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Public Bill Committee

ENVIRONMENT BILL

Fifth Sitting

Tuesday 17 March 2020

(Morning)

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CLAUSE 1 under consideration when the Committee adjourned till this day
at Two o'clock.

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 21 March 2020

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The Committee consisted of the following Members:

Chairs: † SIR ROGER GALE, SIR GEORGE HOWARTH

† Afolami, Bim (*Hitchin and Harpenden*) (Con)
 † Ansell, Caroline (*Eastbourne*) (Con)
 † Bhatti, Saqib (*Meriden*) (Con)
 † Brock, Deidre (*Edinburgh North and Leith*) (SNP)
 † Docherty, Leo (*Aldershot*) (Con)
 Edwards, Ruth (*Rushcliffe*) (Con)
 † Graham, Richard (*Gloucester*) (Con)
 † Longhi, Marco (*Dudley North*) (Con)
 † McCarthy, Kerry (*Bristol East*) (Lab)
 † Mackrory, Cherilyn (*Truro and Falmouth*) (Con)
 † Moore, Robbie (*Keighley*) (Con)

† Morden, Jessica (*Newport East*) (Lab)
 † Oppong-Asare, Abena (*Erith and Thamesmead*) (Lab)
 † Pow, Rebecca (*Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs*)
 † Sobel, Alex (*Leeds North West*) (Lab/Co-op)
 † Thomson, Richard (*Gordon*) (SNP)
 † Whitehead, Dr Alan (*Southampton, Test*) (Lab)

Adam Mellows-Facer, Anwen Rees, *Committee Clerks*

† **attended the Committee**

Public Bill Committee

Tuesday 17 March 2020

(Morning)

[SIR ROGER GALE *in the Chair*]

Environment Bill

9.25 am

The Chair: Good morning, ladies and gentlemen. Before we start, a couple of housekeeping matters. Please make sure that your electronics are turned off. No tea and coffee, I am afraid; you will have to go outside if you want that, as it is not allowed during the sittings. Members may remove their jackets if they wish.

We now begin the line-by-line consideration of the Bill. The selection list is available on the table if you do not already have it. We had a discussion on this during the evidence-taking sessions, but I repeat that amendments are generally put into groups on the same or similar issues for debate. Amendments are decided on not necessarily in the order in which they are debated, but in the order in which they come up in the Bill. You will find yourselves debating matters that are not immediately voted on, and there is sometimes a tendency, particularly on the part of the Opposition, to panic and say, “We wanted to vote on that.” You may well be right that we have missed something, and if we do, please remind us, but bear in mind that the vote happens at the right place in the Bill, and not necessarily because of where the amendment appears in the group. If that does not make sense, ask me and I will try to clarify it.

My policy—Sir George may have a different one—is that it is often helpful to have a fairly broad-ranging debate at the start of a group of amendments on a clause. I have no problem with that; it tends to facilitate the discussion, but—and it is a big but, for the benefit of the new Members—at the end of consideration on each clause, we have a debate on whether the clause should stand part of the Bill. There cannot be a stand part debate at the beginning and the end of proceedings on a clause, so if you choose to talk a lot at the beginning, you will not get two bites at the cherry. The Chair will decide whether there will be a stand part debate.

I hope that is clear. Nobody has a monopoly of wisdom; if you have any cause for concern, or you do not understand what is going on, please ask, and someone will endeavour to provide you with a tolerably intelligent answer.

Clause 1

ENVIRONMENTAL TARGETS

Dr Alan Whitehead (Southampton, Test) (Lab): I beg to move amendment 79, in clause 1, page 1, line 7, leave out “may” and insert “must”.

This amendment seeks to ensure the power given in this Bill to the Secretary of State to set long term targets is exercised.

It is a pleasure to serve under your chairmanship this morning, Mr Gale, as it will be, I anticipate, for many more mornings and afternoons. I will not say it is a pleasure every time I speak, but please take it as being one.

I would like to say a few things about how the Opposition intend to pursue matters in this Committee. As hon. Members will see, a substantial number of amendments have been tabled, and we will go through those in Committee. I hope that upon scrutiny of those amendments, hon. Members will conclude that every one is an attempt to make a good Bill better. They are not in any way intended to be subversive of the Bill’s purposes, to wreck the Bill’s outcome, or to divert the Bill from its intended outcomes. Rather, they are intended to make the Bill as good as it can be. I echo the sentiments of one of the star witnesses in our evidence sessions last week, Richard Benwell of Wildlife and Countryside Link, who said that this could be a brilliant Bill. I hope that it will be by the time we finish our considerations in Committee.

I am fully dedicated to making sure that when the Bill gets on to the statute book, it has the purposes that we all, I think, agree on, and is a serious marker of what this country has to do to develop environmental biodiversity and a healthy environment—a healthy environment in which nature recovers, and we have clean water and, in the context of the climate change emergency, everything that will allow our natural environment to be in a healthy state for the future. I want the Bill to mark this House’s contribution to that process.

I am completely at one with the Minister in that aim; I know that is what she wants to achieve. I know from her environmental commitment and credentials, which she has worn on her sleeve ever since she has been in this House—she has a fine, nature-friendly outfit on today—that she is completely dedicated to getting the Bill passed in the best possible way. I hope that our discussions in Committee, and our amendments, will be viewed in that light. Regardless of party affiliation or other considerations, I hope they will be looked at based on one criterion: do they or do they not make this a brilliant Bill? I hope that is how we will judge our proceedings; I will certainly try to conduct myself in that spirit.

That brings me to my concerns about what is in clause 1—and a number of other clauses throughout the legislation, as we will find as we go through the Bill. In addition to being a potentially brilliant Bill for now, this has to be a brilliant Bill for the future. The House, and this Committee in particular, has to turn it into legislation that will really last—that will commit future generations of parliamentarians and Governments to the actions it sets out. It has to be very robust in the instructions that it sends to those future generations, but we are particularly concerned that it simply is not, in a number of respects.

The Bill derives in substantial part from the Government’s 25-year nature plan. There is a clue there about how long its provisions are supposed to last. The things we consider today have to be robust and relevant for tomorrow. The Bill has to work in that way, and we have to know that it will work across Administrations. However, clause 1 demonstrates that it may not easily do so.

In the clause, and a number of others, the Secretary of State is given the option of implementing, by regulations, a particular part of the Bill. Throughout the Bill, a number of provisions are couched in terms of not “may” but “must”. For example, clause 92 states:

“The Secretary of State must publish information... The Secretary of State must publish reports... A report must relate to a period”,

and

“A report must set out”.

Those provisions are all clear about what has to happen, but the same is not true of clause 1 and a number of other clauses.

There is an even more worrying double lock—or double unlock—regarding the Bill’s way of doing things. When I look at a Bill, I always turn to the end. It is rather like looking at the last three pages of a novel to see what happens before starting to read it. I do not recommend doing that for a novel, but I do recommend it for this particular Bill.

Clause 131, the commencement clause, is clear. For Members who are less familiar with how such clauses work, the commencement clause sets out a number of dates on which clauses in the Bill should be taken as commencing—that is, become live legislation. Clause 131 states that a number of provisions in the Bill come into force on the day that it becomes an Act. A number of other provisions come into force two months after the Bill becomes an Act. Part 1 of the Bill, which contains clause 1 and is probably the most important part of the Bill, comes

“into force on such day as the Secretary of State may by regulations appoint”.

There is therefore a double lock on the clause. The Secretary of State “may” decide to make it live—or not. If they decide not to make it live, it simply does not become real, and what is set out in the clause does not happen. Even if they decide in principle that it will happen, and the clause is live, its wording means that the Secretary of State can decide that what it sets out will not take place, and need not implement the regulatory process.

