

## Environment Bill Committee briefing: nature chapter

5 July 2021

This briefing is on behalf of the environmental coalitions [Greener UK](#) and [Wildlife and Countryside Link](#) and covers the nature provisions of the bill.

In considering these provisions, it is important to highlight that a meaningful 2030 [species recovery target](#) is required to kickstart the implementation of nature policies, and to maintain high ambition throughout their delivery. By strengthening the 2030 species abundance target in Part 1 of the bill, the government can fire up the engines of nature's recovery and ensure meaningful outcomes from biodiversity net gain, local nature recovery strategies and other welcome policies contained in the nature chapter.

### Amendments we strongly support

#### Amendment 196: net gain in perpetuity (Baroness Jones of Whitchurch)

**The time limited nature of biodiversity net gain (BNG) as proposed in the bill is a significant flaw. We strongly support amendment 196's efforts to correct it.**

Under Schedule 14, habitats delivered through BNG could be ploughed up or degraded after thirty years, destroying any ecological gains and carbon storage benefits. This goes against the grain of ecological best practice, which emphasises the need to let nature recover in the long term. A fully functional and high quality habitat can take a lot longer than 30 years to achieve. Habitat restoration projects now often have end dates a [century or more away](#).

A requirement only to maintain habitat for 30 years also undermines the intention of compensation for habitat destruction. The lifetime of developments covered by net gain is likely to be much longer than 30 years, and land use changes are likely to be permanent. The compensatory habitat should be permanent too.

During the Public Bill [Committee](#) in November, Minister Pow acknowledged the importance of maintaining biodiversity gains for the long term "to provide long-lasting benefit to wildlife and communities". However, she did not support a requirement for habitats to be maintained in perpetuity, claiming that a requirement to maintain them for longer than thirty years could reduce the amount of land available to host such habitats, due to some land ownership being time limited and to landowners being reluctant to maintain sites in perpetuity. This argument does not seem particularly convincing. If land can be found and agreements reached to maintain buildings on it in perpetuity, as is the case with most development, so too can land be found, and agreements reached to maintain BNG habitats in perpetuity.

Biodiversity gain habitats must be secured and maintained in perpetuity, so that they can benefit future generations, securing nature's recovery for many decades to come, and playing a lasting role in helping nature to adapt to climate change. Not to do so could lead to overall losses.

This view has been recently endorsed by the Environmental Audit Committee. In its 'Biodiversity in the UK: bloom or bust?' [report](#) published on 30 June, the Committee recommended that gains be maintained for more than thirty years, stating:

"Nature recovery does not happen overnight and must be maintained and built upon for generations. The proposed 30 year minimum to maintain biodiversity net gains will achieve little in terms of delivering long-lasting nature recovery." (p68)

### **Schedule 14A: biodiversity gain in nationally significant infrastructure projects**

We warmly welcome the government's [decision](#) to extend biodiversity net gain (BNG) to major infrastructure progressed through the nationally significant infrastructure project (NSIP) regime. The exemption of NSIPs from BNG risked habitat loss at such a scale as to undermine the government's wider environmental agenda. The widening of the scope of BNG is therefore a very welcome addition to the bill.

However, there remains a gap, which must be addressed to future proof this policy. Most major infrastructure projects are currently progressed through the NSIP regime, with National Policy Statements providing a strategic framework and Development Consent Orders (DCOs) giving consent to individual projects. However, some major infrastructure projects are progressed through Hybrid Bills, which have been used to consent very large infrastructure projects, such as Crossrail and HS2. These are not covered by the NSIP regime and under the proposed wording of the new schedule would not necessarily have BNG applied to them.

**Amendment 194C** would ensure that major infrastructure projects other than NSIPs would be covered by BNG. As well as covering hybrid bills, the amendment would also ensure that any future new forms of consent for major infrastructure projects are within scope. This is important because new forms of major infrastructure consent are a possibility: the [August 2020 Planning White Paper](#) proposed using DCOs to give permission to large housing developments. It has also been suggested that such housing focused DCOs could sit outside the NSIP regime, which could mean they are excluded from BNG. By extending BNG to all "other major infrastructure projects", **amendment 194C** would ensure that any new forms of major infrastructure consent are within scope.

