

Environment Bill

SIXTH
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 78

THE DUKE OF WELLINGTON
BARONESS ALTMANN
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD WIGLEY

- 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,
 - (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.
- (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

After Clause 78 - continued

- (f) such other persons as the Secretary of State considers appropriate.
- (6) The Secretary of State must publish the plan before 1 September 2022.
- (7) The Secretary of State may at any time revise the plan, having consulted the persons referred to in subsection (5), and must publish any revised version.
- (8) The plan, and any revised version of it, must be laid before Parliament once it is published.

141B Progress reports on storm overflow discharge reduction plan

- (1) The Secretary of State must publish reports (“progress reports”) relating to the plan under section 141A.
- (2) A progress report is to contain the Secretary of State’s assessment of—
 - (a) the progress made, during the period to which the report relates, in implementing the proposals in the plan (or any revised version of it), and
 - (b) the effect of that progress on the matters referred to in section 141A(1)(a) and (b).
- (3) The first progress report must relate to the period of three years beginning with the day on which the plan under section 141A is first published.
- (4) Subsequent progress reports must relate to successive periods of five years after the period referred to in subsection (3).
- (5) A progress report must be published within 12 weeks following the last day of the period to which it relates.
- (6) A progress report must be laid before Parliament once it is published.

141C Annual reports on discharges from storm overflows

- (1) A sewerage undertaker whose area is wholly or mainly in England must publish annual reports in relation to the undertaker’s storm overflows (“storm overflow reports”).
- (2) A storm overflow report must specify, for each of the sewerage undertaker’s storm overflows—
 - (a) the location of the storm overflow;
 - (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—

After Clause 78 - continued

- (a) be in a form which allows the public readily to understand the information contained in the report, and
 - (b) be published in a way which makes the report readily accessible to the public.
- (6) The duties of a sewerage undertaker under this section are enforceable under section 18 by –
- (a) the Secretary of State, or
 - (b) the Authority, with the consent of or in accordance with a general authorisation given by the Secretary of State.

141D Environment Agency reports

- (1) The Environment Agency must publish annual reports in relation to the operation of storm overflows of sewerage undertakers whose area is wholly or mainly in England.
- (2) A report under this section must specify –
- (a) the location of the storm overflows;
 - (b) the watercourse, body of water or underground strata into which the storm overflows discharge;
 - (c) the frequency and duration of discharges from the storm overflows in the period to which the report relates;
 - (d) where the information is available, the volume of each discharge in that period.
- (3) Reports under this section are to relate to successive calendar years, starting with 2021.
- (4) A storm overflow report must be published by the Environment Agency –
- (a) before 1 April in the year after the calendar year to which it relates, and
 - (b) in such manner as the Environment Agency thinks fit.

141E Interpretation of Chapter 4

- (1) In this Chapter, references to a storm overflow of a sewerage undertaker are to any structure or apparatus –
- (a) which is comprised in the sewerage system of the sewerage undertaker, and
 - (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
LORD TEVERSON

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
LORD TEVERSON

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”

Clause 82 - continued

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.
- (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.”

LORD CAMERON OF DILLINGTON

BARONESS PARMINTER

BARONESS ALTMANN

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.

Clause 83 - continued

(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
LORD TEVERSON

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
LORD WIGLEY

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

After Clause 87 - continued

- (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.
- (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

After Clause 87 - continued

- (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 –

After Clause 91 - continued

- (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
 - (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.

BARONESS JONES OF WHITCHURCH

*As an amendment to Amendment 194B***194C** On the last line, after “significant” insert “and other major”***Member’s explanatory statement***

This amendment, alongside others to amendment 201A, extends the application of Biodiversity Net Gain to major infrastructure beyond the nationally significant infrastructure regime, to include projects consented through hybrid Bills and any future consent mechanisms.

Schedule 14

LORD BLENCATHRA

195 Page 216, line 37, at end insert –

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

BARONESS JONES OF WHITCHURCH

BARONESS PARMINTER

BARONESS BENNETT OF MANOR CASTLE

LORD TEVERSON

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

LORD TEVERSON

- 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.

BARONESS YOUNG OF OLD SCONE

- 198A Page 221, line 10, at end insert –
- “(da) that the mitigation hierarchy has been followed,”

Member’s explanatory statement

The amendment would ensure that a planning authority only approves a biodiversity gain plan if the mitigation hierarchy has been followed. The mitigation hierarchy, which forms part of the National Planning Policy Framework, outlines a set of principles which local planning authorities should apply in determining whether a planning application impacting on biodiversity should be approved.