Hon. Members may be thinking, “He protests too much. This doesn’t happen in real life, surely. This is just how things are set out in legislation,” but I assure them that this does happen in real life; it has happened on a number of occasions. The statute books are not exactly littered with, but are substantially populated by, things in Bills that simply have not happened because of the way the legislation was constructed. I can give the example of the Energy Act 2013. I happened to sit on that Bill Committee. Part 5 is on the construction and designation of a strategy and policy statement, which would set out imperatives that would bind authorities and bodies dealing with low-carbon energy. When that Bill was passed, I really thought that the statement would happen; I considered that really important—and still do—in making sure that Ofgem would be guided by a low-carbon imperative.

The wording on that policy and strategy statement was couched in the same way as the provision in this Bill. The 2013 Act said:

“The Secretary of State may designate a statement as the strategy and policy statement for the purposes of this Part”.

The 2013 Act was stronger than this Bill. Part 5 of the Act became live two months after the Act became law. However, the Act was passed during the Conservative-led coalition of 2010 to 2015, and in a subsequent Administration, a Minister decided, because they could, that there was no need for a policy and strategy statement, and that it would not be produced. I have asked a number of questions about why that statement has not appeared. The situation does not help at all to ensure that Ofgem does what it should on its low-carbon

commitments and imperatives. But the Minister in that Administration decided that they were not going to produce the statement, and that was it. I hope that this Administration will take a different view and finally introduce such a statement, which I think is essential.

9.45 am

The point of that little diversion is that we are talking about not just words on a piece of paper that need not be taken seriously. This is serious stuff that relates to the viability and credibility of the Bill when it becomes an Act of Parliament. Bear in mind that many people out there are looking to the Bill to provide exactly that credibility on the natural environment, biodiversity and many other things. They are looking to the Bill for robustness and sincerity on all the things that they hold so dear about the environment and all the things that go into it. If we pass a Bill that does not have that robustness, a number of people will rightly say, “How serious are you about this? Are you as serious you should be about what the imperatives should be, and about the targets and other things in the Bill?”

My reading of the Bill is that if the Minister decides that there is no need for targets, the Minister just does not implement this clause. I am absolutely certain that this Minister, who is the right Minister in the right place at the right time, with the right intentions, has absolutely no intention of doing anything other than making sure that the Bill proceeds as speedily as possible through its stages and into implementation. However—I know this is difficult to envisage—the Minister may not be there forever. A future Administration, or a future Minister, may look at the legislation and think, “Hmm, I don’t have to do that. That’s a bit onerous and a bit difficult. Maybe we will put it to one side,” just as happened with the Energy Act 2013.

It would be a good idea to consider replacing “may” with “must” in a number of instances in the Bill. Some “mays” are perfectly good; sometimes it is the right word, because of the choice that people will have as to what kind of regulation they want to put in or whatever. However, “may” is not appropriate for this clause and for a number of others. In the Climate Change Act 2008, to which the Bill has often been compared, there is no such messing about with wording. The beginning of the Act quite straightforwardly stated:

“It is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline.”

That is quite clear. There is no messing about or resiling.

I do not suggest that we should put a series of duties into the Bill, but we should look seriously at bringing forward proposals to alter the Bill’s wording as it goes through Parliament. I will not seek to divide the Committee on this point, because it is something that all of us need to take away and think about. I hope the Minister takes this away, thinks about it and comes back with proposals, perhaps on Report, to alter that wording, so that we can have full confidence that the Bill will become the Act that we all want it to be. I shall draw attention to these omissions and shortcomings as the Bill progresses, but the Committee will be delighted to know that I will not make this long a speech every time.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow): We’ll see!

Dr Whitehead: But I might do if no consideration at all is given to this particular point.

I hope that the Minister will be able to come at least some way towards me in reshaping the Bill so that the confidence we both want to have in this legislation can be seen by the outside world, and so that we can ensure that what we say in this Committee actually gets done—not just by this Minister, but by subsequent Administrations. With that, I assure the Committee that that is the longest I am going to speak on this subject. I rest my case. I hope that the Minister has something positive on her piece of paper in this respect. We shall see how we go.

Rebecca Pow: It is a huge pleasure to have you as our Chairman, Sir Roger. Hopefully we are all going to have a long and fruitful bonding experience over the next few weeks.

I thank the shadow Minister for his opening remarks and for describing this legislation as a “good Bill”; we all welcome that tone. I echo his general comments about wanting to do the right thing for the environment. I believe everyone on this Committee wants to do that, but I do in particular. I also thank him for his personal comments. I must actually throw some similar comments back at him. He and I have appeared many times in the same Committees, environmental all-party parliamentary groups and all that, so I know that he has a great deal of experience in this area. In many respects, we sing from the same hymn sheet. I welcome his involvement, as he brings a great deal of experience to the table.

Let me turn to the detail of the amendment. I understand the shadow Minister’s desire for there to be a duty on the Secretary of State to set targets. However, such a duty would remove the flexibility and discretion needed by the Secretary of State in relation to target setting. The Bill creates a power to set long-term, legally-binding environmental targets, and provides for such targets to be set in relation to any aspect of the natural environment or people’s enjoyment of it. It is very wide-ranging, so flexibility is required. It is entirely appropriate to give the Secretary of State flexibility as to when and how the power ought to be exercised. That is the beauty of this power.

As I am sure the shadow Minister knows, primary legislation consistently takes this approach to the balance between powers, which are “may”, and duties, which are “must”. I welcome the fact that the shadow Minister has raised this point, because I have been quizzing my own team about those two words and exactly what they do, and it is quite clear to me that this is the right approach. When the Government are under a clear requirement, the word “must” is used. This recognises that the circumstances, scenario and background to the use of the provision are clear.

In other scenarios, it might not be possible definitely to say that something must be done, due to factors outside our control—for example, if public consultation is still under way, and there will be a great deal of consultation as the statutory instruments are laid before Parliament.

The Secretary of State is already under a duty—that means “must”—to exercise this power to set “at least one” target in each of the Bill’s priority areas. That is in the next few lines of the Bill. They are also under a separate duty to set the PM_{2.5} target. That is a legal requirement and the Government cannot get out of that.

The Bill’s statutory cycle of monitoring, planning and reporting ensures that the Government will take early regular steps to achieve the long-term targets and will be held accountable through regular scrutiny by the Office for Environmental Protection.

The shadow Minister asked whether the system would be robust. I assure him that it will be—that is its purpose. The need for new targets will be reviewed every five years through the significant improvement test that we will come on to later. That is also a legal requirement, and the Secretary of State will use the review’s outcome to decide whether to set new long-term environmental targets.

The significant improvement test provisions of the Bill will form part of environmental law, with the OEP—the body that will be set up to hold the Government to account—having oversight of the Government’s implementation of the provisions, as it will over all aspects of environmental law. That is my summary of the shadow Minister’s queries.

Dr Whitehead: Does the Minister not accept that, as I pointed out in my analysis of the Energy Act 2013, if a number of obligations or “musts” in a clause are subservient to a fundamental “may”, they have no independent existence? That was exactly the case in that Act: the Minister had a number of musts to do, but they were all subject to the original may. As the original may turned out to be just a may, all the musts completely fell away. The Minister has given examples of some musts in the Bill, but unless we have a first must or duty—it might not be time-limited, so that the Minister has flexibility over when exactly to do it—those other things are not of any great significance. It is the first may or must that is key.

