

# Environment Bill

---

FOURTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*The amendments have been marshalled in accordance with the Order of 6th September 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.

**After Clause 109**

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

99 Insert the following new Clause –

**“Habitats Regulations: limits on powers to amend**

- (1) The Secretary of State may only make regulations under section 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 110**

BARONESS YOUNG OF OLD SCONE  
LORD WHITTY  
BARONESS BOYCOTT  
LORD RANDALL OF UXBRIDGE

100 Insert the following new Clause –

**“Duty to implement an enhanced protection standard for ancient woodland in England**

- (1) The Government must implement an enhanced protection standard for ancient woodland, hereafter referred to as the “ancient woodland standard” in England as set out in subsections (2), (3) and (4) and this must have immediate effect.
- (2) The ancient woodland standard must set out the steps necessary to prevent further loss of ancient woodland in England.
- (3) The ancient woodland standard commits the Government to adopting a standard of protection which must be a requirement for all companies, persons or organisations involved in developments affecting ancient woodlands in England.

**After Clause 110 - continued**

- (4) This standard must be that—
- (a) any development that causes direct loss to ancient woodland or ancient woodland and ancient and veteran trees must be refused unless there are wholly exceptional reasons and, in addition, a suitable compensation strategy must be in place prior to development commencing,
  - (b) any development adjacent to ancient woodland must incorporate a minimum 50-metre buffer to provide protection, reduce indirect damage and provide space for natural regeneration,
  - (c) any ancient or veteran trees must be retained within a development site, including a root protection area and appropriate buffer zone.
- (5) This buffer zone must be whichever is greater of—
- (a) an area which is a radius of 15 times the diameter of the tree with no cap, or
  - (b) 5 metres beyond the crown.”

**Member’s explanatory statement**

*This amendment is intended to address the more than 800 ancient woodlands in England that are currently threatened by development. As a large number of these threats result from indirect effects of development next to ancient woodland, these changes will improve the weight afforded to protecting these irreplaceable habitats in planning policy.*

**After Clause 111**

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

101

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.*

LORD TEVERSON  
THE EARL OF DUNDEE  
BARONESS BENNETT OF MANOR CASTLE

102

Insert the following new Clause –

**“Establishing and maintaining agroforestry systems**

- (1) The Secretary of State must prepare and publish an agroforestry strategy for England for the purpose of assisting responsible authorities with their tree planting and biodiversity targets, including local nature partnerships.
- (2) “Agroforestry systems” means land management systems which integrate trees into productive farming landscapes, and includes silvopasture, hedgerows with standards, coppice, orchards and farm woodland.”

***Member’s explanatory statement***

*This amendment is intended to allow responsible authorities to invest in agroforestry systems, integrating biodiversity, farming, and landscape management objectives.*

THE EARL OF KINNOULL  
THE EARL OF CAITHNESS  
LORD COLGRAIN  
BARONESS YOUNG OF OLD SCONE

103 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 must be binding on land where, after regulations under this section come into force, public money has been given as subsidy for the planting of the trees.
- (3) The animal damage protection standard must 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 must 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.*

LORD HARRIES OF PENTREGARTH  
BARONESS YOUNG OF OLD SCONE

104 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 to be observed by government bodies, agencies or their third party contractors when planting trees for the purposes of preventing the transmission of tree pests and diseases.
- (2) The regulations must set out steps to secure the biosecurity of trees in England, including the actions that Her Majesty’s Government must take to support this goal through implementation and promotion of the biosecurity standard through the course of a biosecurity transition period as specified in the regulations.
- (3) The regulations must ensure that the biosecurity transition period gives government bodies, agencies or their third party contractors sufficient time to bring their internal programmes into line with the objectives of the biosecurity standard.
- (4) The biosecurity standard must ensure that trees to which the standard applies have been grown within the United Kingdom for their entire lifetime.
- (5) Regulations under this section are subject to the affirmative procedure.

**After Clause 111 - continued**

- (6) The Secretary of State must promote the creation of new tree nurseries and develop a Tree Nursery Strategy with input from relevant parties, including but not limited to industry bodies, local government, and the devolved administrations, to improve the quantity of qualifying stock and address any issues in the supply chain.”

