

Environment Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 2

BARONESS JONES OF WHITCHURCH
BARONESS WALMSLEY

Page 2, line 24, leave out subsection (2) and insert –

- “(2) The PM2.5 air quality target must –
- (a) be less than or equal to 10µg/m³,
 - (b) so far as practicable, follow World Health Organization guidelines, and
 - (c) have an attainment deadline on or before 1 January 2030.”

Member’s explanatory statement

This amendment sets parameters on the face of the Bill to ensure that the PM2.5 target will be at least as strict as the 2005 WHO guidelines, with an attainment deadline of 2030 at the latest.

Clause 3

BARONESS JONES OF WHITCHURCH

Page 3, line 6, leave out “further the objective of halting” and insert “halt and begin to reverse”

Member’s explanatory statement

This amendment makes clear that when setting or revising the species abundance target, the Secretary of State must be satisfied that it will not only halt the decline in species abundance but begin to reverse it.

After Clause 3

BARONESS JONES OF WHITCHURCH
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Insert the following new Clause—

“Environmental targets: plastics reduction

- (1) The Secretary of State must by regulations set a target (the “plastics reduction target”) in respect of a matter relating to reducing plastic pollution and the volume of non-essential single-use products (including but not limited to plastics) in circulation.
- (2) The specified date for the plastics reduction target must be by 31 December 2030.
- (3) Accordingly, the plastics reduction target is not a long-term target and the duty in subsection (1) is in addition to (and does not discharge) the duty in section 1(2) to set a long-term target in relation to resource efficiency and waste reduction.
- (4) Before making regulations under subsection (1) which set or amend a target the Secretary of State must be satisfied that meeting the target, or the amended target, would further the objective of reducing the volume of non-essential single-use products (including but not limited to plastics) in circulation.
- (5) Section 1(4) to (9) applies to the plastics reduction target and to regulations under this section as it applies to targets set under section 1 and to regulations under that section.
- (6) In this Part “the plastics reduction target” means the target set under subsection (1).”

Member’s explanatory statement

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

Clause 7

BARONESS JONES OF WHITCHURCH
BARONESS WALMSLEY

Page 5, line 1, at end insert “and minimise, or where possible eliminate, the harmful impacts of air pollution on human health and the environment as quickly as possible.

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

Clause 7 - continued

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

Member’s explanatory statement

This amendment strengthens the significant improvement test outlined earlier in Clause 7 by requiring explicit consideration of the extent to which air quality targets under section 1 and the PM2.5 air quality target under section 2 are compatible with WHO guidelines. In the event of divergence, the Secretary of State must outline why they believe this is in the public interest.

Clause 17

LORD BIRD

Page 11, line 8, at end insert—

- “(f) the principle that policies and decisions should take into account the interests of members of future generations.”

Clause 19

BARONESS PARMINTER
BARONESS JONES OF WHITCHURCH
BARONESS BENNETT OF MANOR CASTLE
LORD KREBS

Page 12, line 4, leave out paragraphs (a) and (b)

Member’s explanatory statement

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

After Clause 21

LORD BIRD

Insert the following new Clause—

“Environmental risk forecasting report

- (1) The Secretary of State must, during the period of 12 months beginning with the date of a United Kingdom general election, publish an environmental risk forecasting report that contains—
 - (a) the possible long-term future trends concerning the environmental wellbeing of the United Kingdom;
 - (b) plans to manage these long-term future trends;

