waste

- (1) Supermarkets must—
- (a) reduce the food waste across their supply chains, including primary production, by no less than 50 per cent by 2030, from a 2015 baseline, or the first available year for which baseline data is available after 2015;
 - (b) agree an industry benchmark by the end of the 2022/23 financial year for measuring food waste in primary production;
 - (c) begin reporting on food waste throughout supply chains, including at primary production, from the 2022/23 financial year;
 - (d) begin publishing all food waste data annually from 2023.
- (2) In this section—
- “primary production” means where food is first grown or produced, i.e. on farms;
- “supermarkets” means any food retailer with annual revenue over £1 billion.”

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).

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

After Clause 71

BARONESS SHEEHAN
BARONESS FINLAY OF LLANDAFF

150A★ Insert the following new Clause –

“Air quality: speed limits

(1) The national speed limit for restricted roads in England is 20 miles per hour.

(2) Nothing in this section affects the power of traffic authorities responsible for such roads to make exceptions to the national speed limit where appropriate.”

Member’s explanatory statement

The purpose of this amendment is to reduce the number of fine particulates released into the air from non-exhaust emissions (NEE), such as brake, tyre and road surface wear. The Air Quality Expert Group, an expert committee of DEFRA, has found that one of the most effective mitigation strategies for NEE is to lower the speed of traffic and promote driving behaviour that reduces braking and higher-speed cornering.

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.

BARONESS RANDERSON

151A Page 191, line 7, at end insert –

“(1A) After subsection (1) insert –

“(1A) Local authorities must in particular monitor air quality standards at specified locations in their area including near schools, hospitals and major roads.””

151B Page 192, line 12, at end insert –

“(6A) A local authority must ensure that any action plan or revised action plan is published and freely available.”

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.

After Clause 72 - continued

- (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.”

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.

After Clause 72 - continued

- (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
 - (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 –

After Clause 72 - *continued*

- (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.”

LORD TOPE

BARONESS FINLAY OF LLANDAFF

156A★ Insert the following new Clause—

“Air quality improvement areas

- (1) Where the air quality in any area within a local authority exceeds World Health Organization Air Quality Guidelines for one or more pollutants, the local authority for that area may designate the area as an air quality improvement area.
- (2) The local authority may determine that an area designated under subsection (1) ceases to be an air quality improvement area.
- (3) Any designation under subsection (1) or determination under subsection (2) must—
 - (a) state the date and time from which the designation or determination is to take effect;
 - (b) specify the types of plant which are, or cease to be, subject to the designation (being plant of a type described in any of sections (*Boiler emission limits*) to (*Combined cooling, heat and power plant*));
 - (c) provide details of the NO_x and PM emission limits for each type of plant so designated as provided for in regulations under section (*Air quality improvement areas: regulations*);
 - (d) state any time of day, period or occasion when operation of stationary generators is prohibited or ceases to be prohibited; and
 - (e) include a map of the area which is to be designated or ceases to be designated.

After Clause 72 - continued

- (4) At least two months before such a designation or determination has effect, the local authority must publish details of the designation or determination giving a description of its effect –
 - (a) on the local authority’s website, and
 - (b) by advertisement in a newspaper circulating in the area to which the designation or determination relates, such notice to be published on two separate occasions, the first publication to be not more than seven days after the making of the designation or determination.
- (5) Sections (*Boiler emission limits*) to (*Combined cooling, heat and power plant*) apply in an air quality improvement area only insofar as they apply to such plant as may be specified in a designation in respect of that area under subsection (3).
- (6) In this section “World Health Organization Air Quality Guidelines” means guidelines on air quality and emissions as published by the World Health Organization from time to time.”

Member’s explanatory statement

This new Clause is part of a set of new Clauses to create a framework to give discretionary powers to local authorities in England to control emissions from combustion plant and they should be considered together. This new Clause grants any LA in England the power to designate an area within the LA an ‘Air Quality Improvement Area’, if the air quality in that area exceeds World Health Organization Air Quality Guidelines for one or more pollutants. The provisions in the new Clauses which follow apply to an area so designated, only insofar as they apply to such plant as may be specified in the designation.

156B★ Insert the following new Clause –

“Boiler emission limits

- (1) In any premises within an air quality improvement area, the amount of NO_x emitted by a boiler which is fired by gaseous fuels and has a rated heat output of less than 1MW must at all times be less than an amount specified in regulations made by the Secretary of State.
- (2) A person who installs or permits the installation of a boiler which does not comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) In this section “boiler” means a device that provides heat to a water-based central heating system in order to reach and maintain at a desired level the indoor temperature of an enclosed space and includes a device that is designed to provide heat to deliver hot drinking or sanitary water at given temperature levels, quantities and flow rates during given intervals, and is connected to an external supply of drinking or sanitary water.”

Member’s explanatory statement

This new Clause is part of a set of new Clauses to create a framework to give discretionary powers to local authorities in England to control emissions from combustion plant and they should be considered together. Where it applies in an Air Quality Improvement Area, this new Clause prohibits the installation, in any premises within an Air Quality Improvement Area, of boilers with a rated heat output of under 1 megawatt, unless they comply with a NO_x emissions limit to be set in regulations made by the Secretary of State.