***Member’s explanatory statement***

*This amendment would require the Government to adhere to a biosecurity standard when sourcing trees for planting by either itself, its agencies or third-party contractors for associated environmental works. This is to prevent importing tree pests and diseases, with subsequent tree losses which could negate the government’s tree cover commitments and their contribution to climate change mitigation and adaptation.*

**After Clause 112**

## THE EARL OF CAITHNESS

105 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 sections 1(3)(c) and 3 and those set out in an environmental improvement plan that relate to biodiversity;
  - (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 or she must conduct an analysis of the effectiveness of the policies and actions taken by Government and its agencies in achieving national and international obligations.*

**Schedule 17**

## LORD RANDALL OF UXBRIDGE

106 Page 240, line 42, 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 is 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.
- (4) A regulated person in relation to a forest risk commodity must not use that commodity, or a product derived from that commodity, unless free, prior and informed consent has been obtained in relation to that commodity from indigenous peoples in accordance with their rights under international law, and from other local communities.”

***Member’s explanatory statement***

*This amendment would require, with exceptions, that a regulated person does not use forest risk commodities or products derived from those commodities in their UK commercial activities if they are derived from land that is deforested after the commencement of Schedule 17 or an earlier date set by regulation.*

107 Page 246, line 18, at end insert –

- “(e) the impact of the relevant provisions on the rights of indigenous peoples and other affected communities, including their efforts to protect their lands and forests;
- (f) whether further action is required to ensure the elimination of the conversion of forest to agricultural use for the purposes of producing commodities, or products derived from commodities, which are used in UK commercial activities.
- (2A) As part of a review the Secretary of State must consult persons with relevant expertise on the matters specified in sub-paragraph (2)(a) to (f).”

***Member’s explanatory statement***

*These amendments would strengthen the review provision to ensure that the rights of indigenous peoples are considered, a consultation is held and the Secretary of State takes steps to eliminate forest risk commodities from UK commercial activities.*

- 108 Page 246, line 25, at end insert –  
 “(c) the steps which the Secretary of State will take to ensure the elimination of the conversion of forest to agricultural use for the purposes set out in sub-paragraph (2)(f).”

***Member’s explanatory statement***

*These amendments would strengthen the review provision to ensure that the rights of indigenous peoples are considered, a consultation is held and the Secretary of State takes steps to eliminate forest risk commodities from UK commercial activities.*

BARONESS MEACHER  
 BARONESS HAYMAN OF ULLOCK  
 BARONESS BOYCOTT

- 108A Page 246, line 27, leave out “second” and insert “first”

***Member’s explanatory statement***

*This amendment aims to ensure a review of the efficacy of the deforestation provisions at the earliest opportunity.*

BARONESS MEACHER  
 BARONESS HAYMAN OF ULLOCK

- 108B Page 246, line 29, leave out “third” and insert “second”

***Member’s explanatory statement***

*This amendment aims to ensure a review of the efficacy of the deforestation provisions at the earliest opportunity.*

- 108C Page 246, line 34, at end insert –

“17A The Secretary of State may by regulations extend the scope of this Schedule to forest risk commodities where the deforestation has been deemed legal under local laws.”

***Member’s explanatory statement***

*This amendment would grant an ability for Ministers to extend those provisions by regulations to commodities produced on land where deforestation has taken place and has been deemed legal under local laws.*

**Clause 113**

THE EARL OF DEVON  
 BARONESS JONES OF WHITCHURCH  
 LORD OATES  
 VISCOUNT RIDLEY

- 109 Page 113, line 25, leave out “appears from” and insert “is stated within”

***Member’s explanatory statement***

*This amendment, along with another, adds formality to the process of creating a conservation covenant to reflect the serious, long-term nature of the commitments being made, and to ensure conservation covenants include provisions regarding the duration of the obligation and the consideration due to the landowner in return for the commitments given.*

- 110 Page 113, line 27, leave out “in writing signed by the parties.” and insert “signed as a deed by the parties,
- (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.”