After Clause 21 - continued

- (c) an assessment of risks, including high-impact, low-probability environmental risks that may emerge or grow in the future, for at least the next 25 years;
 - (d) each government department's plans to prevent, manage and prepare for the potential consequences of the identified future risks;
 - (e) details of the assessment process used to assess the future trends and risks.
- (2) In preparing a forecasting report under subsection (1) the Secretary of State must take account of –
- (a) any long-term global goals and targets set in place by the United Nations in relation to sustainable development;
 - (b) the advice and reports of –
 - (i) the UK Committee on Climate Change,
 - (ii) the United Nations Intergovernmental Panel on Climate Change, and
 - (iii) the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services;
 - (c) the views of 11-25-year olds in the United Kingdom as expressed in a continuous engagement exercise, reported on every two years regarding their views on environmental wellbeing, conducted in cooperation with relevant youth and student bodies including the UK Youth Parliament, the National Union of Students, and any other persons or bodies the Secretary of State deems appropriate.
- (3) For the purposes of subsection (2)(c), the Secretary of State may by regulations provide for a continuous engagement exercise, reported on every two years, with 11-25-year olds from across the United Kingdom.
- (4) The Secretary of State may omit from any report published in accordance with subsection (1) any material whose publication would be against the interests of national security.”

Clause 25

LORD KREBS
BARONESS PARMINTER
BARONESS JONES OF WHITCHURCH

Leave out Clause 25 and insert the following new Clause –

“OEP independence

- (1) The OEP has complete discretion in the carrying out of its functions, including in –
- (a) preparing its enforcement policy,
 - (b) exercising its enforcement functions, and
 - (c) preparing and publishing its budget.
- (2) At the start of each period of multi-annual funding and no later than 1 April 2023, the Secretary of State must lay before Parliament, and publish, a statement setting out the multi-annual budget which they intend to provide to the OEP.

Clause 25 - continued

- (3) The Secretary of State must lay before Parliament, and publish, a statement responding to any request from the OEP for additional funding due to a change in the body's responsibilities or functions, within three months of that request being received.
- (4) In making appointments under paragraph 1 of Schedule 1, the Secretary of State must obtain the consent of the Environment, Food and Rural Affairs and Environmental Audit Committees of the House of Commons."

Member's explanatory statement

This amendment aims to ensure that the OEP is as independent as possible.

Clause 38

LORD ANDERSON OF IPSWICH
 BARONESS JONES OF WHITCHURCH
 BARONESS PARMINTER
 LORD DUNCAN OF SPRINGBANK

Page 22, line 31, at end insert –

- “(2A) The OEP may include in the application for an environmental review a request that the court also review additional alleged conduct constituting a failure to comply with environmental law where –
- (a) the additional conduct is similar to, or related to, the conduct described in the decision notice, and
 - (b) the additional conduct is conduct of –
 - (i) the public authority to whom the decision notice was given, or
 - (ii) another public authority, where that additional conduct indicates there may be systemic failures to comply with environmental law.
- (2B) Where subsection (2A) applies –
- (a) the OEP need not have given an information notice or a decision notice to the public authority to whom the additional conduct relates in respect of that additional conduct, and
 - (b) the court may review that additional conduct if it thinks it reasonable to do so.”

Member's explanatory statement

This amendment allows greater flexibility to consider multiple instances of misconduct rolled up into one single application, rather than issuing separate proceedings in respect of each individual incident.

Page 23, line 8, leave out subsection (8) and insert –

- “(8) Where the court makes a statement of non-compliance it may grant any remedy that may be granted by it on a judicial review other than damages.
- (9) In determining whether it would be in the interests of justice to grant a remedy, the court must have regard to –

Clause 38 - continued

- (a) the nature and consequences of the authority's failure to comply with environmental law, and
- (b) the likelihood that the grant of a remedy would cause –
 - (i) substantial hardship to, or substantial prejudice to the rights of, any person other than the authority, or
 - (ii) any detriment to good administration.”

Member's explanatory statement

This amendment removes the restrictions on the discretion of a court to grant a remedy where the court has found there to be a breach of environmental law, while requiring the court to have regard to relevant factors. The bar on awarding damages to the OEP is retained.

Clause 39

LORD ANDERSON OF IPSWICH
 BARONESS JONES OF WHITCHURCH
 BARONESS PARMINTER
 LORD DUNCAN OF SPRINGBANK

Page 23, line 44, leave out from “law” to end of line 3 on page 24

Member's explanatory statement

This amendment removes the criterion that the OEP may only apply for a judicial review in cases of urgency.