BARONESS BENNETT OF MANOR CASTLE

LORD TEVERSON

- 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
 LORD TEVERSON

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)”.

After Schedule 14 - continued

- 4 (1) Section 105 (decisions in cases where no national policy statement has effect), after subsection (2) insert—
- “(3) Where there is a biodiversity gain statement under Schedule 2A in relation to development of the description to which the application relates, the Secretary of State may not grant the application unless satisfied that the biodiversity gain objective contained in the statement is met in relation to the development to which the application relates.
- (4) Subsection (3) does not apply to the extent that the Secretary of State is satisfied that deciding the application in accordance with that subsection would have an effect referred to in section 104(4), (5), (6) or (7).”
- 5 After Schedule 2 insert—

“SCHEDULE 2A Section 103

BIODIVERSITY GAIN

Introductory

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

After Schedule 14 - continued

- (2) The percentage specified under sub-paragraph (1) must be at least 10%.
 - (3) The Secretary of State may by regulations amend sub-paragraph (2) so as to change the percentage for the time being specified in it.
- 4
- (1) A biodiversity gain statement may specify for the purposes of a biodiversity gain objective how the biodiversity value or relative biodiversity value of any habitat or habitat enhancement is to be calculated.
 - (2) That may include calculation by, or by reference to—
 - (a) a biodiversity metric set out in a document produced by the Secretary of State for the purposes of the statement,
 - (b) the biodiversity metric referred to in paragraph 4 of Schedule 7A to the Town and Country Planning Act 1990, or
 - (c) such other biodiversity metric as the Secretary of State considers appropriate.
 - (3) The Secretary of State must—
 - (a) lay any document within sub-paragraph (2)(a) before Parliament, and
 - (b) publish it in such manner as the Secretary of State considers appropriate.
- 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.

BARONESS JONES OF WHITCHURCH

As an amendment to Amendment 201A

- 201AZA** In paragraph 5, in paragraph 4(1) of inserted Schedule 2A, leave out “may” and insert “must”

Member’s explanatory statement

This amendment requires the use of a biodiversity metric in all biodiversity gain statements supplied with major infrastructure applications.

As an amendment to Amendment 201A

201AZB In paragraph 5, in paragraph 6(5)(a) of inserted Schedule 2A, leave out “for a period specified in the statement” and insert “in perpetuity”

Member’s explanatory statement

This amendment requires a habitat created under net gain from a major infrastructure project to be secured in perpetuity.

As an amendment to Amendment 201A

201AZC In paragraph 5, in paragraph 10(2) of inserted Schedule 2A, leave out “may” and insert “must”

Member’s explanatory statement

This amendment requires a biodiversity net gain statement to be issued whenever a development not covered by a National Policy Statement is considered.

As an amendment to Amendment 201A

201AZD In paragraph 7, in inserted subsection (3A), leave out leave out “may” and insert “must”

Member’s explanatory statement

This application requires all applications for orders for development consent to include a biodiversity gain statement.

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.

LORD KERSLAKE

201D Page 95, leave out lines 23 and 24 and insert “Payments received under arrangements under this section are to be retained by local authorities for the following purposes (only) –”

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 –
 - (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

Before Clause 95 - continued

- (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”

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.

BARONESS JONES OF WHITCHURCH

205B Page 96, line 18, at end insert –

“(1ZA) A public authority which has any functions exercisable in relation to England must exercise those functions consistently with the aim of furthering the general biodiversity objective and to conserve and enhance the species and habitats listed under section 41.”

Member’s explanatory statement

This amendment would ensure that public authorities exercise all of their functions in a way that is consistent with furthering the biodiversity objective, extending the current duty which is limited to certain policies and objectives considered to be appropriate, and placing particular emphasis on species and habitats of principal importance.

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.

THE EARL OF CAITHNESS

- 210A Page 97, line 6, at end insert –
“(c) nature-friendly farming.”

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

227A Page 99, line 9, leave out subsection (5) and insert –

“(5) The responsible authority has the duty of implementing the local nature recovery strategy.

(6) Other public authorities have a duty to cooperate with the responsible authority to implement the local 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
LORD TEVERSON

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).”

