

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

AGRICULTURE BILL

Sixth Sitting

Tuesday 25 February 2020

(Afternoon)

CONTENTS

CLAUSE 1 agreed to, with an amendment.

Adjourned till Thursday 27 February at half-past Eleven o'clock.

Written evidence reported to the House.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 29 February 2020

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The Committee consisted of the following Members:

Chairs: † SIR DAVID AMESS, GRAHAM STRINGER

- | | |
|---|---|
| † Brock, Deidre (<i>Edinburgh North and Leith</i>) (SNP) | † Kruger, Danny (<i>Devizes</i>) (Con) |
| † Clarke, Theo (<i>Stafford</i>) (Con) | † McCarthy, Kerry (<i>Bristol East</i>) (Lab) |
| † Courts, Robert (<i>Witney</i>) (Con) | † Morris, James (<i>Halesowen and Rowley Regis</i>) (Con) |
| † Crosbie, Virginia (<i>Ynys Môn</i>) (Con) | † Oppong-Asare, Abena (<i>Erith and Thamesmead</i>) (Lab) |
| † Debbonaire, Thangam (<i>Bristol West</i>) (Lab) | † Prentis, Victoria (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>) |
| Dines, Miss Sarah (<i>Derbyshire Dales</i>) (Con) | † Whittome, Nadia (<i>Nottingham East</i>) (Lab) |
| Doogan, Dave (<i>Angus</i>) (SNP) | † Zeichner, Daniel (<i>Cambridge</i>) (Lab) |
| † Goodwill, Mr Robert (<i>Scarborough and Whitby</i>) (Con) | |
| † Jones, Fay (<i>Brecon and Radnorshire</i>) (Con) | Kenneth Fox, Kevin Maddison, <i>Committee Clerks</i> |
| † Jones, Ruth (<i>Newport West</i>) (Lab) | |
| † Jupp, Simon (<i>East Devon</i>) (Con) | |
| † Kearns, Alicia (<i>Rutland and Melton</i>) (Con) | † attended the Committee |

Public Bill Committee

Tuesday 25 February 2020

(Afternoon)

[SIR DAVID AMESS *in the Chair*]

Agriculture Bill

2 pm

Daniel Zeichner (Cambridge) (Lab): On a point of order, Sir David. First, it is a pleasure to serve with you in the Chair. My point of order is straightforward. We are happy with the Government's response to our concerns about the publication this morning of the "Environmental Land Management" policy discussion document, which I am sure we all read over lunch. We were concerned that we would not have been able to table further amendments, but my understanding is that the Committee will adjourn once we finish debating clause 1 and we have been advised that it will be possible for us to table amendments for consideration on Thursday. I am grateful for that sensible solution to the delay.

The Chair: That is the most sensible point of order I have heard for a long time. I understand that the policy paper relevant to the Bill was published earlier today, and I have it in front of me. It is helpful that that document has been made available to the Committee as it considers the Bill, and I hope that Members will be better informed as a result.

The hon. Member has answered his own question, but he asked whether fresh amendments, on points arising from the policy paper, may be tabled for debate on Thursday, even though the usual notice period will not have been observed. I have spoken to Mr Stringer, and we are prepared to use our discretion to consider any such amendments for selection for debate in the Thursday morning sitting, which Mr Stringer will chair. However, we will consider selecting amendments only if they meet three criteria—namely, that they arise from the policy paper; that they apply to a part of the Bill that the Committee has not yet considered; and, most importantly, that they are tabled before the rise of the House today. There is no wavering on those criteria.

Daniel Zeichner: Thank you, Sir David. I am grateful for the good sense that has prevailed.

The Chair: There will be a Division in the House at 4 o'clock. If there is only one vote, as I suspect will be the case, we will adjourn for 15 minutes and return at 4.15 pm.

Clause 1

SECRETARY OF STATE'S POWERS TO GIVE FINANCIAL ASSISTANCE

Daniel Zeichner: I beg to move amendment 40, in clause 1, page 2, line 17, at end insert

“, including measures to improve the standard of accommodation for farrowing sows”.

See explanatory statement for NC12.

The Chair: With this it will be convenient to discuss the following:

Amendment 41, in clause 53, page 43, line 35, at end insert—

“(ca) section [Sow farrowing stalls].”.

See explanatory statement for NC12.

New clause 12—*Sow farrowing stalls*—

“Sub-paragraph (2) of paragraph 6 of the Welfare of Farmed Animals (England) Regulations 2007 shall be omitted.”

This new clause and Amendments 40 and 41 would end the use of sow farrowing crates (subject to a delayed commencement) and add improving the standard of accommodation for farrowing sows to the purposes for financial assistance in Clause 1.

Daniel Zeichner: Amendment 40 relates to clause 1(1)(f), on

“protecting or improving the health or welfare of livestock”,

and would ensure that farmers receive financial assistance to improve the standard of accommodation for farrowing sows. New clause 12 and amendment 41 would end the use of sow farrowing crates, subject to delayed commencement at the discretion of the Secretary of State. The provision in clause 53 means that the ban outlined in new clause 12 would not come into effect immediately when the Bill becomes an Act, but on such day that the Secretary of State makes a statutory instrument to that effect.

That is all totally incomprehensible to most people, but, taken together, the amendments and the new clause would allow for a phasing out of farrowing stalls and make available resources and finance to support farmers with the capital costs of that process, as well as those who take interim measures to improve the conditions of farrowing sows. I suspect there will be widespread support for that aim, but I fully appreciate that this is a contentious subject that has been well rehearsed on other occasions. The public take the issue seriously and we would all like it to be achieved over time. As I have said on many occasions, it is a question of ensuring that the resource is available for people to make changes and to not be disadvantaged by competition elsewhere.