***Member’s explanatory statement***

*This amendment adds formality to the process of creating a conservation covenant to reflect the serious, long-term nature of the commitments being made, and to ensure conservation covenants include provisions regarding the duration of the obligation and the consideration due to the landowner in return for the commitments given.*

THE EARL OF CAITHNESS

- 111 Page 114, line 25, at end insert –
- “(5) The written consent of all relevant freeholders must be sought by all relevant leaseholders before any conservation covenant agreement is put in place.
  - (6) Regular review clauses must be included in all conservation covenant agreements, with a minimum frequency of 10 years.
  - (7) The review clauses must link directly to management plan cycles.
  - (8) The periodic review cycle must be linked to aims and objectives defined in site management plans.
  - (9) Any test for the measurement of outcomes of the conservation covenant agreement must be referenced within the Agreement itself.
  - (10) Any test must make reference to section 41 of the Natural Environment and Rural Communities Act 2006 (biodiversity lists and action (England)).
  - (11) Reviews must be commissioned from independent and competent persons.
  - (12) All conservation covenant agreements must contain a remedy for situations where the desired outcomes of the conservation covenant agreement have not been met.
  - (13) Any negotiations between the parties regarding the renewal of existing conservation covenant agreements must be commenced within a period of 12 months from the term date.
  - (14) All conservation covenant agreements must contain an Alternative Dispute Resolution (ADR) clause which specifies that, in the event of a dispute arising from the implementation of the conservation covenant agreement –
    - (a) the parties (or their successors in title) must first attempt to settle the matter by mediation, failing which they must appoint an arbitrator or independent expert to decide the matter, and
    - (b) where they are unable to agree the identity of the mediator, arbitrator or independent expert, they must apply to the President of the RICS (or any other relevant body) or their deputy for the time being to appoint one.
  - (15) Where a responsible body is negotiating conservation covenant agreements or any associated management agreements, it must have due regard to –

**Clause 113 - continued**

- (a) public benefit and the need to maintain a sustainable balance between competing land uses, including developed uses such as residential and commercial development, and the non-developed uses such as agriculture, forest, open land and water, and
- (b) strategic food security and the maintenance of Grades 1, 2 and 3a of agricultural land for food production.”

**Clause 115**

THE EARL OF DEVON  
 BARONESS JONES OF WHITCHURCH  
 LORD OATES  
 VISCOUNT RIDLEY

- 112** Page 115, line 17, leave out “at least some” and insert “all”

***Member’s explanatory statement***

*This amendment requires that, where a Responsible Body is not a public body or a charity, all of its main activities should relate to conservation.*

**Clause 128**

THE EARL OF DEVON  
 BARONESS JONES OF WHITCHURCH  
 LORD OATES  
 VISCOUNT RIDLEY

- 113** Page 122, line 17, at end insert –  
 “(c) the Secretary of State terminates the covenant under subsection (6A).”

***Member’s explanatory statement***

*This amendment, along with another, gives the Secretary of State the ability to terminate a conservation covenant, after consulting with the landowner, if it is not possible to transfer it to another Responsible Body as an alternative to becoming the Responsible Body him- or herself.*

- 114** Page 122, line 21, at end insert –  
 “(6A) If custodian of a conservation covenant, the Secretary of State may, after consultation with the landowner, discharge the conservation covenant if the Secretary of State is unable to secure the transfer of that conservation covenant to another responsible body.”

***Member’s explanatory statement***

*This amendment, along with another, gives the Secretary of State the ability to terminate a conservation covenant, after consulting with the landowner, if it is not possible to transfer it to another Responsible Body as an alternative to becoming the Responsible Body him- or herself.*

115 Page 122, line 28, at end insert –

“(9) The period for which the Secretary of State is the custodian of a conservation covenant must not exceed 12 months, and if the Secretary of State has not exercised the powers under subsection (5) within 12 months, the Secretary of State is deemed to have discharged the covenant under subsection (6A).”