After Clause 99

LORD TEVERSON

231A Insert the following new Clause –

“Environmental land management schemes

Any project or scheme financed under section 1 of the Agriculture Act 2020 must comply with and be complementary to the local nature recovery strategy for the area or areas to which the project or scheme relate.”

Member’s explanatory statement

This amendment ensures that ELMS awards to farmers and landowners are complementary to the local nature recovery strategy.

Clause 100

LORD TEVERSON

232 Page 101, line 14, at end insert –

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

Member’s explanatory statement

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

After Clause 100

LORD TEVERSON
BARONESS MCINTOSH OF PICKERING

233 Insert the following new Clause –

“The United Kingdom Exclusive Economic Zone for England

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

Clause 102

LORD CHIDGEY

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

Member’s explanatory statement

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

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

235 Page 101, line 36, at end insert –

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

Member's explanatory statement

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

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

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

THE EARL OF CAITHNESS
THE EARL OF SHREWSBURY

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

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

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

“(b) identify the management measures required to address the factors identified in paragraph (a) for the purpose of improving the conservation status of the species in the strategy area,

(ba) identify the basis for achieving favourable conservation status for the relevant species of flora or fauna in the strategy area,”

240 Page 102, line 16, at end insert –

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

LORD CHIDGEY

241 Page 102, line 16, at end insert –

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

Member's explanatory statement

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

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

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

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

Clause 102 - continued

LORD BLENCATHRA

243 Page 102, line 24, at end insert –

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

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

244 Page 102, line 24, at end insert –

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

THE EARL OF CAITHNESS
THE EARL OF SHREWSBURY

245 Page 102, line 28, at end insert –

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

Clause 103

LORD TEVERSON

246 Page 102, line 44, at end insert –

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

247 Page 103, line 7, at end insert –

“(d) a Highly Protected Marine Area,”

THE EARL OF CAITHNESS
THE EARL OF SHREWSBURY

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

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

LORD BLENCATHRA

250 Page 104, line 27, at end insert –

“(8A) The Secretary of State must lay before Parliament, and publish, the guidance (and any revised guidance).”

Clause 103 - continued

LORD TEVERSON

251 Page 104, line 41, at end insert –

““Highly Protected Marine Area” means an area of the sea –

- (a) that allows the protection and recovery of marine ecosystems, and
- (b) where extractive, destructive and depositional human activities are prohibited;”

Member’s explanatory statement

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

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
 - (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.

After Clause 104 - continued

- (4) The pollinator risk assessment report must include—
- (a) data examining acute and chronic effects of the relevant substance on honeybees, bumblebees, solitary bees, butterflies and hoverflies,
 - (b) all relevant available scientific evidence relating to any pollinators,
 - (c) conclusions relating to the likely acute and chronic effects of the relevant substance on honeybees, bumblebees, solitary bees, butterflies, hoverflies and other pollinators, and
 - (d) the identification of any risks to pollinators where the available evidence is insufficient to reach a conclusion.
- (5) The expert body must consult the public on the draft content of the pollinator risk assessment report.
- (6) When making any authorisation decision the competent authority must—
- (a) aim to achieve a high level of protection for pollinators,
 - (b) be satisfied that the requirements of subsections (2) to (5) have been met,
 - (c) consult all relevant authorities with environmental responsibilities,
 - (d) consult other persons as the competent authority considers appropriate,
 - (e) lay before Parliament, and publish, a statement explaining why the competent authority is satisfied that the requirements of subsection (1) have been met,
 - (f) ensure the public has been informed by public notice early in the decision-making procedure, and in an adequate, timely and effective manner, that a decision will be made, and
 - (g) ensure the public has been consulted on the decision that the competent authority intends to make, including on any mitigation or restriction measures that are proposed.
- (7) The consultation period referred to in subsection (6)(g) will be at least three months, except for emergency derogations where the period will be at least four weeks.
- (8) This section will come into force on 1 February 2023.
- (9) In this section—
- “authorisation of use” includes authorisation by derogation;
 - “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.”

Clause 106 - continued

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.

Clause 108

LORD KERSLAKE

257E Page 107, line 33, at end insert—

“(2A) Before giving any guidance, the Secretary of State must undertake detailed consultation on the impact of the guidance with local authorities.”

257F Page 108, line 19, at end insert—

“(3A) The local highway authority has the power to set further local exemptions to the duty under subsection (1).”

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.

After Clause 108 - continued

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

Member’s explanatory statement

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

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

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
BARONESS YOUNG OF OLD SCONE

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.