**Amendments 201AZC** and **201AZD** would carry this widened scope through into new Schedule 14A. **Amendments 201AZA** and **201AZB** would ensure that BNG applied to such non-NSIP major infrastructure projects adheres to key commitments, namely the compulsory use of a biodiversity metric (**201AZA**) and the maintenance of biodiversity gains in perpetuity (**201AZB**).

**With these amendments, the bill would achieve a welcome alignment – ensuring that all new major infrastructure and nature's recovery are delivered in tandem.**

### **Amendment 198A: biodiversity net gain and the mitigation hierarchy (Baroness Young of Old Scone)**

The bill should be explicit that the mitigation hierarchy, existing designations and statutory and planning protections for sites and species, must not be undermined by biodiversity gain. The mitigation hierarchy provides a strong foundation for environmental protection in the planning process, ensuring that developments seek first to avoid environmental harm, then if that is not possible to limit it, and, only where, or to the extent that limiting is not possible, to then compensate for harm.

We welcome the statement in the [Explanatory Notes](#) (Para 1660) that biodiversity gain is additional to any existing legal or policy requirements for statutory protected areas and their features. However, **for legal clarity this should be stated on the face of the bill.**

**Amendment 198A** would ensure that BNG is additional to the mitigation hierarchy, by only allowing biodiversity plans to be consented if the hierarchy has first been followed. This would ensure that every effort is made to avoid, mitigate and compensate for potential development impacts through appropriate location and design choices, before moving on to the BNG process.

### **Amendments 205B/210: biodiversity objective (Baroness Jones of Whitchurch)**

**We support amendment 205B**, which requires public authorities to exercise their functions consistently with the aim of furthering the general biodiversity objective. This would strengthen the current bill requirement to give consideration of how to fulfil this aim “from time to time”. Nature’s decline is not something that can be considered from time to time – every opportunity should be taken to contribute to nature’s recovery across the whole scope of public authority decision making.

This strengthened wording would require active consideration of the biodiversity objective. It would prevent biodiversity being siloed and render it a critical factor to be considered in all public authority decisions, including statutorily required planning and spending decisions which can have significant impacts on nature. It would ensure that critical opportunities to enhance biodiversity are not missed.

Clause 95 places a requirement on authorities to have regard to any relevant Local Nature Recovery Strategy and any relevant species conservation strategy or protected site strategy prepared by Natural England as part of its fulfilment of its duty to conserve and enhance biodiversity.

**Amendment 210** is a welcome acknowledgement of the need to increase the consideration of nature within planning decisions. Requiring authorities to take into account the need to support biodiversity growth in planning is helpful (although the weak “have regard” duty in Clause 95(5)(2A) will limit its effectiveness).

### **Amendment 209: Local Nature Recovery Strategies (Baroness Parminter)**

Local Nature Recovery Strategies (LNRSs) are intended to co-ordinate the recovery of nature. However, they will struggle to do so in practice, as there is no requirement on public authorities to apply LNRSs in critical day-to-day decisions that affect nature, such as planning and spending.

Without a legal requirement to apply strategy recommendations through delivery mechanisms, many authorities – juggling numerous duties with limited resources – will simply omit to do so. This risks LNRSs becoming purely theoretical exercises, condemned to gather dust on council shelves by the omission of a legal requirement to apply them in day-to-day decision making.

If they are designed well and supported by a stronger duty to apply them in decision making, then LNRSs can be a critical tool in ensuring that a viable Nature Recovery Network is developed, alongside other land use priorities like housing and agriculture. A well designed strategy can save costs for local authorities and developers by helping to target environmental funding to local priorities and by avoiding costly conflicts.

However, without a strong duty to use the strategies, many millions of pounds of Local Authority funding could be wasted in drawing up strategies that are then ignored in real world decisions.

**Amendment 209** would remedy this, requiring all public authorities to act in accordance with any relevant LNRs in the exercise of their duties, including planning and spending decisions. If complemented with sufficient resourcing, this would allow LNRs to fulfil their intended role: directing the locality-wide use of biodiversity gains from the planning system, Environmental Land Management schemes and other sources, to build and maintain ecologically coherent networks of nature recovery sites.