156C★ Insert the following new Clause—

“Non-road mobile machinery

- (1) Within an air quality improvement area, the amount of NO_x and PM emitted by the operation of non-road mobile machinery must be less than an amount specified in regulations made by the Secretary of State unless the non-road mobile machinery is of a description that is exempted by the regulations.
- (2) A person who operates or permits the operation of non-road mobile machinery which does not comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) In this section “non-road mobile machinery” means any mobile machine, transportable equipment or vehicle, with or without bodywork or wheels—
 - (a) in which an internal combustion engine is installed, and
 - (b) which is not intended for the transport of passengers or goods on roads, railways, or water;

and includes machinery installed on the chassis of a vehicle intended for the transport of passengers or goods on roads.

- (4) For the purposes of subsection (3) “non-road mobile machinery” does not include—
 - (a) agricultural and forestry tractors;
 - (b) sea-going vessels;
 - (c) inland waterway vessels;
 - (d) any recreational craft or personal watercraft;
 - (e) aircraft;
 - (f) recreational vehicles except snowmobiles, all-terrain vehicles and side-by-side vehicles;
 - (g) vehicles and machinery exclusively used or intended to be exclusively used in competitions;
 - (h) portable firefighting pumps;
 - (i) reduced-scale models or reduced-scale replicas of vehicles or machinery.”

Member’s explanatory statement

This new Clause is part of a set of new Clauses to create a framework to give discretionary powers to local authorities in England to control emissions from combustion plant and they should be considered together. Where it applies in an Air Quality Improvement Area, this new Clause prohibits the operation within an Air Quality Improvement Area of non-road mobile machinery unless it complies with a NO_x and PM emissions limit to be set in regulations made by the Secretary of State or is exempted by regulations.

156D★ Insert the following new Clause—

“Stationary generators

- (1) In any premises within an air quality improvement area, the amount of NO_x and PM emitted by a stationary generator with a rated thermal input equal to or less than 1MW installed on the premises must be less than an amount specified in regulations made by the Secretary of State.

After Clause 72 - continued

- (2) Where the designation of an air quality improvement area specifies any time of day, period or occasion when the operation of stationary generators is prohibited, a stationary generator must not be operated in that air quality improvement area at that time of day, in that period or on that occasion except in an emergency.
- (3) A person who—
- (a) installs or permits the installation of a stationary generator which does not comply with subsection (1), or
 - (b) operates or permits the operation of a stationary generator contrary to subsection (2),
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) In this section—
- “emergency” means a disruption of the supply of electricity to the premises;
- “stationary generator” means fixed combustion plant which is used for the purpose of generating electricity, and does not include any generator that is mobile unless it is connected to—
- (a) an electricity transmission system or distribution system, or
 - (b) apparatus, equipment or appliances at a site performing a function that could be performed by a generator that is not mobile.”

Member’s explanatory statement

This new Clause is part of a set of new Clauses to create a framework to give discretionary powers to local authorities in England to control emissions from combustion plant and they should be considered together. Where it applies in an Air Quality Improvement Area, this new Clause prohibits the installation in any premises within an Air Quality Improvement Area of a stationary generator with a rated thermal input equal to or less than 1 megawatt, unless it complies with a NO_x and PM emissions limit to be set by regulations. The Clause also prohibits the operation of stationary generators in an Air Quality Improvement Area at any time of day, in any period or on any occasion during which the operation of stationary generators is prohibited by the designation of that Air Quality Improvement Area. This prohibition on the operation of stationary generators does not apply in the case of a disruption of the supply of electricity to the premises.

156E★ Insert the following new Clause—

“Solid fuel boilers

- (1) In any premises within an air quality improvement area the amount of NO_x and PM emitted by a solid fuel boiler with a rated heat output of less than 1MW installed on the premises must be less than an amount specified in regulations made by the Secretary of State.
- (2) A person who installs or permits the installation of a solid fuel boiler which does not comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) In this section—

After Clause 72 - continued

“biomass” means material, other than fossil fuel or peat, which is, or is derived directly or indirectly from, plant matter, animal matter, fungi or algae;

“solid fuel” means fuel that is solid at normal indoor room temperature, including solid biomass or solid fossil fuel;

“solid fuel boiler” means any plant that burns solid fuel to provide heat and is –

- (a) designed in compliance with the Domestic Renewable Heat Incentive Scheme Regulations 2014 (S.I. 2014/928), and
- (b) installed to the relevant installation standard as defined in regulation 8(2) of those regulations.”

Member’s explanatory statement

This new Clause is part of a set of new Clauses to create a framework to give discretionary powers to local authorities in England to control emissions from combustion plant and they should be considered together. Where it applies in an Air Quality Improvement Area, this new Clause prohibits the installation in any premises within an Air Quality Improvement Area of a solid fuel boiler with a rated heat output of less than 1 megawatt, unless it complies with a NOx and PM emissions limit to be set in regulations made by the Secretary of State.

