

Environment Bill

MOTIONS TO BE MOVED

ON CONSIDERATION OF COMMONS REASONS AND AMENDMENTS

[The page and line references are to HL Bill 16, the bill as first printed for the Lords, or to the Lords amendments]

Before Clause 1

LORDS AMENDMENT 1

Lord Goldsmith of Richmond Park to move, That this House do not insist on its Amendment 1, to which the Commons have disagreed for their Reason 1A.

Clause 1

LORDS AMENDMENT 2

Lord Goldsmith of Richmond Park to move, That this House do not insist on its Amendment 2, to which the Commons have disagreed for their Reason 2A.

Baroness Bennett of Manor Castle to move, as an amendment to the Minister's motion, at end insert “, and do propose the following amendment in lieu –

Page 2, line 1, at end insert –
“(e) soil quality.””

Clause 2

LORDS AMENDMENT 3

Lord Goldsmith of Richmond Park to move, That this House do not insist on its Amendment 3, to which the Commons have disagreed for their Reason 3A.

Baroness Hayman of Ullock to move, as an amendment to the Minister's motion, at end insert “, and do propose the following amendment in lieu –

Page 2, line 21, leave out subsection (2) and insert –

- “(2) Regulations under subsection (1) may appoint different PM_{2.5} targets for different dates but must include targets for the annual mean level of PM_{2.5} in ambient air to be –
- (a) less than or equal to 10µg/m³ before 1 January 2030, and
 - (b) less than or equal to 5µg/m³ before 1 January 2040.””

Clause 4

LORDS AMENDMENT 12

Lord Goldsmith of Richmond Park to move, That this House do not insist on its Amendment 12, to which the Commons have disagreed for their Reason 12A.

Baroness Brown of Cambridge to move, as an amendment to the Minister's motion, at end insert “, and do propose the following amendment in lieu –

Page 3, line 26, at end insert –

“(c) either interim targets are met or the steps in subsection (2) are taken.

- (2) If an interim target has not been met by the date specified under subsection 13(4)(b), the Secretary of State must –
- (a) consult the Office for Environmental Protection about the steps necessary to ensure the specified standard is achieved as soon as reasonably practicable;
 - (b) within 6 months of the date specified under subsection 13(4)(b), lay before Parliament and publish a report setting out the steps the Secretary of State will take to ensure the specified standard is achieved as soon as reasonably practicable and a timetable for taking those steps; and
 - (c) take the steps set out in the report under paragraph (b) no later than the timetable set out in that report.”

Clause 18

LORDS AMENDMENT 28

Lord Goldsmith of Richmond Park to move, That this House do not insist on its Amendment 28, to which the Commons have disagreed for their Reason 28A.

Baroness Parminter to move, as an amendment to the Minister's motion, at end insert “, and do propose the following amendment in lieu –

Page 11, line 24, leave out paragraph (a) and insert –

“(a) safeguarding national security,”

Clause 24

LORDS AMENDMENT 31

Lord Goldsmith of Richmond Park to move, That this House do not insist on its Amendment 31 and do agree with the Commons in their Amendments 31A and 31B in lieu.

Lord Krebs to move, as an amendment to the Minister's motion, to leave out from “31” to end and insert “, do disagree with the Commons in their Amendments 31A and 31B, and do propose the following amendment in lieu –

Leave out Clause 24 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) The Secretary of State may issue guidance to the OEP on the matters listed in section 22(6)(c).
- (3) The OEP must have regard to the guidance in preparing its enforcement policy, unless there are material considerations that indicate otherwise.
- (4) Before issuing the guidance, the Secretary of State must –
 - (a) prepare and consult on a draft,
 - (b) lay the draft before Parliament, and
 - (c) publish a response to the consultation.
- (5) The Secretary of State must publish the guidance when it comes into effect.
- (6) In making or terminating appointments under paragraph 1 and paragraph 5 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.”

Clause 37

LORDS AMENDMENT 33

Lord Goldsmith of Richmond Park to move, That this House do not insist on its Amendment 33, to which the Commons have disagreed for their Reason 33A.