To give some background, although sow stalls that kept pigs caged for the entirety of their pregnancy were banned by Labour in 1999, it is still permitted for female pigs to be kept in farrowing stalls for seven days before they give birth and until the piglets are weaned. That can result in sows being caged for up to five weeks at a time. If they farrow twice a year, that means that they spend up to three months a year in an extremely restricted space. It may be called a crate or a stall, but it is effectively a cage. The crate length is such that the sow is only able to lie down or stand up. The standards state that the space should not allow excessive free movement. Before anyone jumps in, I will come to the reasons for that in a moment.

The sow is often completely unable to turn around. She can scarcely take a step forwards or backwards, and she cannot reach the piglets placed next to her for suckling. I am told that 60% of the 350,000 to 400,000 sows in Britain are kept in such crates to give birth. We know that keeping pigs caged in that way causes distress and leads to repeated bar biting, and it limits the pig's ability to exhibit important natural behaviours, such as nest building.

Trapping the animal in that way also creates a breeding ground for diseases. *E. coli* in newly born piglets often presents in conditions where the mothers have been moved into farrowing crates to give birth and suckle their young. We know that is not done out of cruelty; it is done because keeping a mother restrained prevents the death of piglets by accidental crushing. We would argue that that in itself is a direct consequence of high-intensity farming techniques. In normal conditions, in the wild, the mother pigs would make effective nests and have the space to keep the piglets safe.

As with so much in this area, the research is contested, but robust studies suggest that there is clear evidence of a significant difference between the mortality rates of piglets reared in crated systems and those reared in loose housed systems. There are also other systems, which I shall come on to. The individual farrowing arks or huts used in the outdoor systems of organic farming are deep bedded with straw. There are many examples across eastern England.

Although piglet mortality rates can increase in extremely cold and wet weather, UK figures show that outdoor systems can rear largely the same number of piglets as farrowing crates. Good production figures have also been attained from the so-called Swedish group system, where each sow has her own box to farrow in and can leave her piglets and carry out normal activity.

We contend that there are alternatives, though we fully appreciate that they are more expensive. The industry rightly points out that consumers buy at different price points and that producers respond to that demand. We understand the economics but, as I said earlier, this is an opportunity to use public money for public good.

This issue has been debated many times in this place over the past 20 years. We rightly pride ourselves on pursuing higher animal welfare standards, but other countries are already ahead of us and have moved on to alternative systems. I am told that Norway, Sweden and Switzerland have already banned farrowing crates and that free farrowing systems are being developed in other European countries, particularly Denmark and the Netherlands.

In response to animal welfare concerns, the Soil Association and the Royal Society for the Prevention of Cruelty to Animals already prohibit the use of farrowing crates under their labelling systems. This is another example of this country's multi-tiered system of food production, with food being produced at different prices for the consumer. The question is how we can lift standards while protecting the interests of farmers by making it economically viable.

Back in 2015, the Farm Animal Welfare Committee's report on free farrowing systems recommended taking action to encourage the replacement of farrowing crates, and called for the adoption of free farrowing systems to be reviewed in five years. Well, 2015 plus five is 2020—it is five years later. We contend that the Bill is the perfect opportunity for the Minister to make it clear that financial support for higher animal welfare includes specific provisions for farrowing sows in relation to such crates.

We recognise that it would be a challenge for the industry. As I have said, a ban would need to be phased in with financial support, which is what the amendment would provide for. Back in 1999, when sow stalls were rightly banned by the Labour Government, it is undeniable that that had an impact on the domestic pig industry.

We contend that Government support for alternative systems is vital to encourage a switch, while protecting the UK pig sector.

The flipside, of course—this will be a repeated refrain—is that we have to ensure that any home production of pigmeat to higher welfare standards is not simply replaced by imports produced in other countries that continue to use such stalls. It is important that we protect all our animal welfare standards, and that in upcoming trade deals we do not sell out our farmers by allowing lower-standard imports. We will insist on provisions being added to the Bill to guarantee that, and will seek to amend it later to guarantee against that danger. In the meantime, we urge the Minister to consider this important clarification to the Bill to allow financial support to improve pig welfare, specifically in relation to such restrictive crates.

Mr Robert Goodwill (Scarborough and Whitby) (Con): I would not argue with anything the hon. Member has said. We all wish to have the very best welfare standards for pigs in this country. Indeed, the Red Tractor label assures customers that very high standards are being met. My only slight caution is that history might repeat itself, and the law of unintended consequences may come into play. Members may well recall that when veal crates were banned in the UK, the result was that calves were flown to Holland and elsewhere to be turned into veal under the very systems that we wanted to ban. Owing to single market rules, we could not ban that movement.

Similarly, when dry sow stalls were banned in 1999, there was an erosion of the British pig market, particularly by such countries as Denmark and Holland where dry sow stalls were still being used. Indeed, most of the EU still allows dry sow stalls from up to four weeks after service to birth, when in some cases they may be put into farrowing crates as well.

My concern is that, were we to act unilaterally through legislation, we could end up having more pigs coming into the country as imports. It is all very well saying, "Let's ban the importation of pig products not produced to our high standards." It would be very difficult to ban imports from the European Union given the degree of reliance on that market and the cross-border trade in pig products. The different parts of the carcass that are consumed in the UK and in Europe mean that there is a vibrant market in different cuts of meat, to meet those particular markets. Were that to be destroyed or undermined, it would cause great problems for the British pig industry.

Of course, if we had more pigs coming into the country from abroad, that would mean more castrated pigs. In the UK, only 2% of pigs are castrated. In Sweden, the figure is 94%, in Denmark 95%, the Netherlands 20%, Germany 80%, and Spain 20%. It could, in effect, result in more pigs coming on to our supermarket shelves and into our restaurants and cafés produced under systems that we do not wish to see in this country. Surely the answer is not legislation, but better consumer awareness of those production methods, better labelling, and better understanding of the labelling systems, so that supermarkets and customers, who would be enlightened, can do what we did regarding battery cages, which was to get people on to free-range eggs not through banning batteries but by consumers understanding that it is right to make choices based on animal welfare.