156F★ Insert the following new Clause –

“Combined cooling, heat and power plant

- (1) Within an air quality improvement area the amount of NOx and PM emitted by any –
 - (a) combined cooling, heat and power plant, or
 - (b) combined heat and power plant,

must be less than an amount specified in regulations made by the Secretary of State.

- (2) A person who installs or permits the installation of –
 - (a) a combined cooling, heat and power plant, or
 - (b) a combined heat and power plant,

which does not comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

- (3) In this section –

“combined cooling, heat and power plant” means technical apparatus in which fuels are oxidised to generate cooling, heat and electricity, and

“combined heat and power plant” means technical apparatus in which fuels are oxidised to generate heat and electricity.”

Member’s explanatory statement

This new Clause is part of a set of new Clauses to create a framework to give discretionary powers to local authorities in England to control emissions from combustion plant and they should be considered together. Where it applies in an Air Quality Improvement Area, this new Clause prohibits the installation in any premises within an Air Quality Improvement Area of a combined cooling, heat and power plant or combined heat and power plant, unless it complies with a NOx and PM emissions limit to be set in regulations made by the Secretary of State.

156G★ Insert the following new Clause—

“Offences by bodies corporate

- (1) Where an offence under sections (*Boiler emission limits*) to (*Combined cooling, heat and power plant*) has been committed by a body corporate and is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, that person as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In this section “body corporate” has the meaning given by section 1173(1) of the Companies Act 2006.”

Member’s explanatory statement

This new Clause is part of a set of new Clauses to create a framework to give discretionary powers to local authorities in England to control emissions from combustion plant and they should be considered together. This new Clause relates to any offence created by any Clause within this set of new clauses. Where such an offence has been committed by a body corporate and is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, this clause provides that that person, as well as the body corporate, is guilty of the offence.

156H★ Insert the following new Clause—

“Defences

Where a NO_x or PM limit is exceeded contrary to section (*Boiler emission limits*) (1), (*Non-road mobile machinery*)(1), (*Stationary generators*)(1), (*Solid fuel boilers*) (1) or (*Combined cooling, heat and power plant*)(1), it is a defence to establish that the plant in question was, or that the person charged reasonably believed the plant to have been—

- (a) designed to comply with that NO_x or PM limit,
- (b) not modified other than in accordance with the manufacturer’s instructions, and
- (c) maintained in accordance with the manufacturer’s instructions.”

Member’s explanatory statement

This new Clause is part of a set of new Clauses to create a framework to give discretionary powers to local authorities in England to control emissions from combustion plant and they should be considered together. Where an NO_x or PM limit is exceeded contrary to any Clause within this set of new Clauses, this Clause provides that it will be a defence to establish that the plant in question was, or that the person charged reasonably believed the plant to have been, designed to comply with the NO_x or PM limit, not modified other than in accordance with the manufacturer’s instructions, and maintained in accordance with the manufacturer’s instructions.

156J★ Insert the following new Clause—

“Notice requiring information

- (1) A local authority may by written notice require the occupier of any premises within an air quality improvement area pursuant to section (*Air quality improvement areas*)(1) to supply such information as may be specified in that notice.
- (2) The person on whom a notice is served under this section must comply with the requirements in the notice within the period of 42 days beginning with the day on which the notice was served, or within such longer period as the local authority may by notice allow.
- (3) A person on whom a notice is served under this section who—
 - (a) without reasonable excuse fails to comply with the requirements of the notice, or
 - (b) in supplying such information knowingly or recklessly makes any statement which is materially false,
 is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

Member’s explanatory statement

This new Clause is part of a set of new Clauses to create a framework to give discretionary powers to local authorities in England to control emissions from combustion plant and they should be considered together. This new Clause provides that an LA may by written notice require the occupier of any premises within an Air Quality Improvement Area to supply such information as may be specified in that notice.

156K★ Insert the following new Clause—

“Stationary idling: increase of penalties

- In relation to a stationary idling offence committed in an air quality improvement area within a designated local authority—
- (a) regulation 8(b) of the 2002 Regulations has effect as if for “£20” there were substituted “£100”;
 - (b) regulation 17(6)(c) of the 2002 Regulations has effect as if for “£20” there were substituted “£100” and for “£40” there were substituted “£150”.

Member’s explanatory statement

This new Clause is part of a set of new Clauses to create a framework to give discretionary powers to local authorities in England to control emissions from combustion plant and they should be considered together. This new Clause increases the penalty for stationary idling of a vehicle in an Air Quality Improvement Area within a designated local authority to £100, rising to £150 where the person to whom the fixed penalty notice is issued has not given a notice requesting a hearing and the fixed penalty has not been paid before the end of the period for paying it.

156L★ Insert the following new Clause—

“Air quality improvement area: regulations

- (1) The Secretary of State must by regulations make provision for the purposes of sections (*Air quality improvement areas*) to (*Stationary idling: increase of penalties*).