Rebecca Pow: We are muddling a lot of “musts” and “mays” here—it is a good job that Theresa May is not still Prime Minister.

Dr Whitehead: It could be Theresa Must.

Rebecca Pow: It is clear that there is flexibility in the power to set long-term targets by regulations, but clause 1(2) says that the Secretary of State “must exercise the power”. That brings in the duty, which is a legal requirement to set the targets. If there is a “must” provision—and there is: to set targets in those four key areas—it must be exercised. It is quite clear.

Dr Whitehead: Mr Gale, I think you can gather that I am not terribly convinced. I do not doubt the Minister’s sincerity for a minute. Indeed, I wonder whether, had the Minister been in post during the Bill’s construction—I think this part was originally constructed in 2018—she would have gone along with that particular wording. I appreciate that she has a Bill in front of her with the wording as it is, and she has advice that the wording is as it is because that is how it should be.

10 am

Rebecca Pow: I want to point out one other thing. The Office for Environmental Protection will be able to enforce against the Government if they do not set the targets. That indicates that the process and structure we are setting up are strong.

Dr Whitehead: The Office for Environmental Protection can intervene against the Minister, but the Minister will see later on in the Bill that not even the office has to be set up under these circumstances. The word “may” is so pervasive in the Bill that a number of the things that can act to do what the Minister wants to do are contingent. That should give the Minister some concern, as well as me.

The Minister makes the strong point that once the mechanism is up and running, arguably it will be quite robust. We would like the mechanism to be a little more robust. However, if the whole thing depends on the idea that a Minister may or may not decide that it will be implemented, the rest of it does not necessarily follow strongly. I urge the Minister to please go away and think about this, despite what she said this morning, and see whether a formulation—not necessarily exactly the formulation in the amendment—can be arrived at that will give us and the outside world a much better series of assurances about the Bill’s robustness overall. I may speak on this matter again later in the Bill, but I have done my best this morning and we will see where we go from there.

The Chair: The hon. Gentleman did not make the request, but I think he indicated that he wished to withdraw the amendment.

Dr Whitehead: For the time being, yes.
Amendment, by leave, withdrawn.

Alex Sobel (Leeds North West) (Lab/Co-op): I beg to move amendment 103, in clause 1, page 1, line 10, at end insert—

“(1A) The Secretary of State must exercise the power in subsection (1) with the aim of establishing a coherent framework of targets he or she considers would, if met:

- (a) make a significant contribution towards the environmental objectives, and
- (b) ensure continuous improvement of the environment as a whole.

(1B) Where the Secretary of State considers that a target is necessary but the means of expressing the target is not yet sufficiently developed, he or she must explain the steps being taken to develop an appropriate target.”

The amendment aims to bind the target setting processes into the environmental objectives.

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

New clause 1—*The environmental objective*—

“(1) The environmental objective is to achieve and maintain a healthy natural environment.

(2) Any rights, powers, liabilities, obligations, restrictions, remedies and procedures arising from this Act must be enforced, allowed and followed for the purpose of contributing to achievement of the environmental objective.”

This new clause is intended to aid coherence in the Bill by tying together separate parts under a unifying aim. It strengthens links between the target setting framework and the delivery mechanisms to focus delivery on targets.

New clause 6—*The environmental purpose*—

“(1) The purpose of this Part is to provide a framework to enable the following environmental objectives to be achieved and maintained—

- (a) a healthy, resilient, and biodiverse natural environment;

- (b) an environment that supports human health and wellbeing for everyone; and
- (c) sustainable use of resources.”

The new clause is intended to give clear and coherent direction for applying targets and the other governance mechanisms contained in the first Part of the Environment Bill.

Alex Sobel: I am afraid that my level of expertise does not match that of the shadow Minister, but I will do my best with the time, space and knowledge that I have to do justice to the three amendments.

Amendment 103 is listed in the names of the hon. Member for Tiverton and Honiton (Neil Parish), who is Chair of the Select Committee for Environment, Food and Rural Affairs; the Chair of the Environmental Audit Committee; and myself, as vice-chair of the EAC. It is therefore clear that these are not partisan amendments. We took it upon ourselves to table them as a result of the prelegislative scrutiny we undertook. The scrutiny applied by this Committee last week underlines the need for the amendment.

I will speak to amendment 103 and new clauses 1 and 6, and will then refer to some of the things that were said by our expert witnesses last week, which underline the need for the amendments to be included in the Bill. All three are complementary, although they all provide something slightly different to strengthen the Bill. I say to the Minister that these proposals will strengthen the Bill and give it clarity; I do not intend to wreck the Bill or change its intent.

Amendment 103 would give the Secretary of State the power to look at environmental objectives holistically, and would ensure that the overarching goal of the Bill and of the Department is the continuous improvement of the whole environment. It would also make the targets richer, as the Secretary of State must explain why targets are being set at that stage and the necessity for them.

The amendment links target setting with environmental objectives. Evidence from last week’s expert witness sessions explains why that is important and why the Bill may not yet be strong enough to ensure it. I am not saying that the Minister or Secretary of State would not do such things, but we have to legislate for future Administrations that may not be as committed as the current one.

Last week, we took evidence from Ali Plummer of the Royal Society for the Protection of Birds. My hon. Friend the Member for Erith and Thamesmead asked her:

“Do you think the clauses give a sufficiently clear direction of travel on the sort of targets that will be set?”

The amendment relates specifically to that matter. Ali Plummer responded:

“Not currently, the way the Bill is written. The provisions to set targets in priority areas are welcome. We are looking for slightly more clarity and reassurance in two areas: first, on the scope of targets that will be set, to ensure there are enough targets set in the priority areas, and that they will cover that whole priority area, and not just a small proportion of it; and secondly, on the targets being sufficiently ambitious to drive the transformation that we need in order to tackle some big environmental issues.”

The amendment speaks directly to that evidence—for me, not strongly enough, though it takes us a long way towards the goals that Ali Plummer set out.

Ali Plummer also said that

“on, for example, the priority area of biodiversity...I think we are looking for more confidence that the Government’s intent will be carried, through the Bill, by successive Governments.”

[Alex Sobel]

We will come back to that. The amendment is not about the aim of the present Government, but about successive Governments and setting a long-term framework. She went on to say:

“I am not sure that that sense of direction is there. While there is a significant environmental improvement test, I do not think that quite gives us the confidence that the Bill will really drive the transformation that we need across Government if we are to really tackle the issues.”—[*Official Report, Environment Public Bill Committee*, 10 March 2020; c. 75, Q118.]

The point about transformation being needed across Government, not just in the Minister’s Department, brings me on to a question that I asked of Ruth Chambers of Greener UK, regarding the carve-outs and exclusions in the Bill. She responded that they

“absolve much of Government from applying the principles in the way that they should be applied. The most simple solution would be to remove or diminish those carve-outs. We do not think that a very strong or justified case has been made for the carve-outs, certainly for the Ministry of Defence or the armed forces; in many ways, it is the gold standard Department, in terms of encountering environmental principles in its work. There seems to be no strong case for excluding it, so remove the exclusions.”—[*Official Report, Environment Public Bill Committee*, 10 March 2020; c. 76, Q120.]

The amendment provides a framework to do that, although not wholly.

I will move on to new clause 1, and return later to some of the expert witness statements. I was honoured to table the new clause with my hon. Friend the Member for Southampton, Test; hopefully he will not be dissatisfied with the way I speak to it. The intention of the new clause is to enshrine an environmental objective in the Bill. The new clause complements amendment 103, because it is about achieving and maintaining a healthy natural environment. That goes very well with the point that we need continuous improvement of the environment.