[Mr Robert Goodwill]

Although I agree with what the hon. Member for Cambridge said about trying to improve standards, I note that he made the slight caveat that at certain times of the year, particularly at the moment, some of our outdoor farrowing systems result in quite high piglet mortality. I have seen piglets trampled into the mud in the quagmires in outdoor systems. That aside, we should look at how we can move the industry into a better place, particularly in terms of farrowing crates, but without allowing our market to be eroded by other countries, particularly in the European Union, that do not have the same high welfare standards as us. I would not like to see history repeating itself in terms of what happened with veal crates and dry sow stalls in 1999.

2.15 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Victoria Prentis): It is particularly good, Sir David, to be discussing animal welfare provisions with you in the Chair. A certain amount of consensus has broken out again in Committee. The Government are a world leader in animal welfare and we are absolutely committed to retaining that status by strengthening our standards. However, we would say that this amendment does not make any legal change to the powers set out in this Bill and is therefore not a necessary addition. Financial assistance can already be given and is provided for under section 1(1)(f) in order to protect or improve the health and welfare of livestock. That includes schemes for improving the accommodation of livestock, including farrowing sows.

The Government's aim is for farrowing crates no longer to be necessary, but it would not be right to end the use of such crates without examining all the evidence around their use and considering all the options. It is important to recognise how they protect piglets, for example. The hon. Member for Cambridge talked about that. Alternative farrowing systems in indoor production are being developed all the time—I have heard about some high-tech solutions with moving floors—which need to be investigated fully. They will be expensive to install, but that may well be a price worth paying. As the hon. Gentleman said, the public is broadly with us on that. It may well be the sort of public good for which the public is keen to pay, assuming we have sufficient transparency in our systems to ensure that they understand that that is what is happening.

The UK has led the way in improving the welfare of pigs. The hon. Gentleman mentioned the banning of close confinement stalls in 1999. While approximately 60% of UK sows farrow indoors, it is not always the case that they spend the full length of time that the hon. Gentleman mentioned in such crates. We hope that farmers would be able to work to much shorter periods of time. The remaining 40% of sows are housed outside and able to farrow in much more natural conditions. The Department for Environment, Food and Rural Affairs has funded recent research into alternative farrowing systems and the Farm Animal Welfare Committee has provided expert advice on this issue.

As part of our ongoing commitment to animal welfare, we are developing a scheme that aims to improve farm animal welfare in England. We are exploring a one-off grants scheme that will help farmers to improve welfare

on farms, for example, by installing new equipment. We are also exploring a payment by results scheme whereby farmers could receive ongoing payments for developing specific animal welfare enhancements. The Animal Welfare Committee, industry and non-governmental organisations will have their say on the welfare outcomes that are financially supported. For pigs, this could easily relate to improved enrichment opportunities to root; improved housing; and tail docking, which has not been discussed today.

The hon. Gentleman may be aware that I have kept extremely free-range pigs at home in the past. They are so free range that they have, on occasion, wandered off around the village. While the Bill aims to support native breeds, it may well be that the pigs kept exhibit such behaviours. Our most difficult experience was with iron age pigs, which are one-quarter wild boar and do not seem to view fields as any sort of captivity.

We are constantly reviewing our legal standards as part of our commitment to animal welfare. A new welfare code for pigs, which includes guidance on farrowing has been produced, is available online and comes into force on 1 March. I think the Committee will broadly welcome paragraph 158, which says:

“The aim is for farrowing crates to no longer be necessary and for any new system to protect the welfare of the sow, as well as her piglets. Where the sow is confined in a farrowing crate, it should be large enough to accommodate her and to allow her to rise and lie down without difficulty and should be easily accessed in an emergency.”

It goes on to give further specific details.

To my mind, that is an excellent way forward, and the owners and keepers of pigs will have to be aware of and abide by it from 1 March. That is one example of how we continually update and review secondary legislation under the animal welfare legislation introduced in 2006. The Government share the public's high regard for animal welfare and intend to use the powers in the Bill to reward farmers for improving a number of animal welfare issues. I therefore urge the hon. Member for Cambridge to withdraw the amendment.

Daniel Zeichner: I am grateful to the Minister for her response. I will not withdraw the amendment.

In a way, the Minister conceded something important—that clause 1(1)(f) shows that resources can be used, which I am sure will be welcome to some. However, the clause also points to some of the general difficulties in the Bill. The pig sector benefits only indirectly from support under the current system. The clause rather suggests that money will be moved around the system, and I wonder whether everyone is aware that there will be winners and losers as a result. As we all know, one generally hears from the losers, not the winners, but that is a problem for the Government, not me. I am pleased about that concession, but I do not quite see why the Government could not actually do themselves some extra good by making the positive benefits specific, as we suggest. I encourage them to do that.

I am pleased to have the opportunity to respond to the right hon. Member for Scarborough and Whitby. I was chided by one or two of my colleagues for agreeing with him too much earlier, but I disagree with him robustly now, in a civilised way. He makes an important point about where responsibility for these decisions

should lie. We have been trying with labelling over many years, and he is right that it has proven more successful in some areas than others.

However—this is probably a fundamental philosophical division between us—I think that putting the onus of responsibility on individual consumers is problematic, not least because, as we heard the evidence sessions and in written evidence, it is pretty clear that many people subscribe to notions of higher standards until they get into a supermarket and are confronted with price differences. I suspect that many of us in this room are now in the fortunate position of being able to make an informed choice and not worry so much about the price, but for vast numbers of our fellow citizens, price is still a key driver. For many people who would probably like to support higher standards, if the price is too high, they have no choice.

We want not to take that responsibility away from people, but as with so many other things, to make it easier for them to make the right choice; in other words, to exclude the low-cost alternatives. I am not an economist—it was suggested earlier that I might be, about which I am partly flattered and partly not flattered—but there is clear evidence that, if standards are lifted, industries respond and prices begin to settle. This is a case of needing leadership. We have done it before. There are consequences, but we have public money to spend, and it could well be that the public would actually be very happy that we offered this kind of support, which would to some extent get them out of that price dilemma.