After Clause 72 - continued

- (2) Regulations may make—
 - (a) different provision for different sizes or types of plant;
 - (b) supplemental, incidental, transitional or consequential provision.
- (3) Regulations are subject to the negative procedure.
- (4) Before making regulations the Secretary of State must consult—
 - (a) persons who appear to the Secretary of State to represent the interests of local government,
 - (b) persons who appear to the Secretary of State to represent the interests of plant manufacturers and retailers,
 - (c) persons who appear to the Secretary of State to represent the interests of those who use, operate or manage plant, and
 - (d) such other persons as the Secretary of State considers appropriate.”

Member’s explanatory statement

This new Clause is part of a set of new Clauses to create a framework to give discretionary powers to local authorities in England to control emissions from combustion plant and they should be considered together. This Clause obliges the Secretary of State to make regulations specifying the maximum NOx and PM emissions permitted for each type of plant described in this set of new Clauses, for the purposes of these new Clauses.

156M★

Insert the following new Clause—

“Interpretation of sections (Air quality improvement areas) to (Air quality improvement areas: regulations)

In sections (Air quality improvement areas) to (Air quality improvement areas: regulations)—

“air quality improvement area” has the meaning given by section (Air quality improvement areas);

“designated local authority” means a local authority designated under regulation 4(1) of the 2002 Regulations;

“kW” means kilowatt;

“local authority” means—

- (a) any unitary authority in England,
- (b) any district council in England, so far as it is not a unitary authority,
- (c) the Common Council of the City of London in its capacity as a local authority and, as respects the Temples, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple respectively;

“MW” means megawatt;

“NOx” means oxides of nitrogen comprising the sum of the volume mixing ratio (parts per billion by volume) of nitrogen monoxide (nitric oxide) and nitrogen dioxide expressed in units of mass concentration of nitrogen dioxide ($\mu\text{g}/\text{m}^3$ microgrammes per cubic metre);

After Clause 72 - continued

“plant” means any of the plant referred to in sections (*Boiler emission limits*)(3), (*Non-road mobile machinery*)(3), (*Stationary generators*)(4)(a), (*Solid fuel boilers*)(3)(a) and (*Combined cooling, heat and power plant*)(3);

“PM” means any particulate matter;

“rated heat output”, expressed in kW, means the maximum calorific output laid down and guaranteed by the manufacturer as being deliverable during continuous operation while complying with the useful efficiency indicated by the manufacturer;

“reduced-scale models or reduced-scale replicas of vehicles or machinery” has the meaning set out in Article 2 of Regulation (EU) 2016/1628;

“stationary idling offence” means a contravention of, or failure to comply with, so much of regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078) (stopping of engine when stationary) as relates to the prevention of exhaust emissions;

“the 2002 Regulations” means the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 (S.I. 2002/1808);

“unitary authority” means—

- (a) the council of a county, so far as it is the council of an area for which there are no district councils;
- (b) the council of any district comprised in an area for which there is no county council;
- (c) the council of a London borough.”

Member’s explanatory statement

This new Clause is part of a set of new Clauses to create a framework to give discretionary powers to local authorities in England to control emissions from combustion plant and they should be considered together. This new Clause defines key terms used in the other new Clauses.

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”

Clause 77

LORD CAMERON OF DILLINGTON

- 160A Page 68, line 13, leave out “may” and insert “must”

Member’s explanatory statement

This amendment places specific requirements upon water companies to engage stakeholders in the development of plans.

- 160B Page 68, line 18, at end insert “, and which set out a list of relevant consultees that must be engaged with.”

Member’s explanatory statement

This amendment places specific requirements upon water companies to engage stakeholders in the development of plans.

- 160C Page 68, leave out line 24

Member’s explanatory statement

This amendment places specific requirements upon water companies to engage stakeholders in the development of plans.

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).

After Clause 77 - continued

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
- (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;

After Clause 77 - continued

- (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;
 - (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

After Clause 77 - continued

- (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.

LORD CHIDGEY

As an amendment to Amendment 161

- 161A** In inserted section 17ZC, after subsection (3) insert—
- “(3A) Measures intended to reduce reliance upon septic tanks and cesspits in rural communities, including requiring the progressive connection of such rural communities to main sewers.”

Clause 78

THE DUKE OF WELLINGTON

BARONESS ALTMANN

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 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.

LORD CAMERON OF DILLINGTON

- 162A** Page 70, line 8, after “system” insert “for the purpose of delivering improvements for customers and the environment,”

Member’s explanatory statement

This amendment clarifies that delivering environmental benefits and other customer priorities is a legitimate objective for the new Drainage and Sewerage Management Plans.

THE DUKE OF WELLINGTON

BARONESS ALTMANN

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 163** Page 70, line 17, at end insert—
- “(ca) the impact of the discharges of the undertaker’s drainage and sewerage on water quality,

Clause 78 - continued

- (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 CAMERON OF DILLINGTON

- 163A** Page 70, line 23, at end insert –
 “(fa) the opportunities for nature based solutions,”

Member’s explanatory statement

This amendment encourages sewerage undertakers to positively seek to promote nature based solutions to meet their obligations.

