

Environment Bill

AMENDMENTS
TO BE MOVED
ON REPORT

After Clause 73

LORD KENNEDY OF SOUTHWARK

Insert the following new Clause—

“Air pollution and health

- (1) In performing duties under this section, the Secretary of State must ensure that protecting the health of members of the public is central to all government policies, guidance or otherwise.
- (2) The Secretary of State must—
 - (a) establish, long-term targets for particulate matter, at levels which are no weaker than those set out in World Health Organization guidance as issued from time to time,
 - (b) achieve compliance with those targets as soon as possible,
 - (c) monitor air quality,
 - (d) publish live monitoring data and supplementary information in such a form that individuals understand their personal exposure to air pollution,
 - (e) provide public information at a national and local level to increase public awareness, in particular among vulnerable groups, of air pollution levels, health risks associated with air pollution and steps that would help to reduce personal exposure to air pollution, and
 - (f) ensure that the education, training and guidance given to healthcare professionals equips them to communicate the adverse effects of air pollution on health to patients and their carers.
- (3) For the purposes of subsection (2)(c) and (d), the Secretary of State must ensure that, within an area where air quality is poor, there are sufficient air quality monitors to ensure reasonable accuracy in relation to specific neighbourhoods within that area.”

After Clause 73 - continued

LORD TOPE

Insert the following new Clause –

“Air quality improvement areas

- (1) Where the air in a local authority area or any part thereof exceeds –
 - (a) any air quality target(s) set for NO₂ or PM₁₀ under section 1 (environmental targets),
 - (b) the PM_{2.5} air quality target set under section 2 (environmental targets: particulate matter), or
 - (c) the latest published World Health Organization guidelines for any of the air pollutants referred to in (a) or (b), the local authority for that area may designate the area, or part thereof, as an air quality improvement area.
- (2) Any designation under subsection (1) must –
 - (a) state the date and time from which the designation is to take effect,
 - (b) state which restrictions are to apply in the area and to which types of plant,
 - (c) state the date and time from which each restriction is to apply (which may not be before the date and time referred to in subsection (2)(a)), and
 - (d) include a map of the area which exceeds any air quality target or guideline referred to in subsection (1) and which is to be designated.
- (3) At least two months before such a designation takes effect, the local authority must publish details of the designation giving a description of its effect (including which restrictions are to apply in the area) –
 - (a) on the local authority’s website, and
 - (b) by advertisement in a newspaper circulating in the area to which the designation relates, such notice to be published on two separate occasions, the first publication to be not more than seven days after the making of the designation.
- (4) The restrictions that the local authority may state are to apply in the area to which the designation relates under subsection (2) are such restrictions as may be applied in an air quality improvement area under regulations under this section.
- (5) The Secretary of State must make regulations specifying the restrictions that may be applied in an air quality improvement area.
- (6) Regulations under this section may –
 - (a) include restrictions as to the type of plant that must or may not be used in an air quality improvement area including by reference to the amount of NO_x and PM emitted by that plant,
 - (b) include restrictions as to the time of day, period or occasion when the operation of stationary generators is prohibited in any premises in an air quality improvement area except during disruption of the supply of electricity to the premises,

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- (c) specify that restrictions apply only in respect of plant to be installed after a particular date,
 - (d) make different provision for different sizes or types of plant,
 - (e) make supplemental, incidental, transitional or consequential provision, and
 - (f) provide that breach of any of the regulations is to be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.
- (8) Regulations under this section –
- (a) are to be made by statutory instrument, and
 - (b) are subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section –
- “local authority” means –
- (a) any unitary authority in England,
 - (b) any district council in England, so far as it is not a unitary authority,
 - (c) the Common Council of the City of London in its capacity as a local authority and, as respects the Temples, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple respectively;
- “NO_x” means oxides of nitrogen comprising the sum of the volume mixing ratio (parts per billion by volume) of nitrogen monoxide (nitric oxide) and nitrogen dioxide expressed in units of mass concentration of nitrogen dioxide (g/m³ microgrammes per cubic metre);
- “plant” includes –
- (a) boilers fired by gaseous fuels which have a rated heat output of less than 1MW,
 - (b) non-road mobile machinery,
 - (c) stationary generators with a rated thermal input equal to or less than 1MW,
 - (d) solid fuel boilers with a rated heat output of less than 1MW,
 - (e) combined cooling, heat and power plant, and
 - (f) combined heat and power plant;
- “PM” means any particulate matter;
- “unitary authority” means –
- (a) the council of a county, so far as it is the council of an area for which there are no district councils;
 - (b) the council of any district comprised in an area for which there is no county council;
 - (c) the council of a London borough.”

Member's explanatory statement

This new Clause grants discretionary powers to local authorities in England to control emissions from combustion plant where the air in their area exceeds air quality targets or World Health Organization guidelines. The new Clause enables local authorities to designate their area an 'Air Quality Improvement Area', and requires the Secretary of State to specify by regulations the restrictions that may be applied by local authorities in an Air Quality Improvement Area.