It is a bit like the dilemma around the smoking ban. I lost track of the number of smokers who told me that they were delighted that, basically, the ban made it easier for them to give up smoking, because the Government had intervened. That was during the last Labour Government, and I remember Tony Blair being very nervous about suggestions that he had offloaded responsibility on to local councils, which did not go down well. In the end, it needed cross-party leadership—it has to be something supported across the House—to make it easier for people to make the right choice. It is a judgment call.

Mr Goodwill: In many ways, the hon. Gentleman is enlarging on my argument, given that when we banned dry sow stalls consumers chose to buy the cheaper pork and bacon produced in Holland and Denmark, where a was not in place. It made the problem worse in many ways because those consumers made those choices.

Daniel Zeichner: The right hon. Gentleman is making my life much more difficult and I am going to have to be horrid to him again. Yes, in one sense, he is correct, but that is the challenge. Throughout this, if we do not find ways, whether in trade agreements or whatever, to protect—and it is protect—our higher standards against lower standards, we are lost entirely. That will be a recurring theme throughout this debate. I do not think it is beyond the wit of hon. Members to find a way of doing that. The right hon. Gentleman may disagree with me, and that will probably be a fundamental point of difference.

I have two final points to make: first, I do not think it is fair to offload the responsibility entirely on to consumers. We should take the lead. Secondly, we need to take the lead on making sure that we can protect our higher standards. That would attract considerable support across the House.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 10.

Division No. 5]

AYES

Debbonaire, Thangam
Jones, Ruth
McCarthy, Kerry

Oppong-Asare, Abena
Whittome, Nadia
Zeichner, Daniel

NOES

Clarke, Theo
Courts, Robert
Crosbie, Virginia
Goodwill, rh Mr Robert
Jones, Fay

Jupp, Simon
Kearns, Alicia
Krugger, Danny
Morris, James
Prentis, Victoria

Question accordingly negatived.

Kerry McCarthy (Bristol East) (Lab): I beg to move amendment 12, in clause 1, page 2, line 28, after ‘activity’ insert—

‘, provided that such assistance does not contradict or undermine the purposes in section 1(1).’

This could possibly be described as a probing amendment. There is general agreement that the Government’s commitment to the principle of public money for public goods is welcome. This amendment is a safeguard to ensure that the delivery of public goods is not undermined by any financial assistance for improving productivity. There is some concern that it could mean a greater proportion of the money going to the productivity head rather than to public goods. If the new environmental land management scheme is to be successful and provide value for money, all the payments need to contribute to the delivery of public goods.

It is still not clear how the future Budget will be distributed between financial assistance for public goods and productivity, and there is concern that we could end up with a pillar one and pillar two-type system—again, where public goods take second place. I am seeking assurances from the Minister. If I am confident that her assurances are credible, I will not push this to a vote.

Victoria Prentis: I thank the hon. Lady for that assurance. I understand that she wants to ensure that we do not provide financial assistance to improve productivity or production in a way that would harm the environment or undermine any of the purposes in clause 1. I hope that is a fair summary of what she said.

Kerry McCarthy: It is partly about not undermining that, but it is also partly about how the money is divided up. If a huge proportion of the money goes towards productivity, it is not clear how the budget will be divided. That is what I am seeking clarity on—that there is money for public goods.

Victoria Prentis: I cannot give the hon. Lady absolute assurance at the moment as to how the budget will be divided, as that is a matter for the development of the scheme. We will do a great deal of work developing it, including years of pilots and a great deal of consultation, in which, I am sure, she will be involved. I can assure her that it is not our intention to put the productivity wing on a higher level than allowing damage to the public purposes, which are there to protect the environment,

[Victoria Prentis]

or the other purposes is clause 1. That is absolutely not our intention. Our ambition is to leave the environment in a better state than we find it.

2.30 pm

We intend to continue to be a world leader in animal welfare and health standards. We will promote engagement, as is clear from clause 1, with our natural heritage and beautiful landscapes. However, a productive, competitive farming sector is also our priority. We think our farmers are among the best in the world, providing healthy and nutritious food for our population. We will support them to become more productive, so that they can provide more home-grown healthy produce.

Kerry McCarthy: Just to clarify, it would help if the Minister could give an assurance that all payments need to contribute to the delivery of public goods, whether it is a payment for productivity or directly for public goods. She phrased it to me in the negative—they should not undermine public goods—but the intention of this Bill is that everything should support that public goods agenda.

Victoria Prentis: I think the hon. Lady and I are dancing around the same issue, which is that the ambitions do not need to be mutually exclusive. We absolutely believe that producing food and managing a sustainable environment can and should go hand in hand. Improving productivity is normally about improving efficiency by using less energy and fewer pesticides to produce the food that we eat. Greater efficiency can also mean using less land, so that other land can be freed up for other purposes such as tree planting. I share the hon. Lady's concerns, however I feel that her amendment would restrict our ability to offer financial assistance in the most effective way.

Daniel Zeichner: My hon. Friend the Member for Bristol East has raised a very important point. The lunchtime reading of the ELMS policy discussion document prefigures further discussion on this. It is a shame that we were not able to have our earlier discussion in the light of some of these points. To a number of us, on first reading, tier 1 does not look sufficiently ambitious, in many cases, and it feeds exactly into my hon. Friend's point that there is a worry that we will not get the environmental gains that we thought we would. That will be of concern to many. I wonder if the Minister could clarify that point.

Victoria Prentis: At the moment, I cannot set out how the ELM scheme will work. That will be worked on, probably by all the people in this room, very carefully over several years, before we come up with the final scheme, so I cannot give the hon. Gentleman absolute assurances as to what will happen.