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.

After Clause 78 - continued

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

141B Progress reports on storm overflow discharge reduction plan

- (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

After Clause 78 - continued

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

141D Environment Agency reports

- (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.

After Clause 78 - continued

141E Interpretation of Chapter 4

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

Member’s explanatory statement

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

THE DUKE OF WELLINGTON
BARONESS ALTMANN
LORD OATES

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.

LORD CAMERON OF DILLINGTON

As an amendment to Amendment 165

170A In inserted section 141A(5), after paragraph (e) insert –
 “(f) all Catchment Based Partnerships, and”

Member’s explanatory statement

This amendment stresses the importance of local input into storm overflow reduction plans.

THE DUKE OF WELLINGTON

BARONESS ALTMANN

LORD OATES

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.

LORD CAMERON OF DILLINGTON

As an amendment to Amendment 165

- 172A** In inserted section 141C(2), at end insert –
- “(f) the criteria, in terms of local rainfall and its duration, which the sewerage undertaker has set, in consultation with the Environment Agency, before the storm overflow is allowed to discharge.”

Member’s explanatory statement

These two amendments are to ensure that permitted temporary discharges from CSOs only happen when storm conditions occur.

As an amendment to Amendment 165

- 172B** In inserted section 141D(2), at end of paragraph (c) insert “and whether they occurred in accordance with the criteria set under section 141C(2)(f)”

Member’s explanatory statement

These two amendments are to ensure that permitted temporary discharges from CSOs only happen when storm conditions occur.

THE DUKE OF WELLINGTON

BARONESS ALTMANN

LORD OATES

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;
 - (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.
- (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.

175B [Withdrawn]

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.

LORD CAMERON OF DILLINGTON

176A Page 80, line 1, leave out “2028” and insert “2023”

LORD CARRINGTON

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.

LORD CAMERON OF DILLINGTON

179A Page 80, line 30, at end insert –

- “(d) the Wildlife and Countryside Act 1981, insofar as it relates to the duty upon authorities under section 28G (statutory undertakers etc: general duty) to further the conservation and enhancement of Sites of Special Scientific Interest.

Clause 82 - continued

- (6) In this section “damage” includes abstraction causing low flow limits under subsection (5)(a) to (c) to be exceeded for chalk rivers and principal salmon rivers if assessed at Abstraction Sensitivity Band 3 (High sensitivity).”

Member’s explanatory statement

This amendment adds to the range of “environmental objectives” / description of damages that would allow licences to be modified, in order to provide stronger protection for habitats of particular biodiversity importance.

LORD CARRINGTON

- 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.

LORD CAMERON OF DILLINGTON

- 180A** Page 80, line 34, leave out “2028” and insert “2023”

LORD CARRINGTON

- 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.

LORD CAMERON OF DILLINGTON

187ZA Page 81, line 7, leave out “2028” and insert “2023”

Member's explanatory statement

This, in combination with the amendments to page 80, line 1 and page 80, line 34 in the name of Lord Cameron of Dillington, collectively bring forward the date from which no compensation would be payable when damaging abstractions are ended.

187A [Withdrawn]

After Clause 82

LORD CHIDGEY

187B 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.”

Clause 83 - continued

LORD CAMERON OF DILLINGTON

188A Page 82, line 11, at end insert –

- “(5A) The Secretary of State must establish a technical advisory group which has the purpose of providing advice to Ministers on the measurement and improvement of water quality standards.
- (5B) The Secretary of State must prepare and publish terms of reference for this group.
- (5C) The advisory group must comprise representatives of industry, regulatory bodies and environmental, land management and recreational organisations, and be chaired by a person independent of government.
- (5D) The Secretary of State must take advice from the technical advisory group before exercising powers under section 83(1).
- (5E) The advisory group may publish advice to Ministers.
- (5F) Ministers must publish a response to any advice published under subsection (5D), including reasons for any decisions that are not in accordance with that advice.
- (5G) The Secretary of State must consult on changes to the group’s terms of reference, including any proposal to dissolve the group.”

Member’s explanatory statement

The amendment would require the Secretary of State to establish an advisory group to provide technical advice on water quality standards.

188B Page 82, line 23, at end insert –

- “(e) independent expert advice, including from the Office for Environmental Protection.”

188C Page 82, line 28, leave out “negative” and insert “affirmative”***Member’s explanatory statement***

This amendment would change the parliamentary procedure for these regulations to affirmative, in light of the significant public interest in water quality.

After Clause 83

LORD CAMERON OF DILLINGTON

188D Insert the following new Clause –**“Water quality: Catchment Based Partnerships**

Within 6 months of the passing of this Act the Secretary of State must open consultation on the role, powers, membership and resourcing of Catchment Based Partnerships together with their specific role in monitoring their local catchment or catchments with a view to promoting the sound ecological and microbiological condition of the waters therein.”

Member's explanatory statement

The purpose of this amendment is to ensure that local interests and knowledge are given the right authority and means to ensure that their catchment is managed to the highest environmental standards possible.

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—
 - (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.