After Clause 129

LORD CAMERON OF DILLINGTON

276A Insert the following new Clause—

“Conservation covenants: common land

- (1) The Secretary of State may by regulations make provision to grant a responsible body an option to purchase a right of common consisting of a right to graze any animal, or an apportionment of such a right, from a landowner of an estate to which the right is attached under a conservation covenant agreement.
- (2) Before making regulations the Secretary of State must undertake a consultation.
- (3) Regulations under this section are subject to the affirmative procedure.
- (4) A draft of a statutory instrument containing regulations under this section must be laid before Parliament before the end of the period of six months beginning with the day on which this Act is passed.”

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;

“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.”

After Clause 133 - continued

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS JONES OF MOULSECOOMB
LORD TEVERSON

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
LORD TEVERSON

282 Insert the following new Clause—

“REACH: data sharing for unnecessary testing

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

Member's explanatory statement

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

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

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
 - (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.

After Clause 133 - continued

(4) In this section—

“associated hydraulic fracturing” means hydraulic fracturing of shale or strata encased in shale which—

- (a) is carried out in connection with the use of the relevant well to search or bore for or get petroleum, and
- (b) involves, or is expected to involve, the injection of—
 - (i) more than 1,000 cubic metres of fluid at each stage, or expected stage, of the hydraulic fracturing, or
 - (ii) more than 10,000 cubic metres of fluid in total, or
 - (iii) acid intended to dissolve rock; and

“well consent” means a consent in writing of the OGA to the commencement of drilling of a well.”

Member’s explanatory statement

This new Clause would prevent the Oil and Gas Authority from being able to provide licences for hydraulic fracturing, exploration or acidification, and would revoke current licences after a brief period to wind down activity.

BARONESS BENNETT OF MANOR CASTLE

286

Insert the following new Clause—

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

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

After Clause 133 - continued

- (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.
- (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.

After Clause 133 - continued

- (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.”

BARONESS JONES OF WHITCHURCH
BARONESS HAYMAN OF ULLOCK
LORD TEVERSON

289

Insert the following new Clause –

“Review of the operation of REACH legislation

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

Member’s explanatory statement

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

THE EARL OF LYTTON

290 Insert the following new Clause—

“National Parks: economic and social purpose

In section 5(1) of the National Parks and Access to the Countryside Act 1949—

- (a) in paragraph (a), omit the final “and”;
- (b) at the end insert “and
- (c) of promoting the socio-economic wellbeing of communities and businesses.””

Member’s explanatory statement

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

291 Insert the following new Clause—

“Areas of outstanding natural beauty: economic and social purpose

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

Member’s explanatory statement

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

BARONESS BENNETT OF MANOR CASTLE
 BARONESS BOYCOTT
 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.

After Clause 133 - continued

- (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).
- (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

After Clause 133 - continued

(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 –
 - (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
 LORD TEVERSON
 BARONESS JONES OF WHITCHURCH

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.

After Clause 133 - continued

- (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
LORD KERSLAKE

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.
- (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.

BARONESS BENNETT OF MANOR CASTLE
BARONESS BOYCOTT

293D Insert the following new Clause—

“Ecocide

- (1) A person who commits ecocide is guilty of an offence.
- (2) “Ecocide” means unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.
- (3) In subsection (2)—

After Clause 133 - continued

“act” includes a failure to act;

“environment” means the earth, its biosphere, cryosphere, lithosphere, hydrosphere and atmosphere;

“long-term” means damage which is irreversible or which cannot be redressed through natural recovery within a reasonable period of time;

“severe” means damage which involves very serious adverse changes, disruption or harm to any element of the environment, including grave impacts on human life or natural, cultural or economic resources;

“wanton” means with reckless disregard for damage which would be clearly excessive in relation to the social and economic benefits anticipated;

“widespread” means damage which extends beyond a limited geographic area, crosses state boundaries, or is suffered by an entire ecosystem or species or a large number of human beings.

- (4) Where an offence under this section has been committed by a body corporate, and it is proved to have been committed with the consent or connivance of or to be attributable to neglect on the part of—
- (a) a director, manager, secretary or similar officer of the body corporate, or
 - (b) a person who was purporting to act in such a capacity,
- the director, manager, secretary, officer or person, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) The offence under this section is triable only on indictment.
- (6) A person convicted of an offence is liable to imprisonment for a term not exceeding 30 years.”

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

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

5 July 2021