Lord Anderson of Ipswich to move, as an amendment to the Minister’s motion, at end insert “, and do propose the following amendment in lieu –

Page 22, line 23, 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.
- (8A) In deciding whether to grant such a remedy, the court must have regard to –
 - (a) the nature and circumstances of the non-compliance;
 - (b) any detriment to good administration that would result from granting or failing to grant a remedy;
 - (c) the interests or expectations of persons who would benefit from the grant of a remedy;
 - (d) the interests or expectations of persons who have relied on the failure by the public authority to comply with environmental law;
 - (e) any other matter that appears to the court to be relevant.”

After Clause 72

LORDS AMENDMENT 43

Lord Goldsmith of Richmond Park to move, That this House do not insist on its Amendment 43, to which the Commons have disagreed for their Reason 43A.

After Clause 78

LORDS AMENDMENT 45

Lord Goldsmith of Richmond Park to move, That this House do agree with the Commons in their Amendment 45A.

The Duke of Wellington to move, as an amendment to the Minister's motion, at end insert "and do propose the following amendment thereto –

At end insert "and insert –

"141A Duty on sewerage undertakers to take all reasonable steps to ensure untreated sewage is not discharged from storm overflows into inland and coastal waters

- (1) A sewerage undertaker must, as soon as reasonable, take such steps as are necessary to –
 - (a) demonstrate improvement in the performance of sewerage systems, and
 - (b) secure progressive reductions in the harm caused by untreated sewage discharges into inland and coastal waters.
- (2) The Secretary of State, the Director and the Environment Agency must exercise their respective functions under this and any other Act to secure compliance with this duty."

After Clause 106

LORDS AMENDMENT 65

Lord Goldsmith of Richmond Park to move, That this House do not insist on its Amendment 65, to which the Commons have disagreed for their Reason 65A.

After Clause 107

LORDS AMENDMENT 66

Lord Goldsmith of Richmond Park to move, That this House do not insist on its Amendment 66, to which the Commons have disagreed for their Reason 66A.

Clause 110

LORDS AMENDMENT 67

Lord Goldsmith of Richmond Park to move, That this House do not insist on its Amendment 67 and do agree with the Commons in their Amendments 67A, 67B, 67C, 67D and 67E in lieu.

Schedule 3

LORDS AMENDMENT 75

Lord Goldsmith of Richmond Park to move, That this House do not insist on its Amendment 75 and do agree with the Commons in their Amendments 75A and 75B in lieu.

Baroness Ritchie of Downpatrick to move, as an amendment to the Minister's motion, to leave out from "75" to end and insert " , do disagree with the Commons in their Amendments 75A and 75B and do propose the following amendment in lieu –

Page 155, leave out lines 2 to 16 and insert –

"24A OEP independence

- (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) The Department may issue guidance to the OEP on the matters listed in section 22(6)(c).
- (3) The OEP must have regard to the guidance in preparing its enforcement policy, unless there are material considerations that indicate otherwise.
- (4) Before issuing the guidance, the Department must –
 - (a) prepare and consult on a draft,
 - (b) lay the draft before the Northern Ireland Assembly, and
 - (c) publish a response to the consultation.
- (5) The Department must publish the guidance when it comes into effect.
- (6) In making or terminating appointments under paragraph 2(2B) and paragraph 5(8)(b) 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.'"

Schedule 9

LORDS AMENDMENT 85

Lord Goldsmith of Richmond Park to move, That this House do not insist on its Amendment 85, do agree with the Commons in their Amendments 85A, 85B and 85C in lieu and do propose Amendment 85D as an amendment to Commons Amendment 85B and Amendment 85E as an amendment to Commons Amendment 85C –

- 85D** After "State" insert "or the Welsh Ministers"
- 85E** Leave out "the Welsh Ministers or"

Schedule 16**LORDS AMENDMENT 94**

Lord Goldsmith of Richmond Park to move, That this House do not insist on its Amendment 94, to which the Commons have disagreed for their Reason 94A.

LORDS AMENDMENT 95

Lord Goldsmith of Richmond Park to move, That this House do not insist on its Amendment 95, to which the Commons have disagreed for their Reason 95A.

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