LORD CAMERON OF DILLINGTON

189A Insert the following new Clause—

“Duty to prepare a Water Strategy for England

- (1) The Government must prepare a Water Strategy for England as set out in subsections (2) and (3).
- (2) The strategy must set out the Government's vision, objectives and priorities for clean, plentiful and wildlife-rich water in England.
- (3) The strategy must demonstrate the policies and approaches required to deliver and promote sustainable and resilient management of fresh and coastal waters and wetlands.
- (4) The strategy must set out how it has taken into account other government priorities, including climate resilience and the growth of natural capital.

After Clause 87 - continued

- (5) The Secretary of State must ensure that the Water Strategy for England is delivered, and that targets and interim targets are set and met with respect to—
- (a) the percentage of England’s waters in clean and good ecological condition, specifically—
 - (i) the percentage of freshwater and coastal environments that are designated and well-managed for nature,
 - (ii) the extent, condition, hydrological function, and connectivity of wildlife-rich freshwater and coastal habitat outside the protected area network, and
 - (iii) the percentage of both designated and non-designated sites for which the water quality exceeds current minimum standards for biodiversity, drinking water and bathing;
 - (b) creating and restoring at least 200,000 ha of priority freshwater and wetland habitat; and
 - (c) preventing, halting and reversing the decline in water and wetland-dependent species diversity and abundance and achieving Favourable Conservation Status.
- (6) The Secretary of State must keep the Water Strategy for England under review, and must, if they consider it appropriate, revise the strategy.
- (7) The Secretary of State must report to Parliament on the implementation of the current water strategy every three years.
- (8) If the Secretary of State has not revised the Water Strategy for England within the period of 10 years beginning with the day on which the strategy was last published, they must revise the strategy.”

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.”

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.”

BARONESS JONES OF WHITCHURCH

BARONESS HAYMAN OF ULLOCK

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

194AA Insert the following new Clause –**“Flood risk report**

- (1) Within 6 months of the day on which this Act is passed, the Secretary of State must lay before both Houses of Parliament a report on flood risk.
- (2) The report under subsection (1) must contain –
 - (a) an assessment of the number of –
 - (i) people, and

After Clause 91 - continued

- (ii) households currently at risk of flood,
 - (b) analysis of the expected impact of measures contained in this Act (including but not limited to those relating to planning) on flood risk, and
 - (c) proposals for further policy or legislation to mitigate or reverse flood risk.
- (3) In preparing the report under subsection (1), the Secretary of State must seek advice from—
- (a) the Committee on Climate Change,
 - (b) the Environment Agency, and
 - (c) any other persons the Secretary of State considers appropriate.”

Member’s explanatory statement

This amendment would require the Secretary of State to publish a report on flood risk, with a particular focus on whether (and to what extent) measures in this Act will help to mitigate or reverse it.

Clause 92

LORD BERKELEY

194AB Page 93, line 32, after “biodiversity” insert “and ecosystem”

194AC Page 93, line 32, after “gain” insert “, including in water,”

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).”

Schedule 14 - continued

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
LORD RANDALL OF UXBRIDGE

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.”

LORD BLENCATHRA
BARONESS PARMINTER

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

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 –

After Schedule 14 - continued

- “(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,
- 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%.

After Schedule 14 - continued

- (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.
- 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.

After Schedule 14 - continued

- (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
 - (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.

After Schedule 14 - continued

- (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.
- (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

After Schedule 14 - continued

- (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.
- (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);

After Schedule 14 - continued

“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—
- “(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 LUCAS

201AA Page 94, line 17, at end insert—

“(h) the standards to which the current and intended conditions of the land are to be assessed.”

Member's explanatory statement

The purpose of this amendment is to enable the Government to set a high common standard for the information to be provided on the current condition and the intended condition of biodiversity gain sites.

201AB Page 94, line 17, at end insert –

“(h) fees payable to the person responsible for monitoring the achievement and maintenance of biodiversity gain.”

Member's explanatory statement

The purpose of this amendment is to enable the Government to require that an independent body is enabled to check on the reality of biodiversity gain.

201AC Page 94, line 17, at end insert –

“(h) the attachment to the land of the obligation to achieve and maintain biodiversity gain.”

Member's explanatory statement

The purpose of this amendment is to enable the Government to ensure that the owner of the land remains liable for achieving the objectives for which they have been paid.

201AD Page 94, line 33, after “land” insert “at the appropriate season or seasons of the year”

Member's explanatory statement

The purpose of this amendment to allow the Government to require that a habitat is assessed at the time or times of the year when its current richness will be most evident.

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

LORD LUCAS

- 205A** 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.

LORD BLENCATHRA

- 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
 BARONESS BOYCOTT

- 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.

LORD LUCAS

229A★ Page 99, line 41, at end insert –

“(f) for the creation of a local nature recovery strategy review board consisting of a diversity of local people with relevant experience or knowledge, who are to be connected with land, public bodies or nature-oriented organisations but who are not substantially directly responsible for the strategy.”

Member's explanatory statement

The purpose of this amendment is that the review process has access to informed and disinterested voices.