The new clause also says:

“Any rights, powers, liabilities, obligations, restrictions, remedies and procedures arising from this Act must be enforced, allowed and followed for the purpose of contributing to achievement of the environmental objective.”

It would give all those powers—or duties, shall we say, as “powers” are one of the things listed—to the Secretary of State and would give the Bill an overall coherence that it lacks. It would tie things together and give confidence that there is a single unitary aim, and would start the process of tying target-setting to the aim.

That was underlined by the excellent evidence that we had from Dr Richard Benwell of Wildlife and—

Kerry McCarthy (Bristol East) (Lab): Countryside Link.

Alex Sobel: I thank my hon. Friend—Wildlife and Countryside Link. We also heard from George Monbiot in that sitting. The hon. Member for Truro and Falmouth asked last week—I am sure that it relates to her constituency—how far back we would need to go in terms of preserving Dartmoor, and they gave a good answer. Parts of their answers are useful with reference to the new clause. George Monbiot said:

“We need flexibility, as well as the much broader overarching target of enhancing biodiversity and enhancing abundance at the same time. We could add to that a target to enhance the breadth and depth of food chains: the trophic functioning of ecosystems, through trophic rewilding or strengthening trophic links”.—[*Official Report, Environment Public Bill Committee*, 12 March 2020; c. 121, Q163.]

That, again, is a broad aim, which is included in the new clause.

Dr Benwell said in answering the same question:

“In the Bill at the moment, that legal duty could be fulfilled by setting four very parochial targets for air, water, waste and wildlife. I do not think that that is the intention, but when it comes down to it, the test is whether the target would achieve significant environmental improvement in biodiversity.”

I do not think that the Minister or the Secretary of State would set very parochial targets in those four areas, but perhaps a future Minister or Secretary of State would. That is why I think that not only would a much broader environmental objective, as in the new clause, be welcome, it is necessary.

Dr Benwell continued:

“You could imagine a single target that deals with one rare species in one corner of the country. That could legitimately be argued to be a significant environmental improvement for biodiversity.”

For instance, our entire biodiversity target could relate to red squirrels, which now mainly reside in Cumbria. That would be our whole objective. If a future Secretary of State were obsessed with red squirrels, and did not care for any other aspect of biodiversity, that might happen. I know that the current Secretary of State does not have those views, but while I have been in Parliament, and sat as a member of the Environmental Audit Committee, there have been four Environment Secretaries, so they come and go fairly often, although I hope the present one stays longer in his role.

Dr Benwell said:

“You could set an overarching objective that says what sort of end state you want to have—a thriving environment that is healthy for wildlife and people”.

That is what new clause 1 would do. My hon. Friend the Member for Southampton, Test does not seem to be shaking his head, so I assume I am getting that right. Not much later in the sitting, the hon. Member for Dudley North asked whether the Bill sufficiently empowers all Departments to protect and improve the environment. Dr Benwell said:

“‘Empowers’, possibly; ‘requires’, not quite yet.”—[*Official Report, Environment Public Bill Committee*, 12 March 2020; c. 121-22, Q163.]

New clause 1 responds to Dr Benwell’s response, and goes from “not quite yet” to now. That is why it is a necessary improvement to the Bill.

Many of the amendments and new clauses that we shall talk about later and during the passage of the Bill will bring us back to new clause 1, which is an anchoring point from which to improve the Bill. Even if the Minister does not accept it today, I hope that through in Committee and on Report she will consider taking a much broader environmental objective as part of the Bill, to help us improve it.

10.15 am

Finally, I will move to new clause 6, which has been tabled in my name and that of the hon. Member for Tiverton and Honiton. I am sure that in quieter times it would have attracted many more names, but since it was tabled, one or two other things have emerged that have taken up the attention of hon. Members across the House.

This clause is complementary to new clause 1 and overlaps with it. Again, it applies targets and mechanisms to the overarching aim of the Bill, and provides a bit more clarity about them. It states that a framework should be established

“to enable the following environmental objectives...(a) a healthy, resilient, and biodiverse natural environment; (b) an environment that supports human health and wellbeing for everyone; and (c) sustainable use of resources.”

I probably covered the biodiversity point when I was speaking about new clause 1, but this clause takes care of that point, which I will call the red squirrel issue.

New clause 6 also talks about human health and wellbeing. We heard a lot of evidence, for instance, about the issue of air quality. Air quality does not necessarily relate to biodiversity or climate objectives, but it is exceedingly important to human health and wellbeing. We know that places such as London and my constituency in Leeds have some of the worst air quality in Europe, and many deaths result from that. I do not think the Bill is sufficiently strong to be mindful of that fact, or empowered to take the necessary action.

I do not want to have to remind the Minister that under the EU regulations we are leaving, the Government had to be taken to court three times by one of the witnesses from ClientEarth in order to strengthen their actions. I do not think that the clean air zones implemented in my constituency—although they are nearly nine months late—would have been introduced without that action. This Bill takes over from those EU regulations, and to set it on the right foot we need these targets and mechanisms to be front and centre, otherwise we may find ourselves unable to take the actions that have been taken in the past to safeguard and improve our air quality. I will now draw to a conclusion, and thank you, Sir Roger.

Dr Whitehead: My hon. Friend has made a powerful case for these amendments to be included in the Bill, and has said most of the things that I wanted to say about them. What I will add for the clarification of the Committee is that, as hon. Members can see, new clause 1 is very similar to new clause 6, which has the support of the Chair of the Select Committee on Environment, Food and Rural Affairs. The purpose of these new clauses, particularly new clause 1, is—as the title of new clause 6 suggests—to add an overall clarification of the environmental purpose of the Bill, and to draw together a Bill that, for all its merits, has in many ways turned up via a process of iteration.

The first two sections of the Bill originally surfaced at the end of 2018, and it was then amended to some considerable extent and appeared as part of a larger Bill in 2019. That Bill did not get through all of its stages before the election was called, although it passed on Second Reading. Significantly, between the original Bill and the 2019 Bill appearing, no less than six parts had been added, including the Office for Environmental Protection part. As a result, the Bill does not have a coherent overarching principle that applies to all its parts. Historically, that has been done in some instances by what is called a preamble clause, which is pretty obscure and has fallen into disuse when writing Bills in this country. I would have preferred a preamble clause to do the job, but an environmental purpose clause does the job just as well. Indeed, there are numerous examples

in different pieces of legislation. In health and safety legislation, for example, there is a purpose clause to pull everything together.

The clauses differ only very slightly in their definitions, so I would be happy with any of them. New clause 6 brings together the purposes of the Bill within a stated framework that enables,

“a healthy, resilient, and biodiverse natural environment”
and

“an environment that supports human health and wellbeing for everyone; and...sustainable use of resources.”

It defines the overall purpose of the Bill, which is important. It keeps the different elements of the different parts of the Bill’s metaphorical noses to the grindstone. It makes sure that all the things we are thinking of doing in the Bill have an overall purpose behind them: a healthy, natural environment. The Minister might say that that is a bit of a free hit for environmental lawyers who might come in on the environmental purpose and say, “You are not putting forward a healthy, resilient and biodiverse natural environment with what you are doing.” I might say that that is precisely the purpose of the amendment, which is to enable the overall objective of the Bill to be judged against the actions of parts of the Bill as they fall for individual action in any clauses that we might pass.

As my hon. Friend the Member for Leeds North West has said, that is the idea of these clauses. I think they would add considerably to the robustness of the Bill—a theme we began to talk about seriously this morning—because of the way in which they would gather everything together under an umbrella of purpose. That point is arguable. Some might say there is sufficient purpose in the Bill, and there is indeed plenty of purpose in the Bill. It is just a question of whether it is fully gathered together in the relationship between the parts of the Bill on biodiversity, water, air and waste, and gathered together into the fundamental purposes of the first part of the Bill and put together as an overall whole.