Insert the following new Clause—

“Stationary idling: increase of penalties

- (1) In relation to a stationary idling offence committed in an air quality improvement area—
 - (a) regulation 8(b) of the 2002 Regulations has effect as if for “£20” there were substituted “£100”;
 - (b) regulation 17(6)(c) of the 2002 regulations has effect as if for “£20” there were substituted “£100” and for “£40” there were substituted “£150”.
- (2) In this section—
 - “air quality improvement area” means an area so designated under section (Air quality improvement areas);
 - “stationary idling offence” means a contravention of, or failure to comply with, so much of regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078) (stopping of engine when stationary) as relates to the prevention of exhaust emissions;
 - “the 2002 regulations” means the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 (S.I. 2002/1808).”

Clause 97

LORD KERSLAKE

LORD OATES

Page 99, leave out lines 27 and 28 and insert “Payments received under arrangements under this section are to be retained by local authorities for the following purposes (only)—”

Member's explanatory statement

The effect of the amendment would be that credits would be retained by local authorities for local use in promoting biodiversity rather than retained by central government.

Clause 107

THE EARL OF CAITHNESS

Page 109, leave out lines 40 and 42 and insert—

- “(b) that the grant of the licence, based on scientific assessment, is not likely to be detrimental to the status of the population of the species of animal or plant at the scale to which the licence relates.”

Member's explanatory statement

This amendment replaces the reference to 'survival' with 'status' as effectively a single individual of a species could be considered to be survival. The amendment also replaces the reference to 'population' with 'scale' as population can mean anything from an individual site colony to the total number of that species in the UK, and reducing a population at the local level may not actually have a bearing on the overall population. The amendment also introduces a requirement for a scientific assessment to be conducted.

After Clause 111

THE EARL OF KINNOULL

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 amendment is designed to deal with the risk that animals such as deer and grey squirrels present to planting.

After Clause 112

THE EARL OF CAITHNESS

Insert the following new Clause –

“Expiry

- (1) Regulations under Part 6 expire after the period of five years beginning with the day on which this Act is passed.
- (2) The Secretary of State may by regulations substitute a later date for the purposes of subsection (1).
- (3) Before exercising the power under subsection (2), the Secretary of State must review the effectiveness of the regulations in Part 6 to which the power relates and conduct an assessment of the policies or provisions thereunder relative to the general duty to conserve and enhance biodiversity, having regard to a broad range of factors, including –
 - (a) targets set by regulations under section 1(3)(c) and 3 and those set out in an environmental improvement plan that relate to biodiversity;

After Clause 112 - continued

- (b) international biodiversity targets;
 - (c) the effectiveness of actions taken by Natural England and other responsible authorities appointed by the Secretary of State;
 - (d) consultation with conservation non-government organisations, other relevant expert bodies and the public;
 - (e) the costs involved.
- (4) Regulations under this section are subject to the affirmative procedure.”

Member’s explanatory statement

This amendment introduces a sunset provision after five years for regulations made in relation to biodiversity conservation in Part 6 of the Bill. If the Secretary of State wishes to renew the current regulations then he must conduct an analysis of the effectiveness of the policies and actions taken by Government and its agencies in achieving national and international obligations. This is considered necessary in order to encourage a more adaptive approach to biodiversity conservation.

After Clause 136

BARONESS NEVILLE-ROLFE

Insert the following new Clause—

“Encouraging the use of reusable nappies

- (1) The relevant national authority must work with industry and retailers to develop a strategy for the reduction of single-use nappy waste with measurable targets and deadlines.
- (2) The relevant national authority must work with industry and retailers to adopt a single, coordinated national reusable nappy financial incentive scheme in every local authority in England to improve accessibility of reusable nappies and to promote the environmental and financial benefits to families.
- (3) The relevant national authority must encourage local authorities to complement this national scheme with local education and support for parents, caregivers and nursery settings, including support for nappy libraries, or through hiring dedicated local nappy education providers.”

Schedule 6

LORD TEVERSON

Page 176, line 43, at end insert—

- “4A Where regulations make provisions about resource efficiency information aimed at consumers by requiring one or multiple labels to be affixed to a product (see paragraph 4(a)), the regulations must provide for all labels to be part of a single design framework which is evidence-based and requires clear, consistent and validated labelling aligned with the criteria defined by the United Nations Environment Programme (UNEP) and Consumers International.”

Member's explanatory statement

The amendment aims to ensure any mandatory labelling on packaging created as part of the Schedule on Resource Efficiency Information (and other information) is required to be part of a single consistent design framework which is evidence-based as well as 'clear, consistent and validated' as defined by the United Nations Environment Programme (UNEP) and Consumers International.

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31 August 2021