I can say, however, that we added clause 1(4) because we wanted a clear requirement—partly because of the work of the previous Agriculture Bill Committee—on the Secretary of State, in framing any financial assistance scheme, to have regard to the need to encourage food production in an environmentally sustainable way. I hope that I have provided some reassurance about how we intend to use the powers in clause 1 so that productivity

is improved in a sustainable way that does not undermine the other purposes in the clause. I cannot go further than that at the moment. I ask the hon. Member for Bristol East to withdraw the amendment.

Daniel Zeichner: I appreciate why trying to get the balance correct is a difficult dilemma, but it is crucial that we do so. We are not satisfied, frankly, that we are getting the clarity that is required. We understand that this is a framework Bill, but much more detail is required to give certainty, so—I may be speaking on behalf of my colleagues here—we would like to push the amendment to the vote.

Kerry McCarthy: I am afraid I am not satisfied with the Minister's reassurances and would like to push the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 10.

Division No. 6]

AYES

Debbonaire, Thangam
Jones, Ruth
McCarthy, Kerry

Opong-Asare, Abena
Whittome, Nadia
Zeichner, Daniel

NOES

Clarke, Theo
Courts, Robert
Crosbie, Virginia
Goodwill, rh Mr Robert
Jones, Fay

Jupp, Simon
Kearns, Alicia
Kruger, Danny
Morris, James
Prentis, Victoria

Question accordingly negated.

Kerry McCarthy: I beg to move amendment 14, in clause 1, page 2, line 32, leave out subsection (4) and insert—

“(4) In framing any financial assistance scheme, the Secretary of State must have regard to—

- (a) the need to encourage the production of food by producers in England and its production by them in an environmentally sustainable way; and
- (b) the need to ensure that all farms and horticulture units, including those smaller than five hectares, can access financial assistance.”

The key point in the amendment is paragraph (b), which deals with the need to ensure that all farms and horticultural units—including those smaller than 5 hectares—can access this financial assistance. In 2014, the then Secretary of State ruled that a farm needed to be more than 5 hectares to receive direct payments. The decision to increase the limit from 1 to 5 hectares excluded one in six English farmers during the transition from single to basic payments.

During the oral evidence sessions we heard evidence from Jyoti Fernandes at the Landworkers Alliance that the threshold resulted in smallholders being at a serious disadvantage. In designing any new scheme, the threshold should be scrapped. Every farm, no matter what its size, has the ability to deliver the public goods listed in clause 1. The farms and horticultural units showcased in the latest Landworkers Alliance report, “Agroecology in Action”, illustrate what they can achieve in terms of encouraging biodiversity, building soil health, replacing agrochemicals, mitigating climate change, integrating communities and enhancing economic resilience. Earlier

we discussed the need to bring food production closer to communities. Often, it is the smallholdings that do that. They also tend to have higher levels of employment than conventional farms. A 2017 study of agroecological farms smaller than 20 hectares found that they employed 26 times more workers than the UK per hectare average. It would be a huge mistake to exclude them from financial assistance.

It was good to see from DEFRA's press release today that "anyone from any farm or land type" can participate. Will the Minister confirm that "any farm or land type" means farms smaller than 5 hectares?

Daniel Zeichner: I echo my hon. Friend's comments. It is important that small farms are not left out of this legislation. As she said, in the evidence sessions we heard compelling evidence from the Landworkers Alliance that farmers on smaller holdings have been much disadvantaged to date by the current payments system due to the 5 hectare threshold, which cuts those with less than 5 hectares out of the system for getting payments. I was surprised to hear that 85% of its membership had never been able to get support for their work. We know why: back in the previous iteration of discussions, there was concern that small firms would not be subject to cross-compliance. That is my understanding. That was possibly a reasonable position to take, although I suggest that the answer to that is that there should be proper and appropriate checking and verification.

Precisely for the reasons that my hon. Friend has explained, we will support the amendment. We need to include many more people in the system and to make it far more likely that they will be able to benefit from it.

Victoria Prentis: It should have been obvious from my previous comments that I am a passionate smallholder, so I listened to what Members had to say with considerable interest. As I have said, I cannot promise exactly how the ELM scheme will work going forward, but I hope I can provide sufficient assurance in the rest of what I say. Now that we have left the EU, we have the opportunity to design agricultural, horticultural and forestry schemes in a way that best reflects our circumstances and allows us to deliver the best possible outcomes.

As my predecessor said, we are determined to work with industry to co-design the new schemes and ensure we get them right. In determining whether there should be a minimum size threshold for eligibility, we will need to weigh up the benefits that can be delivered by small land holdings—benefits that I recognise—against the administrative costs associated with managing agreements, as the hon. Member for Cambridge mentioned. We need to ensure that the different schemes provided under ELMS provide value for public money.

Detailed eligibility criteria will be established for ELMS as soon as the schemes are developed, working with stakeholders. I can only apologise, because I do not have all the answers at the moment. This will be a very complicated, new set of schemes, which will take many years to develop.

I draw the attention of the hon. Member for Bristol East to clause 1(2), which is reflected in the press release she mentioned. It provides a power for financial assistance to be provided in connection with "starting, or improving the productivity of, an agricultural, horticultural or forestry activity".

The power clearly does not put any restrictions on the size of holding for which financial assistance can be provided. We will be designing our future schemes alongside industry in a way that delivers the best possible outcomes. I hope that she will withdraw the amendment.

Kerry McCarthy: I am confused by what the Minister is saying. She is right that there is no mention of any limit in the Bill, but her earlier words, before she mentioned the clause about start-ups, clearly suggested that she thought there could be bureaucratic problems. She was sort of putting objections in the way of extending the scheme to smallholder farmers. Today's smallholder could be tomorrow's big food producer.

I do not know whether the Minister wants to intervene to say more, but I do not think she has given any assurance at all. The 5 hectares issue has come up time and time again, including during previous discussions on the Bill. Why has the Department not got to the stage that it can give that assurance to smaller farmers?