I hope the Minister will think about what I have said carefully. As you have reminded us, Mr Gale, the clauses would not come up for a vote until the end of our proceedings, so they will not be voted on today. However, we feel strongly about this, and I think we would consider dividing the Committee when they come up, if there is no reasonable response to the intent put forward in these new clauses.

The Chair: Thank you, Dr Whitehead. We will make a note, and whoever is in the Chair at the time that the new clauses are reached will take cognisance of what you have just said.

Rebecca Pow: I thank the hon. Member for Leeds North West and the shadow Minister for their input, and I acknowledge the input of the Chairs of the Environment, Food and Rural Affairs Committee and the Environmental Audit Committee. I have a great deal of respect for both Committees, having been on both of them myself, as have some hon. Members here.

I thank hon. Members for the interest they have shown in part 1 of the Bill, which genuinely and openly talks about the new framework of environmental governance. I welcome their input and the fact that they want to look at the intention to ensure that the targets,

[Rebecca Pow]

the environmental improvement plans, the environmental principles and the Office for Environmental Protection work together to protect our natural environment.

As this was one of the specific points raised by the hon. Member for Leeds North West, I want to touch at the outset on driving significant environmental improvement and to reassure him that through the Bill the Government will set at least one new long-term target in each of the four priority areas of water, air quality, waste and resources, and biodiversity by 31 October 2022. Those targets will be set following a great deal of robust evidence-gathering, consultation and engagement with experts, advisers and the public, and they will have to be approved by Parliament through the affirmative process when the statutory instruments are set. People will have plenty of opportunity to engage.

I also want to reassure the hon. Gentleman, since he in particular raised this matter, about other targets. I think the witness from the RSPB raised that in our session last week. I want to offer reassurance that the target-setting process is an ongoing process. It is not a one-off thing, where we set one target and that is the end of that. That is why we will also need to consider what other targets might be needed to ensure that we can significantly improve the natural environment in England—in the area of biodiversity, for example, which he mentioned, because it is complicated and involves all sorts of areas linking into each other.

We will conduct that review at the same time as the first statutory review of the environmental improvement plan, and report to Parliament on its outcome by 31 January 2023. The first environmental improvement plan is the first plan of this Bill; it will help us to deliver what is in the 25-year improvement plan. I hope that reassures the hon. Gentleman that target setting is not a one-off thing, but will be a constant, flowing landscape.

I also want to reassure colleagues that a huge amount of thought has gone into the setting of this framework, so that it is a coherent framework for environmental protection and improvement. I would say to the shadow Minister that it does have an overarching purpose: it has the environmental principles. Those principles will work with all other areas of the Bill to improve the natural environment and environmental protection. It is a huge and wide commitment. The policy statement will explain how those principles will be applied to contribute to that environmental protection and to sustainable development. In my view, we have those objectives right there at the top of the Bill.

10.30 am

I want to go into a bit more detail and to give a few more reassurances. The measures in the Bill will all form part of environmental law once it has been enacted. That means that the Office for Environmental Protection will have oversight of the Government's implementation of their duties as it does over all other aspects of environmental law.

We have designed each governance mechanism in part 1 of the Bill with guiding objectives. I have referred to those already. They will ensure that targets and environmental improvement plans, the environmental objectives and the Office for Environmental Protection work in harmony to protect and enhance our natural

environment. A raft of measures will all work together to bring about the overall environmental improvement that the shadow Minister and I agree is of the utmost importance. That is what we are trying to achieve through the Bill. Both targets and environmental improvement plans have the objective of delivering significant improvement in the natural environment. That is referred to in clauses 6 and 7.

I want to touch on what significant improvement is, because that was touched on by the hon. Member for Leeds North West. It will be for the Government, in carrying out all the reviews and procedures that happen, to determine what “significantly” means. There is no single, overarching metric for the environment—I am sure that the shadow Minister, with his knowledge of science and the environment, will completely understand this—so creating an objective test here is impossible. However, we take “significantly” to mean that only small, marginal or fractional improvement of the whole environment, or dramatic improvement in just a few narrow areas of the natural environment, would not be acceptable. We could not fudge it and get away with doing a few small things or one or two dramatic things and say, “That’s it.” That just would not work.

The Office for Environmental Protection may provide its own view when it monitors the implementation of environmental law and monitors progress in improving the natural environment in accordance with the Government's environmental improvement plans and targets. If it disagrees with the Government's interpretation, it can publish a report, to which the Government are required to respond.

Both the OEP report and the Government response must be laid before Parliament, so every hon. Member here will be able to see them. The OEP is also required to produce its own strategy setting out how it intends to perform its functions and would be expected, as part of that, to set out its approach to fulfilling its responsibility to monitor and report on environmental improvement plans and targets.

I hope that is clear. The Government must periodically review their long-term targets, alongside existing statutory targets—of course, we still have quite a lot of other environmental law and targets, which will carry on—to consider whether all those things collectively, both the existing legislation and the new targets, would significantly improve the natural environment in England. We refer to that as the significant improvement test, and I have just set out a lot about what “significantly” means.

If significant improvement did not occur, the Government would have to set out how they intend to use their target-setting powers to rectify that. That would most likely involve plans to modify existing targets and perhaps to set more ambitious new targets. It will be a constantly moving feast of analysing targets and checking whether they are the right ones. Should they be tweaked a bit? Should we be improving them? The significant improvement test is intended to capture both the breadth and the amount of improvement, with the aim of ensuring that England's natural environment as a whole improves significantly.

Clauses 7 to 14 create an ongoing requirement for the Government to have a

“plan for significantly improving the natural environment”.

During environmental improvement plan reviews, the Government must consider whether further policies are needed to achieve targets, as I mentioned.

With regard to environmental principles, clause 16(4) will ensure that the policy statement on environmental principles contributes to the improvement of environmental protection and sustainable development. I touched on that right at the beginning. There will be the policy statement under it, explaining how it will be put into operation.

The hon. Member for Leeds North West mentioned carve-outs. I want it to be clear that the environmental principles policy statement will apply across Government—across the whole policy function of Government. When a Minister of another Department brings forward primary legislation, they have to consider the environmental principles. That is a groundbreaking introduction by the Government. There will be exceptions in a couple of areas, where it is self-explanatory that the principles could not be used appropriately. That defence is one of those, but I am sure the hon. Member will understand that.

Dr Whitehead: I wonder if the Minister could help me. Let us take the example of a habitat in extremely poor condition and facing further decline. That habitat could be significantly improved simply by preventing further decline and intervening to bring the habitat up to a poor but improving condition. That would be a significant improvement, but it would not constitute a high-quality or healthy habitat. Does the Minister accept that that is a problem with the definition of significant improvement? Or does she think that other elements in the Bill would define significant improvement to make that definition of a poor environment improvement—*[Interruption.]* I see the Minister has been provided with inspiration. Does she think that other parts of the Bill would make that argument superfluous—namely, that significant improvement would equate to healthy, with the other elements of the Bill being in place? I am not sure it does.

Rebecca Pow: The hon. Gentleman raises a good point. Before I read the inspiration that has been passed to me, let me say that the whole point of the significant improvement test, which is a legal requirement—we have other requirements to keep on checking, testing and monitoring targets through the environment improvement plan, which is also checked every five years—is that it is a holistic approach. The shadow Minister is picking one thing, but with the range of targets that will be set, that one thing will be constantly reported on and monitored. Later in the Bill, we will discuss the nature recovery networks and strategy. The point he raises will be addressed through those other measures in the Bill that, on the whole, will be the levers to raise all our biodiversity and ensure nature improvement.