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 –

Clause 102 - continued

- (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.”

Clause 102 - continued

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.”

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.”

Clause 103 - continued

- 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).”

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.

After Clause 103

BARONESS JONES OF WHITCHURCH

- 251A 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 –
 - (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

After Clause 103 - continued

- (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.

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.

After Clause 104 - continued

- (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;
- “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*).*

THE DUKE OF MONTROSE

257A Page 106, line 16, after “biodiversity” insert “, and the need to support sustainable development and facilitate betterment,”

Member’s explanatory statement

This amendment aims to ensure that those seeking to improve their environmental performance are not prevented from doing so by limitations of modern technology.

257B Page 106, line 37, at end insert –

““betterment” means the improvement of the environment and the reduction of emissions through the replacement or upgrading of existing buildings, structures or other infrastructure.”

Member’s explanatory statement

This amendment aims to ensure that those seeking to improve their environmental performance are not prevented from doing so by limitations of modern technology.

Clause 106

THE DUKE OF MONTROSE

257C Page 107, line 10, after “biodiversity” insert “, supporting sustainable development, and ensuring that social and economic impacts have been given due regard.”

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 106

LORD LUCAS

257D 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.

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”.

After Clause 108 - continued

(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
 THE EARL OF CAITHNESS

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.
- (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
 BARONESS JONES OF WHITCHURCH
 THE EARL OF CAITHNESS

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—
 - (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
LORD COLGRAIN
THE EARL OF CAITHNESS

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.

Clause 109

LORD RANDALL OF UXBRIDGE

260B Page 108, line 37, at end insert—

“(ba) paragraph 3;”

Member's explanatory statement

This amendment would change the parliamentary procedure for making regulations to specify requirements for the due diligence system to the affirmative procedure.

260C Page 108, line 43, leave out paragraph (a)

Member's explanatory statement

This amendment would change the parliamentary procedure for making regulations to specify requirements for the due diligence system to the affirmative procedure.

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);
- (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 JONES OF WHITCHURCH

LORD OATES

264ZA Page 227, line 35, at end insert “, and free, prior and informed consent has been obtained from affected indigenous peoples and local communities”

Member's explanatory statement

This amendment would require that the prohibition on using a forest risk commodity must also be in accordance with having obtained the free, prior and informed consent of indigenous peoples and local communities, in addition to complying with relevant local laws.

BARONESS MEACHER
THE EARL OF SANDWICH

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.

BARONESS PARMINTER
LORD RANDALL OF UXBRIDGE
THE EARL OF SANDWICH
BARONESS JONES OF WHITCHURCH

265A Page 231, line 30, at end insert –

“Regulated financial person

- 8 (1) A regulated financial person must not provide financial services for commercial enterprises engaging in the production, trade, transport or use of a forest risk commodity unless relevant local laws are complied with in relation to that commodity.
- (2) A regulated financial person who provides financial services for commercial enterprises engaging in the production, trade, transport or use of a forest risk commodity must establish and implement a due diligence system in relation to the provision of those financial services.
- (3) A “due diligence system”, in relation to a regulated financial person, means a system for –
 - (a) identifying, and obtaining information about, the operations of a commercial enterprise engaging in the production, trade, transport or use of a forest risk commodity to which it provides financial services,
 - (b) assessing the risk that such a commercial enterprise is not complying with relevant local laws in relation to that commodity,
 - (c) assessing the risk that a commercial enterprise is not complying with paragraphs 2 and 3 of this Schedule, and
 - (d) mitigating that risk.
- (4) A regulated financial person must, for each reporting period, provide the relevant authority with a report on the actions taken by the regulated financial person to establish and implement a due diligence system as required by paragraph 3.
- (5) A “regulated financial person” means a person (other than an individual) who carries on financial services in the United Kingdom and –
 - (a) meets such conditions as may be specified in regulations made by the Secretary of State; or
 - (b) is an undertaking which is a subsidiary of another undertaking which meets those conditions.
- (6) In this paragraph –

“commercial enterprise” means a person (other than an individual) who carries on commercial activities in any jurisdiction relating to the production, trade, transport or use of forest risk commodities;

“financial services” means –

 - (a) the provision of banking services including the acceptance of deposits in the course of business;
 - (b) the provision of loans in the course of a banking, credit or lending business, including by way of term loan, revolving credit facility, debentures and bonds;

Schedule 16 - continued

- (c) regulated activities as defined under section 22 of the Financial Services and Markets Act 2000 and the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (SI 2001/544), in each case as amended; or
 - (d) such other financial services as may be specified in regulations made by the Secretary of State;
- “group” has the meaning given by section 474 of the Companies Act 2006;
- “undertaking” has the meaning given by section 1161 of that Act.”

Member’s explanatory statement

This amendment requires that persons who carry out financial services in the United Kingdom do not provide financial services to commercial enterprises engaged in the production, trade, transport or use of forest risk commodities unless they are complying with local relevant laws.