This would align with a key recommendation in the Environmental Audit Committee's 'Biodiversity in the UK: bloom or bust?' [report](#), that LNRs should have weight in the planning system and "be used as the spatial planning tool to join up biodiversity net gain, ELMS and the planning system" (p76).

### **Amendment 235: species conservation strategies (Lord Krebs)**

**We strongly support amendment 235**, which would ensure that the primary purpose of species conservation strategies is to support the recovery of nature, rather than to facilitate faster development.

Unfortunately, experience of species conservation strategies to date suggests a real risk of a focus on development facilitation. As we highlighted in our [briefing](#) for the Public Bill Committee in November, species conservation strategies could enable licensing systems to be used to allow the destruction of habitats and protected species, in return for new habitat creation elsewhere in the strategy area. This may be appropriate for some species, but for many it will not.

The experience of district licensing for great crested newts, which provides the model for the species conservation strategies approach, has focused primarily on the facilitation of development, rather than conservation of the species, and has seen the mitigation hierarchy not being robustly applied. A failure to adequately consider less damaging alternative solutions, including on-site avoidance or mitigation of impacts, has had beneficial consequences for the speed of development, but harmful consequences for nature.

**Amendment 235** would ensure that the mitigation hierarchy is always followed within species conservation strategies, and that strategies are focused on twin biodiversity objectives: to collect and organise information on the species covered, and to apply that information to decision making to improve the conservation status of that species.

### **Amendments 255: power to amend the general duties of the Habitats Regulations (Lord Krebs)**

Government amendments to the bill, made without consultation in May 2021, introduced Clauses 105 and 106, providing powers for the Secretary of State to [amend the Habitats Regulations 2017](#).

Clause 105 would allow ministers to "swap" the duty on public authorities to satisfy the requirements of the Nature Directives with a duty to satisfy the requirements of the Environment Bill targets and Environmental Improvement Plans.

However, those new objectives are simply not a substitute for the objectives of the Nature Directives. They serve an entirely different purpose. The Environment Bill targets aim to ensure overall national improvement in the natural environment. To satisfy the expected Environment Bill requirements, habitats and species in general must be on the rise. By contrast, the Nature Directives are all about protecting particular habitats and species – specific sites, populations and even individual wildlife specimens.

**The Habitats Regulations form the first line of defence for our most precious habitats and species and any powers to amend them must be designed and considered very carefully to avoid unintended consequences. The critical bottom line is that protections must be maintained and built on, and not undermined.**

The government [has said](#) it needs this power because it wants the legislation to adequately support its ambitions for nature and free up technical expertise in Natural England from being distracted by what it regards as highly prescriptive legal processes.

The legal processes within the regulations include crucial safeguards in decisions concerning the protection of species and habitats. They are not the bureaucratic burden perceived by some and must not be stripped away in the name of simplification.

If the powers in the bill are not appropriately prescribed, they could be used to deconstruct the regime of strict protection for the UK's finest wildlife sites (SACs, SPAs and Ramsar sites) and to weaken the strong and vital safeguards for European Protected Species.

**The government must therefore ensure that these powers provide for additional protections in line with the overarching ambition of the Environment Bill to improve the environment, without diluting important technical protection for individual sites and species provided by the Habitats Regulations. This will only be achieved if the clauses are amended as outlined below.**

**Amendment 255** would mitigate against the risks of the Clause 105 power being used to lower levels of environmental protection by ensuring that it could only be used to add further requirements, on top of compliance with the Birds and Habitats Directives.

This would help ensure that strict protections for species and sites remain in place, while still allowing the Secretary of State to place additional measures to those protections upon which the government relies to meet its international obligations. These additional measures could include a duty to satisfy the requirements of the Environment Bill targets and Environmental Improvement Plans.

Compliance with the Habitats Regulations and furthering Environment Bill targets both have distinctive and integral roles to play in nature's recovery – it must be a matter of both, not either or.

Clause 105 stipulates that before exercising these powers the Secretary of State must be satisfied that they do not reduce the level of environmental protection provided by the Habitats Regulations. The determination of whether there would be any impact on the level of environmental protection is left solely to the discretion of the Secretary of State, with no requirement to consult experts or stakeholders, effectively allowing the Secretary of State to mark their own homework.

