

# Environment Bill

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

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*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 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

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

**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.*

LORD KREBS  
BARONESS BENNETT OF MANOR CASTLE

257AA Page 106, line 28, leave out subsections (7) to (9) and insert –

“(7) The Secretary of State may make regulations under this section only if the regulations do not reduce the level of environmental protection provided by the Habitats Regulations and are compatible with the requirements and objectives of –

- (a) the Convention on the Conservation of Migratory Species of Wild Animals (the Bonn Convention),
- (b) the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention),
- (c) the Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat,
- (d) the Convention for the Protection of the Marine Environment of the North-East Atlantic, and

**Clause 105 - continued**

- (e) the Convention on Biological Diversity.
- (8) Before making regulations under this section, the Secretary of State must lay before Parliament, and publish, a statement demonstrating that the proposed regulations do not reduce the level of environmental protection provided by the Habitats Regulations.
- (9) Before making regulations under this section the Secretary of State must obtain, and take into account, the advice of –
  - (a) the Office for Environmental Protection, Natural England, the Joint Nature Conservation Committee, and other relevant technical experts, and
  - (b) such other persons as the Secretary of State considers appropriate.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to demonstrate that any amendments to the Habitats Regulations under this section do not weaken environmental protection or undermine international environmental obligations, replacing the current test which relies on the opinion of the Secretary of State.*

## THE DUKE OF MONTROSE

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

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

***Member’s explanatory statement***

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

**Clause 106**

## THE DUKE OF MONTROSE

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

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

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

**After Clause 106**

LORD LUCAS

257D Insert the following new Clause –

**“Captive breeding of wild animals**

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

***Member’s explanatory statement***

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

**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.
- (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—

*After Clause 109 - continued*

- (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.”

LORD TEVERSON

BARONESS JONES OF MOULSECOOMB

262A★ Insert the following new Clause—

**“Collection of marine data**

- (1) The Secretary of State must—
- (a) by regulations provide that all vessels over 10 metres in length, and of whatever nationality, fishing within territorial waters and the UK Exclusive Economic Zone must be fitted with remote electronic monitoring systems and cameras for the purposes of—
    - (i) full and accurate documentation and data collection of fish activities, and bycatch, so far as these affect biodiversity and sustainability; and
    - (ii) monitoring compliance with fish activities, bycatch and other marine management regulations so far as it affects biodiversity and sustainability;
  - (b) by regulations provide that all British vessels fishing outside the UK Exclusive Economic Zone must be fitted with remote electronic monitoring systems and cameras for the purposes of—
    - (i) full and accurate documentation and data collection of fish activities and bycatch, so far as these affect biodiversity and sustainability; and
    - (ii) monitoring compliance with fish activities, bycatch and other marine management regulations so far as it affects biodiversity and sustainability;
  - (c) publish a timetable for the phased introduction of the provisions under paragraphs (a) and (b), the final phase of which must be implemented within three years from the day on which this Act is passed;



**After Clause 109 - continued**

- (d) publish plans, within two years from the day on which this Act is passed, following a consultation, to extend remote electronic monitoring systems with cameras to all motorised vessels of whatever nationality fishing within territorial waters and the UK Exclusive Economic Zone.
- (2) Regulations under this section are subject to the affirmative procedure.
- (3) In this section, “fish activities” has the meaning given by section 52 of the Fisheries Act 2020.”

***Member’s explanatory statement***

*The amendment mandates the use of remote electronic monitoring (REM) on all fishing vessels above 10 metres in length that fish in UK waters in order to accurately monitor marine environmental data and requires plans to be published to extend REM to all vessels.*

**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.*

BARONESS SHEEHAN

**264B** Page 229, line 3, at end insert “to a negligible level except where the risks identified and assessed are already negligible.”

**Member’s explanatory statement**

*This amendment would introduce an estimation of the level of risk.*

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 SHEEHAN

**265ZA★** Page 229, line 21, at end insert –

“(3A) Before making regulations, the Secretary of State must consult persons representing the interests of those likely to be affected, including businesses, environmental organisations and indigenous peoples.”

*Member’s explanatory statement*

*The amendment would require the Secretary of State to consult relevant interest groups before making regulations about the annual reports under this Schedule.*

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 –

**Schedule 16 - continued**

“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;
- (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.*

## BARONESS SHEEHAN

- 265AA** Page 233, line 5, leave out “reasonable steps to implement a” and insert “steps necessary to implement an effective”

**Member’s explanatory statement**

*This amendment would require a regulated person to take the steps necessary to implement an effective due diligence system.*

## 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,
- (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) –

**After Clause 133 - continued**

- (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.”



*After Clause 133 - continued*

BARONESS MCINTOSH OF PICKERING  
LORD TEVERSON

280 Insert the following new Clause –

**“Research into impact of offshore windfarms**

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

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
BARONESS JONES OF MOULSECOOMB  
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.

**After Clause 133 - continued**

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

**Member’s explanatory statement**

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

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

**After Clause 133 - continued**

- (b) a public consultation on rights to access land for recreational purposes in England; and
- (c) proposals to set long-term targets to increase people's enjoyment of the natural environment by increasing rights for recreational access to land.”