We have a constant monitoring system in place where we raise up the holistic approach. Every five years the Government have to assess whether meeting the long-term targets set under the Bill's framework, alongside the other statutory targets, would significantly improve the natural environment. That is all open and transparent; the Government have to respond to Parliament on their conclusions and, if they consider that the test is not met, set out how they plan to close the gap, setting other powers. There are many powers in the Bill for target

setting, but also for reporting back. I hope that will give the hon. Gentleman some assurances that the things I believe he wants in the Bill will get into it through the levers provided in it.

Clause 22 sets a principal objective for the Office for Environmental Protection. It will ensure that the OEP contributes to environmental protection and the improvement of the natural environment in exercising its functions. Not only do we have measures for Government, we also have an overarching body checking and monitoring everything and saying what it thinks should or should not happen—whether there should be new targets or whether the targets are being addressed. All those measures are closely aligned; the idea is that they will work together to deliver the environmental protection mentioned in the amendments, concerning improvement and protection of the natural environment as well as the sustainable use of resources.

The shadow Minister said that the Bill had come and gone a few times and has grown a bit; I say it has grown better and stronger, and that we need lots of those measures. The framework now is coherent. I have done a flow-chart of how this all works together, because it is quite complicated. However, if the shadow Minister looks at all the measures together, they knit in with each other to give this holistic approach to what will happen for the environment and how we will care for it.

The hon. Member for Leeds North West and the shadow Minister mentioned this “healthy environment” wording. Clearly, there are many different views on what constitutes a healthy environment, and the Government could not assess what they needed to do to satisfy that new legal obligation, and nor could anyone else. The Government cannot support an amendment that creates such an obligation. It would create uncertainty to call just for a “healthy environment”, because everyone's idea of that is different. The Government cannot support such a commitment, because the legal obligations are too uncertain. However, we support the overarching architecture of everything working together to create the holistic environment, and an approach where all the targets work together and we are on a trajectory towards a much better environment. The shadow Minister and I are in complete agreement with each other that that is the direction that we should be taking.

To sum up, the Government do not believe that amendment 103 or new clauses 1 and 6 are necessary. I ask hon. Members kindly to withdraw them.

Alex Sobel: I will not press the amendment to a vote. I beg to ask leave to withdraw the amendment.

Dr Whitehead: On a point of order, Mr Gale. I want to be clear that amendment 103 and new clause 6 are to be withdrawn, with no effect on new clause 1.

The Chair: That is absolutely the case. Let me restate, because none of us has a monopoly on wisdom: formally, only the lead amendment is moved. If any other amendments or new clauses are to be moved, we have to have an indication of that fact at the right time, when they will be moved. Only the lead amendment can be withdrawn, because only the lead amendment has been moved, at this stage. Everyone happy?

Amendment, by leave, withdrawn.

Dr Whitehead: I beg to move amendment 1, in clause 1, page 1, line 11, leave out subsection (2) and insert—

“(2) The Secretary of State must exercise the power in subsection (1) so as to set the appropriate long-term targets within each priority area for the purpose of achieving and maintaining a healthy environment on land and at sea”.

This amendment seeks to provide legal clarification to show that the Secretary of State’s purpose when setting targets is to maintain a healthy environment. It also seeks to explicitly include the marine environment links to which are currently sparse in this Bill.

The Chair: With this it will be convenient to discuss amendment 85, in clause 6, page 4, line 21, at the end insert—

“on land, and at sea.”

This amendment makes explicit that the review of environmental targets should consider both marine and terrestrial environments

Dr Whitehead: We have not yet got beyond the first page of the Bill because, I suggest, it is a particularly important page for the rest of the Bill. These two amendments seek to put clearly on the face of the Bill what we are talking about in terms of the environment. They add “on land” and “at sea”, first to the targets in line 11 onwards. They do so because we think—as we have made clear by tabling an amendment to clause 6—that the Bill ought to be completely clear that we are talking about the threats not just to the environment but to the marine environment as well. The two are indissolubly linked.

Later, we will talk about beaches, which one might say are neither terrestrial nor marine, but involve a particular series of concerns about both of them. The Bill needs to be clear that that all comes within an definition of what we are talking about.

10.45 am

We all agree that the marine environment is important if we are to maintain clean beaches and water we can swim in, and to maintain fish stocks. They are all considerations that we should not forget about and that have an impact on the terrestrial environment. We must make it clear, without a shadow of a doubt, that that is what we are talking about. In a previous meeting, the Minister appeared to be amenable to explicitly including the marine environment. She may have other ways of expressing that, but there is a commonality of purpose about the importance of ensuring that the marine environment is clearly referred to in the Bill.

The amendments have different merits. Amendment 85 does not force any target changes, but focuses on the Government’s review of environmental targets. It would introduce a minimal change, so that when the Government conduct the review that they propose to

“consider whether the significant improvement test is met,”

they should consider the sea as well as the land. The amendments have slightly different purposes, but the same overall aim, which is to ensure—by waving a blue flag or whatever other means—that the environment we are talking about considers the sea as well as the land, and to underline that the two are indissolubly linked in whatever general targets we may have for a better environment. One cannot work without the other.

In the context of those considerations, I hope the Minister will be well disposed towards assuring us, with chapter and verse quoted, that everything is okay, and that we have everything in the Bill that we need to

ensure that the marine environment is properly considered and brought into play. Alternatively, she may say, “Hmm, hang on a minute. They might have a point.” She might then think about ways in which we can ensure that those environmental concerns are properly reflected in the Bill.

Rebecca Pow: I thank the shadow Minister for amendments 1 and 85, which would include specific reference to

“on land, and at sea”

in clauses 1 and 6. The Bill requires that at least one long-term target is set in each of the four priority areas, as has been explained. That provides clarity and certainty about the areas on which policy setting will focus between now and October 2022.

I reassure the hon. Gentleman that the power to set targets is not limited to those priority areas alone and can be used in respect of any matter relating to the natural environment. I give him absolute reassurances that the definition of the natural environment includes consideration of the marine environment. Indeed, I welcome this being raised. The fact that we are discussing it and getting that in writing will clarify the position. He is absolutely right to raise the issue. The marine environment will be included, and it is explicitly highlighted on page 57 of the explanatory notes. The shadow Minister is not alone in calling for that; the Natural Capital Committee also wanted clarification, and we gave it reassurances.

The Secretary of State will consider expected environmental improvement across all aspects—terrestrial and marine—of England’s natural environment when conducting the significant improvement test, which is a legal requirement. That involves assessing whether the natural environment as a whole, including the marine environment, will have improved significantly. Such an approach is aligned with comments made at the evidence session. The Committee may remember that Dr Richard Benwell, the chief executive of Wildlife and Countryside Link, stated that

“the environment has to operate as a system.”—[*Official Report, Environment Public Bill Committee*, 12 March 2020; c. 116, Q157.]

Of course, the system has to include marine and land—all aspects. Furthermore, the Office for Environmental Protection has a key role, and if it believes that additional targets should be set, it can recommend that in its annual report on assessing the Government’s progress. The OEP could therefore comment on the marine environment specifically, and the Government must publish and lay before Parliament a response to the OEP’s report.

The process ensures that Parliament, supported by the OEP, can hold the Government to account on the sufficiency of measures to significantly improve the natural environment. I hope that provides clarification and reassurance about the word “marine” and references to “on land” and “on sea.” I therefore ask the hon. Member to withdraw the amendment.