The government has [said](#) that it will take a “measured approach” to reform and will consult with the Office for Environmental Protection (OEP) and conservation groups on any proposals it develops before any regulatory changes are made. While welcome, these consultation pledges are not specified in the bill. Subsection 9 of Clause 105 merely requires the Secretary of State to consult with “such persons as the Secretary of State considers appropriate”.

While the current Secretary of State may be inclined to consult with the OEP and conservation groups, future ministers may hold a different view. **The assurances provided by the Secretary of State therefore need to be explicitly written into the legislation to guarantee consultation will always include independent experts, including a requirement to consult with the OEP, Natural England and JNCC.**

The Secretary of State’s assessment there is no reduction in the level of environmental protection should be scrutinised in Parliament to provide a more robust test of whether changes to the Habitat Regulations would lower levels of environmental protection. The Secretary of State should also exercise this power in a manner that is compatible with relevant international agreements (including the Bonn Convention, the Bern Convention, the Ramsar Convention and the Convention on Biological Diversity).

### **Clause 106: stand part (Lord Krebs)**

Clause 106 confers a power upon the Secretary of State to amend Part 6 of the Habitats Regulations. This is the part of the regulations that ensures that development projects that cause significant damage to wildlife sites only go ahead for reasons of overriding public interest.

As drafted, this new power could be used to change any aspect of the “Habitats Regulations Assessment” rules of the Habitats Regulations, which currently protect our rarest designated conservation sites from being harmed by new activities, both onshore and in the marine environment. This could easily undermine the most important protections for sites and species regulation in the UK.

Successive reviews of the Habitats Regulations have consistently shown them to be proportionate, affordable and effective. For example, the 2016 Regulatory Fitness Check found that the benefits of the site and species protection conferred by the regulations greatly exceed the costs of implementation and that they have been effective in slowing the decline of biodiversity.

The government has said that the power is needed to accommodate future changes to consenting regimes, changes which are likely to include the change to a zonal system of planning proposed in the Planning White Paper. An amended Part 6 of the Habitats Regulations could allow large areas to be zoned for development, including protected sites, without the site specific searches and safeguards that are currently in place.

The clause contains only weak safeguards against this scenario. Subsection 2 requires the Secretary of State merely to “have regard” to the importance of furthering and conservation and enhancement of biodiversity when exercising this power. Subsection 3 requires the Secretary of State to be satisfied that levels of environmental protections have not been reduced, but with no requirement to seek or follow independent expert advice. This is an entirely subjective test, which would allow the government extremely wide leeway to interpret whether the level of environmental protection has been weakened.

For example, it would be possible for the power to be used to reduce vital protection for particular sites and species if it can be argued that changes are compatible with protection at a wider scale. It would be extremely difficult for this kind of change to be challenged, as the drafting gives great discretion to ministers to interpret levels of protection.

The Secretary of State would again be marking their own homework in terms of Part 6 changes, deciding how much regard to give to environmental impacts, the acceptability of reductions and even who (if any) independent experts they should consult with.

**The wide scope of the new power and the weak procedural safeguards in the bill render Clause 106 a significant threat to maintaining critical environmental protections.** The power would give future ministers the ability to sidestep the vital safeguards for sites currently provided by the Habitats Regulations, and upon which the government relies to meet its international obligations (for example under the Bern, Ramsar and OSPA Conventions). **It should be deleted from the bill.**

## Comments on other amendments

### Clause 93: biodiversity gain site register (Lord Lucas)

Clause 93 allows the Secretary of State to make provision for a register of biodiversity net gain (BNG) sites. A register of sites is essential to transparently record net gain commitments, to support monitoring and to ensure that any gains can be protected in future development and other plans. Checks on progress in delivering, and crucially then maintaining, enhanced habitat sites can only be made if those sites, and the enhancement plans that led to the planning permission, are known and accurately recorded.

**Amendments 201AA, 201AB, 201AC and 201AD** would require regulations setting out the detail of the register to include clarification of assessment standards, timing of assessments and the financial arrangements for site maintenance.