***Member’s explanatory statement***

*This amendment limits the period for which the Secretary of State can be the custodian of a conservation covenant, and thus limits the period during which the custodian has no liability with respect to the performance of any obligation of the Responsible Body thereunder.*

**After Clause 132**

THE EARL OF CAITHNESS

116 Insert the following new Clause –

**“Mechanism to migrate existing non-statutory conservation covenants**

The Secretary of State must create a mechanism to facilitate the migration of existing non-statutory conservation covenants to a statutory basis if both parties so agree.”

**After Clause 136**

BARONESS YOUNG OF OLD SCONE  
THE EARL OF CAITHNESS  
BARONESS BENNETT OF MANOR CASTLE  
BARONESS BOYCOTT

117 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;
  - (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;

**After Clause 136 - continued**

- (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  
BARONESS MCINTOSH OF PICKERING  
BARONESS HAYMAN OF ULLOCK

118 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.
- (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.”

*After Clause 136 - continued*

LORD LEA OF CRONDALL  
LORD WHITTY  
BARONESS BENNETT OF MANOR CASTLE

119 Insert the following new Clause—

**“Economic and environmental goals**

Within six months of the day on which this Act is passed the Secretary of State must publish plans to incorporate a metric for reducing greenhouse gas emissions as a coefficient of GDP growth.”

*Member’s explanatory statement*

*This amendment would require the Secretary of State to publish plans on a metric for greenhouse gas emissions as a coefficient of GDP growth (i.e. the degree to which greenhouse gas emissions are growing more or less than GDP). The metric could be published alongside regular GDP updates with the intention that the coefficient should, over time, reduce.*

BARONESS MCINTOSH OF PICKERING

120 Insert the following new Clause—

**“Assessment of cumulative impact of offshore windfarms**

- (1) The Secretary of State may by regulations provide that, before planning permission is granted for the construction of an offshore windfarm, an independent assessment must have been undertaken on the cumulative impact of the construction of such windfarms on—
  - (a) the environment,
  - (b) marine life, and
  - (c) the countryside,
 both onshore and offshore.
- (2) Regulations under this section are subject to the affirmative procedure.”

*Member’s explanatory statement*

*An assessment of the cumulative impact is intended to ensure that any potential damage to the environment will be strictly controlled and limited.*

LORD RANDALL OF UXBRIDGE  
BARONESS BENNETT OF MANOR CASTLE  
BARONESS BOYCOTT  
LORD TEVERSON

121 Insert the following new Clause—

**“Duty to produce a global footprint target timetable**

- (1) The Secretary of State must produce a document specifying the timetable under which the Secretary of State will set a global footprint target in accordance with this section.
- (2) The dates to be specified in this document are the dates on which the Secretary of State will—
  - (a) by regulations set a global footprint target, and

**After Clause 136 - continued**

- (b) require this target to be met.
- (3) The dates to be specified in this document shall be no later than –
  - (a) 31 January 2023, in the case of setting the target, and
  - (b) 31 December 2030, in the case of the date by which the target is required to be met.
- (4) The Secretary of State must –
  - (a) publish the document in such a manner as the Secretary of State thinks fit, and
  - (b) lay the document before Parliament.
- (5) The Secretary of State must take the steps specified in subsection (4) within six months of the day on which this Act is passed.
- (6) For the purposes of this section –
  - (a) “global footprint” means the environmental impact of –
    - (i) goods produced or consumed, and
    - (ii) services received
 in England, wherever the environmental impact occurs;
  - (b) “global footprint target” means a target set by regulations which requires a significant reduction in global footprint.”

***Member’s explanatory statement***

*This amendment requires ministers to publish a timetable by which they will set a global footprint target in regulations. It stipulates dates for setting the target in regulations and the deadline by which the target must be met.*

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

122

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 –

**After Clause 136 - 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;

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

LORD BROWNE OF LADYTON  
THE EARL OF SHREWSBURY  
LORD RANDALL OF UXBRIDGE  
BARONESS JONES OF WHITCHURCH

**123** Insert the following new Clause—

**“Reduction of lead poisoning from shot**

- (1) The Wildlife and Countryside Act 1981 is amended in accordance with subsections (2) and (3).
- (2) After section 5(1)(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 31 July 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.*