Victoria Prentis: As I said earlier, the environmental land management systems have not yet been worked out. It is clear from the scoping document that was published today that they will vary enormously in their size and scope. Some will be concerned with just one farm, and others will be concerned with multiple farms or even a whole area, in order to provide the best possible ecological solutions that we are all seeking. I am unable to provide the hon. Lady with an absolute assurance at the moment, but I hear what she has to say about the importance of small agricultural holdings.

Kerry McCarthy: Once again, I cannot accept the Minister's assurances and would like to press the amendment to a vote.

2.45 pm

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 10.

Division No. 7]

AYES

Debbonaire, Thangam	Oppong-Asare, Abena
Jones, Ruth	Whittome, Nadia
McCarthy, Kerry	Zeichner, Daniel

NOES

Clarke, Theo	Jupp, Simon
Courts, Robert	Kearns, Alicia
Crosbie, Virginia	Kruger, Danny
Goodwill, rh Mr Robert	Morris, James
Jones, Fay	Prentis, Victoria

Question accordingly negatived.

Mr Goodwill: I beg to move amendment 8, in clause 1, page 3, line 13, after "kept" insert "or managed".

In clause 1(1)(d), reference is made to "managing land, water or livestock".

The amendment would change a reference later in the same clause to keeping, not managing, creatures. My worry is that relying on the word "kept" may exclude

[*Mr Goodwill*]

some of the most environmentally beneficial land uses, where birds or mammals are to a greater or lesser extent wild and thus, by definition, not kept.

I have a number of examples, such as the Chillingham wild cattle in Northumberland. The herd, of about 100, has not been touched by human hand or been seen by a vet for more than a century. They are certainly not kept, but the environment at Chillingham Castle is managed for the benefit of the many species and birds that thrive there.

Wild ponies also carry out important land management tasks. I have had ponies on my own farm from the Yorkshire Exmoor Pony Trust for a while; they carry out a great role in managing the land. I draw attention to my entry in the Register of Members' Financial Interests, as I have done in previous sittings—I am a family farmer myself.

Most importantly, we should recognise the importance of game as an integral part of many rural economies and ecosystems. Some species, such as pheasant, may well be kept for part of their life, when they are reared in captivity, but once released, they become free to range far and wide. Many shoots—I would suggest the more enlightened ones—do not artificially rear birds and strive to create the conditions for wild birds to breed. Those birds are never kept, but the management of the necessary ecosystem and environment would certainly not be in conflict with the wider public goods we seek to create, using this Bill as a tool.

The same argument must certainly apply to grouse, which cannot be reared in captivity. Managing moorland for the benefit of grouse not only favours other ground-nesting birds, such as golden plover and lapwing, but also the sustainability of sheep farming on our grouse uplands. They can only go hand in hand together if the moor is managed correctly.

According to the BBC “Countryfile” website, the UK’s deer population is at its highest level for 1,000 years, at around 2 million deer of the various species. Numbers have doubled since 1999. That has an impact on crops, wildlife and, in particular, forestry. The Forestry Commission estimates that the damage to plantations and commercial woodlands in Scotland amounts to £4.5 million per annum. The Royal Society for the Prevention of Cruelty to Animals estimates that around 350,000 deer are culled each year. In the absence of natural predators such as lynx and wolves, culling has to be carried out to maintain a stable population and prevent damage. In the main, those deer are not kept, but managed, and they may range over more than one landowner’s property. Deer management is vital to meeting our objectives.

There was some confusion during the evidence sessions about whether game was within the scope of the Bill. I would argue that it is vital that the definition of livestock in the Bill must include game species, which produce some of the most sustainable and healthy food available to consumers. The amendment would clarify that, to encompass not only creatures that are “kept” in the strict definition of controlling virtually every aspect of an animal or bird’s existence, but the production of healthy and sustainable game products in an environment

that is managed to produce many of the public goods that we wish to reward, and sustained economically by the income from that game.

Of course, I strongly criticise the situation that we have read about in the press where game is dumped and not eaten. In some cases, I understand that game had been breasted, so the breast meat had been removed, but from an environmental perspective and from a food waste perspective that is not an acceptable practice, and I would criticise it. We need more promotion of the healthy game produced in our country, and we need more websites, such as the one that my son went on recently—I think the wives of the people on small shoots got sick of plucking and drawing pheasants, and made the game available free of charge locally. That is just the sort of website that we want. I also pay tribute to YouTube, which has some excellent opportunities for people to learn how to skin rabbits and prepare game in their own kitchens.

I hope that the Minister will recognise what I have said, and reassure me that the amendment may be withdrawn. I look forward to hearing that game is food and should be within the scope of the Bill.

Daniel Zeichner: I was intrigued to discover the direction in which the amendment would take us; I probably should have known in advance. It gives me an opportunity to have a genuine disagreement with the right hon. Member, because I think many of our constituents would be astonished at the idea of sporting shooting being considered a public good, in terms of putting public money in, although I recognise that for some Members that would be legitimate.

Again, it points to the whole new world that has been opened up by taking the pot of money that used to go directly to farmers based on area. We are now facing up to some really quite hard decisions about the kind of world in which we want to live. I have to say to the right hon. Member that for many constituents, I suspect in my seat and many others, it would not seem an appropriate use of public money. Although that may cause disagreement, that is what we are here to resolve. I do not think that the Opposition will be able to support the amendment.

Victoria Prentis: I thank my predecessor and right hon. Friend for his amendment. I believe that he wishes to ensure that we are being comprehensive in our coverage of the word “livestock” in clause 1. I, too, am keen to ensure that we cover everything that we need to in the Bill.