This greater clarity is to be welcomed and would help improve the quality of information recorded in the register. The higher the quality of the information recorded in the register, the more likely that its operation will be effective.

### Amendment 201D: biodiversity credits (Lord Kerslake)

We welcome the intention behind **amendment 201D**, which seeks to transfer control of funds from biodiversity credits from the Secretary of State to local authorities.

Credits paid from developments that damage local environments could be pooled by the Secretary of State at a national level, and not used to swiftly remedy damaged local environments. Providing for local authorities, not the Secretary of State, to retain biodiversity credits payments could help to ensure that funds arising from local harms are directly spent on local remedies.

Further detail would need to be provided to ensure that the local authority retaining the payment is the local authority where the damaging development took place, and to safeguard against any pooling on the part of local authorities themselves. Biodiversity credit funds should always be spent on environmental recovery work in the areas where the environment has been damaged.

### **Amendment 200: marine biodiversity net gain (Lord Blencathra)**

Biodiversity net gain could be a transformative policy for nature's recovery on land. With processes currently in development for both intertidal and subtidal habitats, **we support providing the option for biodiversity net gain to be extended to the marine environment.**

Work is needed to develop a viable model for biodiversity net gain for marine. The mitigation hierarchy of avoid, mitigate and compensate must be adhered to and net gain should be additional. Furthermore, net gain for the marine environment should not be delivered in the terrestrial habitat. Marine biodiversity net gain should enhance nature's recovery at sea and would need to support and complement the existing system of Marine Protected Areas.

### **Amendment 212: power to conserve biodiversity (Lord Oates)**

We welcome the intention behind **amendment 212**, which seeks to give local authorities and planning authorities new powers to meaningfully fulfil their duty to conserve and enhance biodiversity, by allowing them to designate sites at risk of biodiversity loss.

However, the proposed powers risk duplicating those provided by Local Nature Recovery Strategies (LNRSs). LNRSs have the potential to allow authorities to build and maintain ecologically coherent networks of nature recovery sites.

We believe, though, that the aims of amendment 212 would be better fulfilled by **amendment 209** to Clause 95, tabled by Baroness Parminter. This would require all public authorities to act in accordance with any relevant Local Nature Recovery Strategy in exercising their duties, including planning decisions. In practice, acting in accordance with LNRSs in planning would allow authorities to designate sites for nature's recovery.

LNRSs, strengthened by amendment 209, would provide local authorities with a substantive tool to use to carry out their duty to conserve and enhance biodiversity, achieving the aim of amendment 212 without the creation of a duplicate power.

### **Amendments 226/227: LNRSs in coastal areas (Lord Teverson)**

**We support amendments 226 and 227.**

Local Nature Recovery Strategies (LNRSs) will be most effective if they cover the full range of habitats in the area they cover. In coastal areas, marine and terrestrial habitats are closely connected.

Enabling LNRSs in coastal areas to cover adjacent marine habitats is a sensible measure, which will allow these strategies to acknowledge the connected nature of marine and terrestrial habitats and to incorporate this into their planning for nature's recovery.

### **Amendment 231A: ELMS and Local Nature Recovery Strategies (Lord Teverson)**

**Amendment 231A** would tie projects funded by the Environmental Land Management Scheme (ELMS) to their Local Nature Recovery Strategy (LNRS). This alignment would ensure that gains for nature from ELMS would complement and further gains from other policies (such as biodiversity net gain), all co-ordinated by the appropriate LNRS.

This would help LNRSs fulfil their critical directional role, building and maintaining ecologically coherent networks of nature recovery sites.

The Secretary of State has previously expressed his belief that ELMS projects should align with their LNRS. In January, [he told](#) the Environmental Audit Committee that: “During the environmental land management programme, yes, we do want those to be conscious of and dovetail with local nature recovery strategies”. (Q211). **We hope, therefore, that the government will decide to take this amendment forward.**

### **Amendment 234: species conservation strategies (Lord Chidgey)**

While species conservation strategies could potentially play an important role in conservation, they must not become a default setting for managing the impact of development on nature.

