

Environment Bill

AMENDMENT
TO BE MOVED
ON REPORT

After Clause 99

LORD OATES

Insert the following new Clause—

“Local authority powers to further the general biodiversity objective

After section 40A of the Natural Environment and Rural Communities Act 2006 (as inserted by section 99) insert—

“40B Local authority powers to further the general biodiversity objective

- (1) Where it appears to a local authority that there is serious risk of destruction of biodiversity, or that there has been such destruction in the five years prior to this Act coming into force, in respect of any land designated under Section 102 (3) of this Act, it may serve notice to that effect (a “biodiversity contravention notice”) on any person who—
 - (a) is the owner or occupier of the land, or has any other interest in it, or
 - (b) is carrying out operations on the land or is using the land for any purpose.
- (2) A biodiversity contravention notice may require the person on whom it is served—
 - (a) to give information pertaining to any operations being carried out on the land, any use of the land and any other activities being carried out on the land,
 - (b) to provide the authority with access to the land, and
 - (c) to comply with such obligations to preserve biodiversity on the land,as may be specified in the notice.
- (3) A biodiversity contravention notice must inform the person on whom it is served—
 - (a) of the likely consequences of failing to respond to the notice and any enforcement action that may be taken, and
 - (b) of the effect of subsection (4).

After Clause 99 - continued

- (4) A person who fails to comply with the requirements of a biodiversity contravention notice under subsection (3) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) Where a local authority considers it necessary or expedient for any actual or apprehended destruction of biodiversity in respect of any land designated under a local nature recovery strategy to be restrained by injunction, it may apply to the court for an injunction, whether or not it has exercised or is proposing to exercise any of other powers under this section.
- (6) On an application under subsection (5) the court may grant such an injunction as the court thinks appropriate for the purpose of preventing the destruction of biodiversity.
- (7) Rules of court may, in particular, provide for such an injunction to be issued against a person whose identity is unknown.
- (8) In this section “the court” means the High Court or the county court.
- (9) The Secretary of State may by regulations impose additional functions on local authorities to further the general biodiversity objective.
- (10) Regulations under this section are subject to the affirmative procedure.””

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9 August 2021