Good management of livestock is a key part of delivering the public goods that we want to support in our future agricultural policy. That, of course, is reflected by the purposes listed in clause 1. Under subsection 1(f), the Secretary of State will be able to support action to improve animal health and welfare, reduce endemic disease and keep livestock well maintained and healthy. The plan is that not only will that deliver better animal health and welfare, which itself can be considered a public good, but through addressing endemic disease we can also deliver other public goods, such as lower antibiotic use and lower greenhouse gases, due to less intensive livestock production.

Subsection 1(g) will enable us to provide financial assistance for measures to support the conservation and maintenance of UK native genetic resources relating to both rare breed livestock and equines, into which category I suspect Chillingham cattle very firmly fall, and indeed Exmoor ponies, whether or not they are to be found in Yorkshire—that confused me somewhat, but there we are. The measures could be used to incentivise farmers to rear rare and native breeds and species. That is undoubtedly, to my mind, a public good and the sort of thing that we are trying to achieve.

Game such as wild pheasants and partridges, while kept in captivity, would come within the definition of livestock and could be eligible for support, where they are kept for one of the purposes mentioned in clause 1 and its definitions of livestock. As my right hon. Friend said, grouse are not reared in captivity, so I cannot see how they would be covered. However, once the birds are no longer in captivity, following their release into the wild, they are classed as game. Therefore, it would not be appropriate to class them as farm poultry or livestock.

That legal position is supported by the definitions used in animal disease control legislation and the Game Acts. Farmers, after all, cannot be considered responsible for birds that have been released into the wild.

Mr Goodwill: No one is suggesting that the game themselves should be subject to support in terms of subsidies or any other means of support that the Bill would lay out, but the environment that they inhabit would certainly be a public good. My amendment seeks to ensure that, where public money is going to support those environments, which may support sheep, game and other wildlife, the fact that game is being produced as a business should not exclude it.

Victoria Prentis: Forgive me, Sir David, I am a humble lawyer trying to define the word “livestock” rather than a farmer of great experience, such as my right hon. Friend, who is trying to go further. I am keen to define livestock according to what is set out in the Bill. The definition of livestock in clause 1 has its roots in the Agriculture Act 1947, which was the last major piece of agricultural legislation that this House decided. This definition has been used in more modern legislation, such as the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1995.

Agriculture has, of course, changed since 1947. Because of that we have made the amendment to the definition of livestock to include additional products, such as fibres and oils, and have recognised the importance of the production of milk from livestock. That ensures that we cover all aspects of livestock production that I can think of.

The current definition refers to livestock that is kept. We do not see that the amendment would enhance that definition. I hope that I have done my best, despite my legal background, to assure hon. Members that the current definition of livestock ensures financial assistance can be given for the important purposes set out in clause 1.

If the land that my right hon. Friend has in mind comes within another of the purposes in clause 1, applications can be made for financial assistance for many other reasons. I, therefore, ask my right hon. Friend to withdraw the amendment.

Mr Goodwill: I thank the Minister for her explanation. As a humble farmer, I would not wish to have an argument with a lawyer on a legal matter. Her point makes sense. The land occupied by many of these game species will be subject to support through the Bill, not least because of the wish to restore natural habitats and environment, and preserve some of our fragile natural environments.

What is not in doubt is that when the animals have been shot, prepared and put on the supermarket shelves, they qualify as food. Therefore, it struck me that some points made in the evidence session were not prepared to look at this as a useful source of food. Having heard the Minister’s sensible and legally wise words, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Kerry McCarthy: I beg to move amendment 13, in clause 1, page 3, line 17, at end insert

““protecting or improving the quality of soil” includes the restoration of blanket bog and other peatland habitats.”

The right hon. Member for Scarborough and Whitby, the hon. Member for Edinburgh North and Leith, and I served on the previous Bill Committee.

Thangam Debbonaire (Bristol West) (Lab): And me.

Kerry McCarthy: And the Whip. That makes four of us; are there any more takers? Those of who went through the Bill then will remember quite a debate on trying to include soil as a public good. That was opposed by the Government and I remember that the right hon. Gentleman spoke vociferously against it. Lo and behold, it has now made it into the new version of the Bill. That shows that it is worth persevering with an argument, even if it seems to have fallen on deaf ears in the first instance. Someone may go away and think about it and come back and think: “She was right after all”.

3 pm

In that spirit, I would like clarification on the provision on protecting or improving the soil, to make sure that it includes the restoration of blanket bog and other peatland habitats. I would like that specified in the Bill. This is absolutely important. Peatland is the single biggest store of carbon in the UK. We talk so much about planting trees, but very little about peatland. It stores over 3 billion tonnes—about the same amount as all the forest in the UK, France and Germany put together, but 80% is damaged. It is damaged by drainage, atmospheric pollution, peat extraction and burning. In those parts of the country where we have seen flooding at the moment, many people can talk about the impact of poor peatland management on drainage and run-off.

As a result of the damage to peatlands, 10 million tonnes of carbon dioxide is being released into the atmosphere every year. Rather than being a carbon sink that draws in carbon, it has the opposite effect. It is not just neutral: it releases carbon dioxide into the atmosphere. That is why, as part of the environmental land management scheme, we need to reward land managers and farmers who restore our peatlands. We have 13% of the world’s blanket bogs. That is quite unusual and we have a particular responsibility. If we do not act now, we will erode the multiple benefits it provides, such as clean drinking water, carbon storage, flood mitigation and wildlife habitat.

I am pleased that today's DEFRA press release on ELMS specifically cites landscape scale restoration of peatland. That is absolutely vital if we are to avoid serious environmental, economic and social harm. Given that it is mentioned in the document that was released today, and given that the Minister is sitting there nodding away at what I have to say, I do not see why this amendment cannot be incorporated into the Bill.

Victoria Prentis: I thank the hon. Lady for drawing attention to the importance of peatland and the peatland habitats that we are lucky enough to have in this country. The protection and improvement of all soil is key to a sustainable agricultural industry that helps in our commitment to tackle climate change and deliver on multiple public goods.