Dr Whitehead: As the Minister said, the fact that we are discussing these matters, and that our words are going on the record, is useful in buttressing what is in the legislation. I am grateful to her for her clarification, which is also on the record. On that basis, I happily beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Kerry McCarthy: I beg to move amendment 76, in clause 1, page 1, line 17, at end insert—

“(e) global footprint.”

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

Amendment 77, in clause 1, page 2, line 16, at end insert—

“(10) Without prejudice to subsection (6), the global footprint target is required to be met with regard to ecosystem conversion and degradation, and to deforestation and forest degradation, by 31 December 2020.”

Amendment 78, in clause 44, page 27, line 24, at end insert—

“‘global footprint’ means—

- (a) direct and indirect environmental harm, caused by, and
- (b) human rights violations arising in connection with the production, transportation or other handling of goods which are imported, manufactured, processed, or sold (whether for the production of other goods or otherwise), including but not limited to direct and indirect harm associated with—”.

Kerry McCarthy: Amendments 76 to 78 are intrinsically linked with new clause 5, which we will come to, which is about the enforcement mechanism and due diligence in supply chains that would allow us to ensure that actions takes place. I will try to separate the amendments from the new clause and return to this issue in a bit more detail when we get to the new clause.

Amendment 76 would add “global footprint” to the four priority areas in which a long-term target must be set. As the Minister is aware, the target is only in respect of at least one matter within each priority area. Some people may think, at first glance, our ability to know what the global picture will look like over a long period is limited, particularly given the uncertainties we face. However, as the Minister will know, this measure is about trying to drill down and find an action we can take in each priority area.

Amendment 77 is not about long-term targets but about a very short-term target we could address on ecosystem conversion, degradation, deforestation and forest degradation by the end of the year. I will come in a moment to why the date given is important. Amendment 78 would define “global footprint”, and we will come later to new clause 5, on due diligence in the supply chain, which is really important.

The amendments in the group address the climate and ecological emergencies that we all recognise. The 25-year environment plan commits to leaving a lighter footprint on the global environment, but that is not supported in any way by legislation. The overseas impact of our consumption, production and, I would add, financial investment—banks lending to the companies that are doing these things—is partly about the embedded carbon and water in the products that we produce and consume, but it is also about the depletion of natural resources, including deforestation, and it often comes with a human cost, too. We hear about indigenous people being displaced from their land and we hear terrible cases of environmental defenders being murdered or disappeared, particularly in Latin America. We hear about modern slavery in the food supply chain, or exploitation of workers.

I took part in a debate last year or the year before—I lose track of time in this place—linking up World Food Day and modern slavery. The cheap food that we consume comes at a cost. Sometimes, that is an environmental cost. Often, it is at a cost to the people who work within the food system.

If we need an economic reason to pursue this agenda, as opposed to just caring about the environment and climate change, the World Economic Forum “Global Risks Report 2020” ranks environmental risk as the greatest systemic threat to our global economy, although I suspect that the report may have been published before coronavirus hit us. It says that the decline of natural assets will cost the world at least £368 billion a year, which adds up to almost £8 trillion by 2050, and the UK will suffer some of the biggest financial losses because of our trading patterns, consumption and so on.

As we all know, the extraction and processing of natural resources globally has accelerated over the past two decades. It accounts for more than 90% of our biodiversity loss and water stress and around a half of our climate impacts. That is having a particular impact on the world’s forest.

From other debates, we know about the importance of our land and our oceans in terms of carbon mitigation—acting as natural carbon sinks. Land and oceans could offer as much as one third of carbon mitigation needed globally by 2030, to contain global warming at 1.5°. We have had that debate in the UK, about tree planting and peatlands and so on, but obviously, the huge forests of the world, such as the Amazon, are incredibly important. However, the world’s intact tropical forests are now absorbing a third less carbon than they did in the 1990s, owing to the impact of higher temperatures, droughts and deforestation. In the 1990s, the carbon uptake from those forests used to be equivalent to about 17% of carbon dioxide emissions from human activities. That figure has now sunk to around 6% of global emissions in the last decade. If dramatic action is not taken now to halt deforestation, tropical forests may even become a source of additional carbon into the world’s atmosphere by the 2060s.

Much of this global deforestation is the result of agricultural production. Some 77% of agricultural land is currently used for livestock, through pasture grazing and the production of animal feed, such as soya. Soya imports represent almost half of Europe’s deforestation footprint, and around 90% of that is used for animal feed. Many of the products that we consume in the European market, particularly embedded soya in meat and dairy, as well as palm oil, cocoa, pulp and paper, are directly or indirectly connected through the supply chain with deforestation and human rights abuses in some of the most precious and biodiverse ecosystems across the world, including the Amazon and Indonesian forests. For example, 95% of the chickens slaughtered in the UK each year are intensively farmed—a model of production that relies on industrial animal feed containing soya.

The solution is to stop deforestation and to give significant areas back to nature. The 2015 United Nations New York declaration on forests committed to restoring an area of forests and croplands larger than the size of India by 2030. We need three significant interventions to meet that goal.

[Kerry McCarthy]

The first is significantly to reduce global meat and dairy consumption and to give large areas of existing agricultural land back to nature. Another is to end the use of crop-based biofuels, to prevent further land conversion away from high-quality natural ecosystems. We also need to clean up global supply chains, to limit deforestation, which new clause 5 particularly addresses. This is one way that the UK can show leadership as we approach COP26. It would also show leadership towards one of the draft targets for the Convention on Biological Diversity at Kunming in China later this year, if that goes ahead.

11 am

Amendment 77 is a short-term, binding target that we want in the Bill. At the moment, because of the way the Bill is drafted, interim targets will not be set until the beginning of January 2023. Amendment 77 would insert a zero-deforestation supply chain target for December 2020 for all commodities and goods used or consumed in the UK. The Consumer Goods Forum committed to eliminate all deforestation from supply chains of key commodities by 2020. Of course, we are now in 2020, and those voluntary commitments have failed. Greenpeace analysis suggests that some 50 million hectares of forest—an area the size of Spain—are likely to have been destroyed for production since those original commitments were made. I mentioned the link between deforestation and our consumption patterns.

Some might say that a legal deforestation target for 2020 is not deliverable, but some examples show just what can be achieved with the will to do so. Greenpeace exposed the link between Amazon destruction and the production of agri-commodities such as soy in 2006, which prompted global traders and brands, including Cargill and McDonald's, to set up an Amazon soy moratorium, which the Brazilian Government later supported. Unfortunately, things have changed in Brazil, with a move back towards bad practices. However, in 2014, after eight years of the moratorium, almost no Amazon forest was cleared for soy.

The Government signed up to support the delivery of industry commitments to zero deforestation by 2020, both through their international commitments in the Amsterdam declaration and the New York declaration on forests, as well as via the 25-year plan. Amendment 77 would simply ensure that those commitments have legal force and would show bold leadership in supporting nature-based solutions, particularly as we approach the year of COP.

Finally, I have had a letter from the chair of the Global Resource Initiative taskforce, which is due to release a report with its recommendations on 30 March. The letter does not say whether I can say what is in it, so I am slightly wary of revealing of what I think will be the recommendations. I will return to that, because by the time we get to new clause 5, the report will have hopefully been published. I do not want to get Sir Ian Cheshire into trouble. However, the report sets out the case for a more strategic approach to tackling deforestation, through a package of 14 interconnected actions, and makes a recommendation for a legally binding target. The end of the letter says:

“The science is unequivocal—protecting and restoring forests will be critical if we are to avert a climate catastrophe. The business

case is also beyond doubt—UK businesses have much to benefit from establishing themselves as leaders in deforestation-free supply chains and much to lose from being left behind.