Species conversation strategies enable licensing systems to be used to allow the destruction of habitats and protected species, in return for new habitat creation elsewhere in the strategy area. The experience of district licensing for great crested newts, which provides the model for the species conversation strategies approach, has not always seen the mitigation hierarchy being robustly applied within the licensing framework. A failure to adequately consider less damaging alternative solutions, including on-site avoidance or mitigation of impacts, has had beneficial consequences for the speed of development, but harmful consequences for nature.

True conservation strategies should address a much wider range of issues and include proactive conservation measures.

Further assessments, assurances and amendments are required to ensure that species conversation strategies deliver for nature, not just development. As such, **we do not support amendment 234, which would mandate the use of an untested approach before its impacts are fully understood.**

### **Amendment 251A: protection of National Parks (Baroness Jones of Whitchurch)**

We welcome the principle behind **amendment 251A**, which provides an opportunity to discuss the important matter of protecting National Parks.

The statutory framework for National Parks was established in the 1949 National Parks and Access to the Countryside Act, updated in subsequent Acts, most notably the 1995 Environment Act, which introduced a duty on public authorities to “have regard” to National Park purposes. A similar duty exists on public authorities in relation to Areas of Outstanding Natural Beauty.

These duties are widely regarded as ineffective due to their weak wording and the lack of monitoring and compliance. The independent [Landscapes Review](#) led by Julian Glover concluded “The existing duty of ‘regard’ is too weak. We believe public authorities should be required to help further their purposes and the aims and objectives of individual national landscapes’ Management Plans”.

Given the importance of nationally designated landscapes to the nation, public authorities must have a stronger responsibility for their protection and management, rather than merely being required to “have regard”.

We note that the [National Planning Policy Framework](#) requires that '[g]reat weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues ...' (para. 172). This welcome policy intent is yet to be translated into legislation in relation to public authorities. **The government's response to the Glover review must address this.**

### **Amendment 257A+B: sustainable development and betterment (Duke of Montrose)**

We are concerned by the current text of Clause 105 and the wide powers it gives to the Secretary of State to amend the Habitats Regulations that protect key environmental sites. **Amendments 257A and B** would widen these powers still further, allowing changes to site protection to enable sustainable development and betterment. Sustainable development is a broad term, not defined in the amendments, and has been used in the past to 'greenwash' environmentally damaging development. Betterment is defined in the amendment as the upgrading of buildings and infrastructure for environmental and climate purposes. Such upgrading is welcome in principle but could inflict damage on protected sites if not carefully considered.

The explanatory statement suggests that the amendment has been proposed to enable technology improvements. However, the text of the amendment could further open the door to something more substantial – a weakening of site protections to facilitate development. The amendments make a part of the bill that has worrying implications for nature still more concerning.

### **Amendment 258: ancient woodland protection (Baroness Young of Old Scone)**

**We welcome amendment 258** which seeks to strengthen protection for ancient woodland to a similar level to that enjoyed by SSSIs, reflecting that too much remains threatened. Ancient woodland is an irreplaceable habitat with a range of environmental and climate benefits, and this amendment recognises the need to protect these habitats from a range of threats.

### **Amendment 259: duty to implement a biosecurity standard in England when planting trees (Baroness Young of Old Scone)**

We **support amendment 259**, which would require the government to adhere to a biosecurity standard when sourcing native, broadleaf trees for planting. This is important to prevent the potential importing of tree diseases, with subsequent tree losses which could negate the government's tree planting targets and damage efforts to tackle the climate and nature crises.

### **Amendment 260: duty to prepare a Tree Strategy for England (Baroness Young of Old Scone)**

We welcome this new clause which would require the government to prepare a tree strategy for England requiring clear targets. This provides an opportunity for the government to provide more detail on woodland expansion, protection and restoration initiatives, further to the recently published England [Trees Action Plan](#).

Targets required by the strategy around new native woodland creation, and woodland creation by natural regeneration, would be particularly helpful in ensuring a 'right tree, right place' approach is followed. It would also be helpful if the government could provide an update on progress on the nature strategy, to which it has committed but has yet to publish, and how this relates to the forthcoming Green Paper on nature.