Peatlands have an important role in this commitment. That is why the Government have committed to publishing an England peat strategy and announced the creation of the lowland agricultural peat taskforce. These will focus on the protection and improvement of England's peatlands. In addition, we are currently funding £10 million worth of peatland restoration in England between 2018 and 2021.

The current drafting of clause 1(1)(j) enables the Secretary of State to give financial assistance for "protecting and enhancing the quality of soils". The clause is not restrictive and will enable all soil types to be included, not just peatland. Ample provisions in clause 1 will allow us to protect peatlands. For example, clause 1(1)(d) includes, "managing land or water in a way that mitigates or adapts to climate change".

That could certainly allow support for peatland restoration. Such provisions would allow for the management of land to restore peatland habitats by more than just the soil if it is within the Government's strategic priority to do so. This could be achieved through the new ELM scheme or research into other sustainable practices.

By specifying a habitat, rather than a soil type in the definition, the amendment extends the scope of clause 1(1)(j) beyond that of soil quality. Healthy peatland habitats are reliant on factors beyond soil, such as biodiversity and water. Therefore, DEFRA believes the inclusion of this definition is inappropriate and unnecessary. As I have just mentioned, promoting the health of these habitats as a whole is within the scope of an earlier section of clause 1.

Daniel Zeichner: I understand why the Department wants maximum flexibility, but we want some action, because we have been waiting a long time for these promises. In fact, I think on the last day of the last Parliament, at DEFRA questions, the Minister in the Lords promised action, so when are we going to get some action on banning peat burning?

Victoria Prentis: The hon. Gentleman is definitely getting action. I set out earlier what is being done to preserve peatland at the moment: £10 million of peatland restoration is definitely action, in my book. What I do not want to do is clog up—that is not a technical term; I am trying to find a soil-appropriate word—a definition of "soil" with something that happens in part above the soil, which is why I am resisting this amendment. The Government are committed to the importance of preserving peatland, but we need to ensure that all our soil types are protected by the part of the clause that is concerned with soil.

I hope I have reassured Opposition Members that we recognise the vital role peatlands play in helping to deliver on our agricultural and environmental commitments, and that there is no requirement to single out peatland in the soil provision of the Bill. I therefore ask the hon. Lady to withdraw her amendment.

Kerry McCarthy: I thank the Minister for her response, and I take her point about habitat, but peatlands are so important that I still think they could be included in this provision. The Minister has sort of argued both ways, in that she said "soil" did cover blanket bog and peatland and then said that this amendment would widen the definition, but this is so important and we do need action. As I have said, the Minister in the Lords, formerly the MP for Richmond Park, has made it clear that he wants a ban on peat burning. That is not specifically what this provision speaks to, but obviously we are going to give—

Mr Goodwill: Does the hon. Lady agree that a distinction needs to be drawn between the blanket bogs—such as Saddleworth moor, where the fire got right into the bog—and the drier, heathland type of moor that we have in North Yorkshire? The North York Moors National Park Authority itself supports the traditional management of that moor, particularly for the benefit of sheep but also of grouse.

Kerry McCarthy: There is a whole argument to be had about the management of moors for the benefit of grouse, when grouse are imported into this country in their millions just so they can be shot by people on an away-day. I would not have thought that was a priority.

Given peatland's carbon role, its importance in the area of flood mitigation and all the other environmental benefits I have mentioned, it is important that we spell this out on the face of the Bill. We argued in the last Committee about whether the definition of "soil" needed to be spelled out on the face of the Bill, and I am asking for it to be spelled out in greater detail this time around. As such, I would like to press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 10.

Division No. 8]

AYES

Debbonaire, Thangam	Oppong-Asare, Abena
Jones, Ruth	Whittome, Nadia
McCarthy, Kerry	Zeichner, Daniel

NOES

Clarke, Theo	Jupp, Simon
Courts, Robert	Kearns, Alicia
Crosbie, Virginia	Kruger, Danny
Goodwill, rh Mr Robert	Morris, James
Jones, Fay	Prentis, Victoria

Question accordingly negatived.

Victoria Prentis: I beg to move amendment 15, in clause 1, page 3, line 21, at end insert "made by the Secretary of State".

This drafting amendment makes clear that a "financial assistance scheme" is one made by the Secretary of State. It is intended (with Amendments 16 and 17) to clarify the distinction between financial assistance schemes and third party schemes as defined in Clause 2(5).

The Chair: With this it will be convenient to discuss Government amendments 16 and 17.

Victoria Prentis: Amendment 15 is a technical drafting amendment that makes it clear that a “financial assistance scheme” is one made by the Secretary of State. It is intended, with amendments 16 and 17, to clarify the distinction between financial assistance schemes and third party schemes as defined in clause 2(5).

Amendment 15 agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned.

—(James Morris.)

3.11 pm

Adjourned till Thursday 27 February at half-past Eleven o'clock.

**Written evidence to be reported
to the House**

AB23 Shaun Leavey OBE FRAgS

AB24 British Canoeing

AB25 Tenant Farmers Association

AB26 The Ramblers

AB27 Richard Bruce

AB28 British Mountaineering Council

AB29 Horse Access Campaign UK (HAC UK)

AB30 Friends of the Earth England Wales and Northern
IrelandAB31 Sally Crone, Committee Member of Essex Bridleways
Association

AB32 Institute for European Environmental Policy (IEEP)

AB33 Byways and Bridleways Trust

AB34 The Fairtrade Foundation

AB35 Essex Bridleways Association

AB36 NFU

AB37 Agricultural Christian Fellowship

AB38 Greener UK/Wildlife and Countryside Link

AB39(A) RSPB

AB39(B) RSPB supplementary

AB40 Clean Air in London

AB41 Game & Wildlife Conservation Trust

AB42 Landworkers' Alliance

AB43 The Humane League UK

AB44 Cycling UK

AB45 Farmers' Union of Wales

AB46 Crop Protection Association

AB47 UK Pesticides Campaign