BARONESS NEVILLE-ROLFE  
BARONESS BENNETT OF MANOR CASTLE

**124** 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.”

*After Clause 136 - continued*

BARONESS BENNETT OF MANOR CASTLE  
BARONESS BOYCOTT

125 Insert the following new Clause –

**“Information for consumers on nappy and adult incontinence products**

- (1) The relevant national authority must by regulations establish environmental standards for nappies and adult incontinence products.
- (2) The standards must define the characteristics required for a nappy or adult incontinence product 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.
- (3) The regulations may provide for nappies or adult incontinence products or the packaging in which they are contained to bear a mark signifying that they meet the environmental standards.
- (4) The trading, advertising or promotion of a nappy or adult incontinence product is an unfair commercial practice for the purposes of the Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277) if –
  - (a) that product 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 product or its packaging bears the mark in subsection (3) but does not meet the relevant standards.
- (5) The regulations must establish standards for labelling the packaging of all nappies and adult incontinence products, which may include the adoption of recognisable symbols, to inform consumers that the products should not under any circumstances be placed into the sewerage system, but instead into the household waste receptacle.
- (6) Regulations under this section are subject to the affirmative procedure.”

BARONESS BENNETT OF MANOR CASTLE  
BARONESS BOYCOTT  
BARONESS WHITAKER  
BARONESS RITCHIE OF DOWNPATRICK

126 Insert the following new Clause –

**“Ecocide**

- (1) It is an objective of Her Majesty’s Government to support the negotiation of an amendment to the Statute of the International Criminal Court, done at Rome on 17th July 1998, to establish a crime of ecocide.

**After Clause 136 - continued**

- (2) In pursuance of subsection (1), a relevant Minister of the Crown must promote discussion of such an amendment, either independently or jointly with other sovereign states, within the Working Group on Amendments of the International Criminal Court within 12 months of this Act being passed.
- (3) In this section “ecocide” refers to 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.”

BARONESS BENNETT OF MANOR CASTLE  
BARONESS CHAKRABARTI

**126A** Insert the following new Clause –

**“Right of access to land**

- (1) Within two years of the day on which this Act is passed, the Secretary of State must publish a draft Bill to provide for a statutory right to access land for recreational purposes and educational activities, including building of understanding of natural or cultural heritage, provided that the land is accessed responsibly in accordance with a code of practice, with landowners having the responsibility to take reasonable action to ensure the right can be exercised.
- (2) The Bill must provide that the right to access land must extend to rivers and other waterways.
- (3) The Bill must provide that the right to access land does not extend to land on which a building or other structure, plant or machinery, or a caravan or other structure stands, and the curtilage of such, a sports field or land planted with a crop.”

**Clause 139**

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

**127** 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;

**Clause 139 - continued**

(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) –

“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.”

**Clause 142**

LORD GOLDSMITH OF RICHMOND PARK

128 Page 129, line 4, at end insert –

“( ) section (*Report on elimination of discharges from storm overflows*) (report on elimination of discharges from storm overflows) extends to England and Wales;”

***Member’s explanatory statement***

*This amendment provides for the duty of the Secretary of State to prepare a report on the elimination of discharges from storm overflows to extend to England and Wales.*

**Clause 143**

LORD GOLDSMITH OF RICHMOND PARK

129 Page 130, line 4, at end insert “and section (*Report on elimination of discharges from storm overflows*) (report on elimination of discharges from storm overflows);”

***Member’s explanatory statement***

*This amendment provides for the duty of the Secretary of State to prepare a report on the elimination of discharges from storm overflows to come into force two months after Royal Assent.*

130 Page 130, line 29, at end insert –

“(la) sections (*Reporting on discharges from storm overflows*) and (*Monitoring quality of water potentially affected by discharges*) (reporting and monitoring duties relating to discharges from storm overflows etc);”

***Member’s explanatory statement***

*This amendment provides for the proposed new duties of sewerage undertakers relating to reporting and monitoring to come into force by commencement regulations.*

# Environment Bill

---

FOURTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*13 September 2021*

---