

Environment Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 1

BARONESS BENNETT OF MANOR CASTLE

Page 2, line 4, at end insert –

“(e) soil health and quality.”

Member’s explanatory statement

This amendment indicates that soil health and quality are a priority area for environmental improvement.

After Clause 3

BARONESS YOUNG OF OLD SCONE

Insert the following new Clause –

“Environmental targets: habitats

- (1) The Secretary of State must by regulations set targets (the “habitats targets”) in respect of matters relating to the extent and condition of the national site network, sites of special scientific interest and habitats of principal importance outside the protected area network.
- (2) The specified date for the habitats targets must be 31 December 2030.
- (3) Accordingly, the habitats targets are not long-term targets 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 biodiversity.
- (4) Before making regulations under subsection (1) which set or amend a target the Secretary of State must be satisfied that meeting the targets, or the amended targets, would –
 - (a) significantly increase the number of hectares protected in the national site network compared with the extent of the network on the date of the passing of this Act;

After Clause 3 - continued

- (b) increase the number of hectares of habitats identified as habitats of principal importance under section 41 of the Natural Environment and Rural Communities Act 2006 that are not part of the national site network or sites of special scientific interest by at least 250,000 hectares; and
 - (c) mean that at least 60% of sites of special scientific interest were in favourable condition.
- (5) Section 1(4) to (9) applies to the habitats targets and to regulations under this section as it applies to targets set under section 1 and to regulations under that section.”

Member’s explanatory statement

This amendment would require targets to be set to improve the extent and condition of important wildlife habitats by 2030 to contribute to the overall recovery in the state of nature by 2030.

After Clause 93

LORD CHIDGEY
BARONESS JONES OF WHITCHURCH

Insert the following new Clause –

“Chalk streams

- (1) The Secretary of State must set priorities for relevant public authorities in relation to the protection and enhancement of chalk stream habitats, for the purpose of improving the conservation status of species and chalk streams’ amenity value.
- (2) The Secretary of State must –
 - (a) instruct Natural England to consult on, and create, a new category of protection for chalk streams;
 - (b) report to Parliament no later than March 2022 on the Secretary of State’s response to the Catchment Based Approach Chalk Stream Restoration Strategy, and lay before Parliament a draft plan for the implementation of the recommendations of that Strategy;
 - (c) report to Parliament every five years, starting with 2026, on progress in relation to the strategy, and an assessment of the condition of chalk streams, including plans for the next five-year period.”

Clause 98

LORD TEVERSON
THE EARL OF DUNDEE

Page 101, line 9, at end insert –

“(c) agroforestry.”

Member’s explanatory statement

The amendment enables agroforestry to be seen as a direct mechanism for public authorities to meet their biodiversity targets.

After Clause 109

LORD KREBS

Insert the following new Clause –

“Habitats Regulations: limits on powers to amend

- (1) The Secretary of State may only make regulations under sections 108 or 109 –
 - (a) for the purposes of –
 - (i) securing compliance with an international environmental obligation, or
 - (ii) contributing to the favourable conservation status of species or habitats or the favourable condition of protected sites;
 - (b) if the regulations do not reduce the level of protection provided by the Habitats Regulations, including protection for protected species, habitats or sites; and
 - (c) following public consultation and consultation with –
 - (i) the Office for Environmental Protection,
 - (ii) Natural England,
 - (iii) the Joint Nature Conservation Committee, and
 - (iv) other relevant expert bodies.”

Member’s explanatory statement

This amendment ensures that powers to amend the Habitats Regulations may only be used for the purposes of environmental improvement following consultation. It ensures that the level of environmental protection that must be maintained includes protection for important habitats, sites and species as well as overall environmental protection.

After Clause 111

BARONESS JONES OF WHITCHURCH

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;

After Clause 111 - continued

- (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 United Kingdom 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

This new Clause would make the preparation of a tree strategy for England a statutory requirement. Among other things, such a strategy would have to include a range of targets for the protection, restoration and expansion of trees and woodland in England.

Clause 139

LORD FAULKNER OF WORCESTER
LORD FORSYTH OF DRUMLEAN
THE EARL OF CLANCARTY
LORD BRADSHAW

Page 127, line 35, at end insert –

- “(10) Nothing in this Act permits regulations or other subordinate legislation to be made so as to enable a local authority or other public authority to prohibit or curtail in the locality or area for which it has responsibility all or any of the following activities –
- (a) the emission of smoke from the chimney of a railway locomotive, the chimney of a road vehicle or portable or stationary engine, or the funnel of a vessel, regarding which the emission of the smoke is an intrinsic feature of the functioning of the motive or other power concerned and in respect of which such motive or other power has been preserved, restored or recreated for heritage purposes;
 - (b) the emission of smoke from 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.
- (11) In subsection (10) –

Clause 139 - continued

“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; and

“smoke” includes grit, dust or other matter derived from the burning of solid, liquid or gaseous substances.”

Schedule 3

BARONESS RITCHIE OF DOWNPATRICK

Page 160, leave out lines 2 to 16 and insert—

“25A OEP independence in Northern Ireland

- (1) The OEP has complete discretion in the carrying out of its functions in Northern Ireland, including in—
 - (a) preparing its enforcement policy,
 - (b) exercising its enforcement functions, and
 - (c) preparing and publishing its budget.
- (2) In making appointments under paragraph 2(2B) of Schedule 1, the Northern Ireland Department must obtain the consent of the Committee for Agriculture, Environment and Rural Affairs of the Northern Ireland Assembly.”

Member’s explanatory statement

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

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