LORD RANDALL OF UXBRIDGE

265B Page 234, line 18, at end insert –

- “(e) whether further steps are required to reduce the rate of deforestation to significantly reduce global footprint in accordance with the target set under section (*Global footprint target*).

(2A) A review must be conducted independently and transparently.”

Member’s explanatory statement

This amendment would require the Secretary of State to take the steps identified through a review to improve the effectiveness of the due diligence and global footprint provisions.

265C Page 234, line 19, leave out sub-paragraph (3)

Member’s explanatory statement

This amendment would require the Secretary of State to take the steps identified through a review to improve the effectiveness of the due diligence and global footprint provisions.

265D Page 234, line 25, at end insert –

- “(3A) Where a review finds that –
 - (a) the effectiveness of the relevant provisions could be improved, or
 - (b) further steps to reduce the rate of deforestation are necessary to significantly reduce global footprint,
 the Secretary of State must take the steps specified in sub-paragraph (3B).
- (3B) Where this sub-paragraph applies, the Secretary of State must, within six months of the completion of the review –
 - (a) obtain and take into account independent expert advice on the steps necessary to improve the relevant provisions, or to reduce the rate of deforestation to significantly reduce global footprint,

Schedule 16 - continued

- (b) lay draft regulations for approval subject to the affirmative procedure setting out the steps necessary, and
- (c) publish the conclusions of the review.”

Member’s explanatory statement

This amendment would require the Secretary of State to take the steps identified through a review to improve the effectiveness of the due diligence and global footprint provisions.

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 –

“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 –
 - (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;

After Clause 133 - continued

“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.
- (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.

After Clause 133 - continued

- (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;
 - (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

After Clause 133 - continued

- (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,

After Clause 133 - continued

- (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,
 - (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.

After Clause 133 - continued

- (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—
 - (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.”

After Clause 133 - continued

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

After Clause 133 - continued

- (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
 BARONESS MEACHER
 LORD HUNT OF KINGS HEATH

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
 - (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).

After Clause 133 - continued

- (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
THE EARL OF CAITHNESS

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.
- (3) The objectives, proposals and policies referred to in subsection (2) must contribute to—

After Clause 133 - continued

- (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
 THE EARL OF SHREWSBURY
 BARONESS JONES OF WHITCHURCH

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.

LORD RANDALL OF UXBRIDGE

293B Insert the following new Clause—

“Global footprint target

- (1) The Secretary of State must by regulations set a target to significantly reduce global footprint as soon as reasonably practicable and no later than 2030.
- (2) “Global footprint” means the environmental impact of—
 - (a) goods produced or consumed, and
 - (b) services received,
 in England, wherever the environmental impact occurs.
- (3) The target in subsection (1) is to be known as the global footprint target.
- (4) It is the duty of the Secretary of State to ensure that the global footprint target is met.
- (5) A draft statutory instrument containing regulations that make provision as to how progress toward the global footprint target will be measured must be laid before Parliament at least 3 months after the conclusion of the fifteenth Conference of the Parties to the Convention on Biological Diversity done at Rio de Janeiro on 15 June 1992, to be held in Kunming.
- (6) Before laying before Parliament a draft of a statutory instrument containing regulations under this section, the Secretary of State must obtain, publish and take into account the advice of relevant experts, including the Joint Nature Conservation Committee.
- (7) Regulations under this section are subject to the affirmative procedure.
- (8) The environmental impacts specified in subsection (2) include the impact of—
 - (a) the transportation of the goods, and
 - (b) processing the goods.”

Member's explanatory statement

The amendment would require the Secretary of State to set a target to significantly reduce the global footprint as soon as reasonably practicable and no later than 2030.

BARONESS JONES OF WHITCHURCH

293C★ Insert the following new Clause—

“Readiness of local authorities to deliver schemes enabled under this Act

- (1) Within three months of the day on which this Act is passed, the Secretary of State must undertake a review of the readiness of local authorities to deliver environmental schemes established or otherwise enabled under this Act.
- (2) The review under subsection (1) must include an assessment of the extent to which the current financial and staffing resource of local authorities is consistent with that required for such bodies to fulfil additional obligations as they arise.

After Clause 133 - continued

- (3) If the review determines that current resourcing for local authorities is insufficient for them to meet relevant obligations, the Secretary of State must, as soon as practicable, make a statement confirming—
- (a) whether central government funding for local authorities will be increased accordingly, or
 - (b) what mechanisms Her Majesty's Government proposes to establish to enable local authorities to recover any additional costs.
- (4) The Secretary of State must lay before Parliament and publish—
- (a) the review under subsection (1), and
 - (b) any statement under subsection (3)."

Member's explanatory statement

This new Clause is intended to explore the extent to which local authorities are financially and otherwise prepared to deliver new schemes and responsibilities established under this legislation.

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 135

BARONESS NEVILLE-ROLFE
VISCOUNT RIDLEY
BARONESS NOAKES

- 297A 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.

Clause 136

LORD BERKELEY

Lord Berkeley gives notice of his intention to oppose the Question that Clause 136 stand part of the Bill.

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

PROVISIONAL FOURTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

25 June 2021