### **Amendment 266: conservation covenants (The Earl of Devon)**

Conservation covenants will be a useful tool to restore nature and conserve historic environments by the introduction of a system whereby "responsible bodies" can enter into private arrangements with landowners. These arrangements oblige the current landowner and future landowners to abide by "restrictive" or "positive" obligations on the management of the land for the benefit of its conservation for environmental or historic purposes.

We have concerns that, in their current form, covenants would not act as an effective legal mechanism to secure sites in perpetuity. A stronger formulation and more clarity would be helpful.

**Amendment 266** would provide welcome extra clarity to the process of agreeing a conservation covenant and help ensure the smooth functioning of the covenant process.

### **Amendment 283: prohibition on burning of peat in upland areas (Baroness Jones of Whitchurch)**

Rotational burning is a practice whereby the vegetation on top of upland peatland is set alight at regular intervals, primarily to create better conditions for the rearing of grouse.

Upland peat habitats are a significant carbon store and burning heather and grass within them releases carbon. Natural England has calculated that around 260,000 tonnes of carbon dioxide are released every year from rotational burning on peat in England. Rotational burning also reduces the biodiversity value of upland peat habitats, drying them out from their natural wet state.

Earlier this year the government introduced Heather and Grass Burning Regulations to restrict the practice of rotational burning on upland peatland. However, the regulation covers only upland peatland sites that are designated as Site of Special Scientific Interest and in a Special Area of Conservation or a Special Protection Area, with exemptions applying even to these sites. This means that at most only 40 per cent of upland peatland habitats are currently protected from burning.

We **support amendment 283**, which would prohibit burning across all upland peat habitats, aligning environmental policy with the scientific consensus that burning emits unnecessary carbon and harms biodiversity.

### **Amendment 293A – toxic lead ammunition (Lord Browne of Ladyton)**

**This is a welcome new clause, that would protect the health of animals, humans and the wider environment.**

There are no safe levels of lead. It affects all major body systems of animals, including humans. Regulation has ensured removal of lead from petrol, paint and drinking water. The last largely unregulated release of lead into the environment is from lead ammunition.

Some 6,000 tonnes of lead shot, as well as lead bullets, are released annually into the UK environment, putting at risk the health of people, wildlife and livestock and causing persistent and cumulative environmental contamination.

The body of evidence of risks from the toxic effects of lead ammunition is growing, from the fatal poisoning of 75,000 waterbirds per year to the impact that exposure to lead has on brain development in children.

Recognition of these risks has led to a commitment from shooting bodies to phase out lead use, and to an HSE and Environment Agency examination of the case for banning lead ammunition through the UK REACH system. However, with the voluntary phase out failing to deliver progress to date, and the REACH examination not due to report for another two years, there is a need for urgent action to prevent avoidable animal and human ill health arising from the use of lead ammunition.

**We support amendment 293A, which would provide an appropriate legislative response to the overwhelming evidence of the ill effects of lead ammunition on animals, people and nature as whole.**

### **Amendment 284: rights to access land**

The lockdowns of the past year have demonstrated the importance of access to green space to people's health and wellbeing. [Research published](#) by the Mental Health Foundation has found that 58 per cent of people reported that going for a walk outside helped them cope with the stress of the coronavirus pandemic and 75 per cent of people felt that the government should encourage people to connect more with nature.

**Amendment 284** provides an opportunity to act on this new desire for greater connection with nature, and to unlock the mental and physical health benefits this greater connection will provide. By increasing access to wildlife rich natural surroundings, we can help stop the rise of preventable, life limiting and costly illnesses, and reduce health inequalities.

### **Amendments 287 and 293(D): ecocide**

These are timely amendments. In June 2021, the world's first detailed proposals to define ecocide were [published](#). The Independent Expert Panel for the Legal Definition of Ecocide has defined ecocide as acts committed with knowledge that there is a likelihood of severe, widespread or long term damage to the environment arising from that act and has proposed that this crime be added to the Rome Statute of the International Criminal Court. The amendments would require the UK government to work towards this end.

Such advocacy would be in keeping with the government's aim to lead the world on environmental protection. A new international crime of ecocide would support those working to protect the environment around the world. The UK could help secure this through bold and decisive leadership, starting with a commitment in domestic legislation.

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**On behalf of Greener UK and Wildlife & Countryside Link**

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