After Clause 93

LORD DANNATT
 BARONESS MCINTOSH OF PICKERING

Insert the following new Clause –

“Requirement to apply a sustainable drainage hierarchy to new surface and storm water connections

In the Water Industry Act 1991, leave out section 106B (requirement to enter into agreement before construction) and insert –

“106B Requirement to apply a sustainable drainage hierarchy to new surface and storm water connections

- (1) A person may exercise the right under section 106(1) in respect of a new surface or storm water connection only where they can demonstrate to the reasonable satisfaction of the relevant sewerage undertaker that using a higher priority for disposal of such water is not feasible.
- (2) Where feasible, surface water runoff must be used as a resource for non-potable uses.
- (3) Where appropriate, opportunities must be maximised across the site to infiltrate runoff into the ground.
- (4) Any remaining runoff must be discharged to a surface water or above ground surface water drainage system.

After Clause 93 - continued

- (5) Where compliance with subsection (4) is not feasible, any remaining runoff must be discharged to a piped surface water drainage system
- (6) Where compliance with subsection (5) is not feasible, any remaining runoff must be discharged to a combined sewer.””

Member’s explanatory statement

This new Clause aims to minimise the impact of new housing development on levels of local flood risk and the likelihood of storm discharges of untreated sewerage effluent into rivers and coastal waters. It aims to ensure housing developers design systems according to a hierarchy of drainage options that seek to reduce to a minimum the volume of rainwater entering combined sewerage systems. It supports the need to improve resilience in water management as outlined by the Committee on Climate Change in their June report.

Clause 98

BARONESS PARMINTER
BARONESS JONES OF WHITCHURCH
BARONESS BOYCOTT
LORD LUCAS

Page 101, leave out lines 5 to 9 and 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.

After Clause 136

BARONESS YOUNG OF OLD SCONE
THE EARL OF CAITHNESS

Insert the following new Clause –

“Land use framework for England

- (1) The Secretary of State must, no later than 31 March 2023, lay a land use framework for England before Parliament.
- (2) The framework must set out –
 - (a) the Secretary of State’s objectives in relation to integrated land use within a sustainable land use framework;
 - (b) principles to guide decisions by government and public authorities on the most effective use of land;

After Clause 136 - continued

- (c) proposals and policies for meeting the objectives; and
 - (d) the timescales over which those proposals and policies are expected to take effect.
- (3) The objectives, principles, 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 of 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 framework before Parliament, the Secretary of State must publish a draft framework 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 –
- (a) 5 years after laying a framework before Parliament under subsection (1), and
 - (b) the end of every subsequent period of 5 years,
- lay a revised framework 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 framework before Parliament under this section and at three year intervals thereafter, lay before Parliament a report on the implementation of the framework and progress in achieving the objectives, principles, 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 and public authorities to make optimal decisions about the multifunctional uses of land to achieve the targets, plans and policies for improving the natural environment and other purposes.

BARONESS BOYCOTT
THE EARL OF CAITHNESS

Insert the following new Clause –

“National Food Strategy

- (1) Within two months of the day on which this Act is passed, the Secretary of State must review the National Food Strategy (the “Strategy”) in the light of this Act, in particular the Strategy’s approach to addressing the effect of food production and agriculture on –
- (a) biodiversity, and
 - (b) greenhouse gas emissions.

After Clause 136 - continued

- (2) In conducting the review the Secretary of State must consider –
- (a) the implications of this Act for the Strategy and any changes that should be made to the Strategy as a result,
 - (b) how the provisions of this Act, including functions given to the Secretary of State by virtue of it, should be implemented to give effect to the Strategy, and
 - (c) any related matters.
- (3) The Secretary of State must publish the review and lay it before Parliament.”

Schedule 14

BARONESS JONES OF WHITCHURCH
BARONESS PARMINTER

Page 223, line 47, leave out “30” and insert “125”

Member’s explanatory statement

This amendment ensures that habitat enhancement secured through planning decisions or the terms of a conservation covenant must be maintained for at least 125 years. This matches the definition of “perpetuity period” in section 5 of the Perpetuities and Accumulations Act 2009.

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15 July 2021