## BARONESS JONES OF MOULSECOOMB

285 Insert the following new Clause—

**“Well consents for hydraulic fracturing: cessation of issue and termination**

- (1) No well consent which permits associated hydraulic fracturing may be issued by the Oil and Gas Authority (“OGA”).
- (2) In the Petroleum Act 1998 omit sections 4A and 4B (as inserted by section 50 of the Infrastructure Act 2015).
- (3) Any well consent which has been issued by the OGA which—
  - (a) permits associated hydraulic fracturing, and
  - (b) is effective on the day on which this Act is passed,
 shall cease to be valid three months after that day.
- (4) In this section—
  - “associated hydraulic fracturing” means hydraulic fracturing of shale or strata encased in shale which—
    - (a) is carried out in connection with the use of the relevant well to search or bore for or get petroleum, and
    - (b) involves, or is expected to involve, the injection of—
      - (i) more than 1,000 cubic metres of fluid at each stage, or expected stage, of the hydraulic fracturing, or
      - (ii) more than 10,000 cubic metres of fluid in total, or
      - (iii) acid intended to dissolve rock; and

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

***Member’s explanatory statement***

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

## BARONESS BENNETT OF MANOR CASTLE

286 Insert the following new Clause—

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

- (1) Her Majesty’s Government must prepare a strategy for the adoption of new economic goals to deliver environmental protection and societal wellbeing.
- (2) “Environmental protection” in subsection (1) means the protection of humans and the natural environment from the impacts of human activity as defined in section 44.

**After Clause 133 - continued**

- (3) The new economic goals must address –
  - (a) the environmental targets in this Act,
  - (b) the Climate Change Act 2008,
  - (c) the United Kingdom’s commitments under international environmental agreements, laws and treaties,
  - (d) the wellbeing of future generations,
  - (e) the overseas environmental impacts of UK consumption and economic activity, and
  - (f) the contribution of the UK’s consumption and production to the state of the global environment, in relation to nine planetary boundaries –
    - (i) stratospheric ozone depletion,
    - (ii) loss of biosphere integrity (biodiversity loss and extinctions),
    - (iii) chemical pollution and the release of novel entities,
    - (iv) climate change,
    - (v) ocean acidification,
    - (vi) freshwater consumption and the global hydrological cycle,
    - (vii) land system change,
    - (viii) nitrogen and phosphorus flows to the biosphere and oceans, and
    - (ix) atmospheric aerosol loading.
- (4) The strategy must –
  - (a) set out how the new economic goals will replace growth in gross domestic product as the principal measure of national economic progress,
  - (b) set out a vision for how the economy can be designed to serve the wellbeing of humans and protect the natural environment,
  - (c) include a set of indicators for each new economic goal, and
  - (d) set out plans for the application of new economic goals and indicators to central and local government decision-making processes including but not limited to Central Government Guidance on Appraisal and Evaluation produced by HM Treasury (the Green Book).
- (5) In drawing up the strategy, Her Majesty’s Government must obtain, publish and take into account the advice of –
  - (a) experts in the field of ecological economics,
  - (b) a nationally representative citizens assembly,
  - (c) trades unions,
  - (d) businesses,
  - (e) statutory agencies,
  - (f) representatives of local and regional government, and
  - (g) any persons the Secretary of State considers to be independent and to have relevant expertise.
- (6) The strategy must be laid before Parliament within 12 months of the passing of this Act.
- (7) The Secretary of State must lay before Parliament an annual report on progress towards meeting the new economic goals and their efficacy in delivering environmental protection and societal wellbeing.

**After Clause 133 - continued**

- (8) A Minister of the Crown must, not later than one month after the report has been laid before Parliament, move a motion in the House of Commons in relation to that report.”

**Member’s explanatory statement**

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

287 Insert the following new Clause—

**“International crime of ecocide**

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

BARONESS JONES OF MOULSECOOMB

288 Insert the following new Clause—

**“Rights and duties**

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

**After Clause 133 - continued**

BARONESS JONES OF WHITCHURCH  
 BARONESS HAYMAN OF ULLOCK  
 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”;

**After Clause 133 - continued**

- (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.
- (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.

*After Clause 133 - continued*

- (6) The relevant national authority must by regulations establish a scheme to promote nappies that meet the environmental standards in subsection (2).
- (7) The scheme under subsection (6) must be a collaboration between public bodies and the nappy industry.
- (8) The Secretary of State may by regulations make provision for a levy to be paid by persons who manufacture or trade in nappies for the purpose of meeting the operating expenses of the scheme of subsection (6).
- (9) The scheme under subsection (6) must provide public information on—
  - (a) the effects of disposable nappies on the environment;
  - (b) the financial advantages of reusable nappies for families and local authorities; and
  - (c) other advantages of nappies that meet the standards in subsection (2).
- (10) The relevant national authority must prepare a report on steps that will be taken to encourage local authorities to operate schemes to—
  - (a) promote the use of reusable nappies, and
  - (b) reduce nappy waste.
- (11) In preparing that report, the relevant national authority must consult—
  - (a) operators of existing reusable nappy schemes,
  - (b) local authorities involved in those schemes,
  - (c) parents who have participated in such schemes,
  - (d) manufacturers of reusable nappies.
- (12) The report must be laid—
  - (a) in relation to England, before Parliament;
  - (b) in relation to Wales, in Senedd Cymru;
  - (c) in relation to Scotland, in the Scottish Parliament; and
  - (d) in relation to Northern Ireland, in the Northern Ireland Assembly; or in Parliament;

within six months of this section coming into force.”

BARONESS YOUNG OF OLD SCONE  
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.



**After Clause 133 - continued**

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

**Member's explanatory statement**

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

LORD BROWNE OF LADYTON  
BARONESS PARMINTER  
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.
- (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.

**After Clause 133 - continued**

- (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)—
  - “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.

**After Clause 133 - continued**

- (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

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

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*7 July 2021*

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