The Environment Bill provides an opportunity to accelerate this change, to provide a level playing for business and to demonstrate UK leadership.”

Dr Whitehead: I apologise, Sir Roger, for having inadvertently deknighthed you earlier. I do not wish to continue with that practice any further. It is a new world, but it is quite useful, I think.

My hon. Friend has made a powerful case for the amendments, which we strongly think should be supported. It would be an omission if the Bill did not recognise what the international footprint of our actions is all about and how intrinsically linked that is, in a world where sugar snap peas are grown in Kenya—[*Interruption.*] I am merely saying that they are grown there, Minister—our choices are our own in those respects. Things are flown around the world at a moment's notice and flowers are put in cargo plane holds. There are the effects of our attempts at reforestation, but we then observe deforestation in substantial parts of the world as a result, quite probably, of them taking part in the processes by which we get soya milk on our tables in the UK. We might deplore such practices in principle, but actually, we substantially support them as a result of our preferences for particular things in this country. That causes those international events to occur, which we then deplore further.

The idea that we are intrinsically linked through our global footprint, in terms of what we do in this country as far as the environment is concerned, seems very important in the Bill's successful passage through the House. Although amendment 77 makes very specific points, the amendments are more than slightly contingent on new clause 5, which we will debate later. I would like to hear how the Minister thinks that in the absence of a something that includes our international environmental footprint, the Bill can do justice to what should be intrinsic elements of concern when we talk about our domestic environment. Not only did my hon. Friend make a powerful case, but we are completely convinced that this needs rectifying in the Bill, and I hope that we can do that by not just passing the amendments, but taking serious cognisance of new clause 5 when we discuss it later on.

Alex Sobel: I have signed amendments 76 and 78 from my hon. Friend the Member for Bristol East (Kerry McCarthy), but not amendment 77—that is an oversight, however, and I also fully support it. I will talk about two specific things relating to our global footprint in the Amazon and West Papua, and it is worth declaring that I am the chair of the all-party group on West Papua, although I have no pecuniary interests.

My hon. Friend and the shadow Minister made excellent cases, but I want to add a bit more detail. Three weeks ago, Chief Raoni, one of the indigenous leaders of the Amazon, came to the House and I met him, and last week, I hosted WWF Brazil's chief executive here. They also met the Minister's colleague, Lord Goldsmith, while they were here, and one of their key asks was that the UK Government are very clear about the import of goods from the Amazon. The range of goods is very broad. The dangers in the Amazon are live at the moment, with concerns that in just a matter of

months, wildfires could rage in the Amazon as we saw last year, destroying millions of hectares of rainforest.

My hon. Friend the Member for Bristol East made good points about soya and cattle farming, but there is also extremely widespread mining—not just by large companies, but the wildcat mining, in which the family of the Brazilian President have traditionally been involved—for metals such as aluminium, iron, nickel and copper. The sourcing of the materials for many of the everyday products that people use involves deforestation and mining in the Amazon. That has further effects because activities such as farming and mining require infrastructure, such as roads right through the rainforest. The use of the river and of heavy diesel vehicles creates water and air degradation.

We spoke about biodiversity in the UK, but our biodiversity pales into insignificance compared with the biodiversity in the rainforests of the Amazon or West Papua. It is the Committee's duty not to forget that the UK is a major importer of goods and a major world centre for resources and raw materials, which are traded in London and imported into the UK. That means that we have a much broader responsibility.

West Papua is a lesser-known area that is part of Indonesia and has one of the world's largest mines, the Grasberg Freeport mine. There, beyond the loss of environmental habitat and the pollution of water and air, there are also human rights abuses. There is a well-documented history of extrajudicial killings around the operation of the mine. Offshore, BP—a British company—is involved in oil and gas resources. Our global footprint is huge and the Bill must focus on that. If we are to enshrine environmental protections in domestic law, we cannot close our borders and say, "We are doing sufficient things here," while forgetting our global footprint and the effects of our markets, imports, production facilities and export investment in causing global environmental degradation.

Rebecca Pow: I thank hon. Members for their contributions on this really key subject. I remind the Committee that the Bill gives us the power to set long-term legally binding targets on any matter relating to the natural environment.

I will pick up on the point made by the hon. Member for Bristol East about the 25-year environment plan, which is of course the first environmental improvement plan under the Bill. That plan talks about "leaving a lighter footprint" and the whole of chapter 6 is about,

"Protecting and improving our global environment".

That is there in writing and I assure the Committee that the power in the Bill to set long-term legally binding targets on any matter relating to the natural environment allows us to set targets on our global environmental footprint.

Kerry McCarthy: I know that the 25-year plan will be incorporated as the first environmental plan, but my point was that by adding amendment 76 and the fifth priority on the global footprint, we would ensure that the Bill specifies that global footprint targets would have to be set. Simply referring to the 25-year plan is just warm words rather than any clear commitment to action.

11.15 am

Rebecca Pow: I thank the hon. Lady for that intervention, and I recognise all the work that she is doing on this issue; she speaks knowledgeably and passionately about it. However, the amendment would go further by creating a legal obligation on the Government to set targets on our wider global footprint, including human rights aspects, and amendment 77 would require us not only to set a target but meet it by 31 December 2020.

Before accepting such obligations, a responsible Government, which I like to think we are, would need to be confident that we had or could develop reliable metrics and an established baseline for such targets, and a clear understanding of any potential perverse incentives that such targets could create. The proposal sounds very straightforward but, of course, there is a great deal involved in it. We are working to explore the feasibility and effectiveness of a global environment footprint indicator, which includes reviewing the existing methodologies of global impact indicators.

We cannot responsibly accept a commitment to set global footprint as a priority area, as that would entail us in setting at least one legally binding target in a timescale that does not reflect the need to build the solid foundations that are needed. However, the hon. Lady was right to draw our attention to the impact that our domestic consumption can have on our global footprint, and the shadow Minister also mentioned that. Indeed, I went berserk with my own children when I found a packet of Kenyan beans in the bottom of my fridge; that was in December, so they were not seasonal for us. Woe betide them if they ever do that again! I put said packet in the bottom of one of their Christmas stockings to make the point. Anyway, I digress.

This is such an important issue and many colleagues have touched on it. That is why it is really important that the UK establishes roundtables on palm oil and soya. Indeed, we have already done a great amount of work on some of these issues. For example, the UK achieved 77% certified sustainable palm oil in 2018, which is—staggeringly—up from just 16% in 2010. The UK has moved very fast on that issue. Eight of the UK's largest supermarkets, representing a combined retail market share of 83%, have published new sourcing policies to deliver sustainable soya to the UK market. We will continue to work both with those businesses, through these roundtables on palm oil and soya, and with producer countries through our UK international climate finance projects to improve the sustainability of forest risk commodities.

The hon. Member for Leeds North West starkly highlighted the example of the Amazon and the impact that we have; we must take things very carefully. However, that is not to say that, in doing all this work, we should not then harness the power through the Bill to introduce a target on our global environmental footprint. That is something that we have the option to consider.

I will also touch on the Global Resource Initiative, which was set up last year to investigate what the UK can do overall to reduce its footprint. We are awaiting the GRI's recommendations and we will consider them carefully before responding. Any recommendations for long-term, legally binding targets will need to identify the reliable metrics, baselines and targets that I have

[Rebecca Pow]

mentioned before. However, the Bill gives us the power to introduce a target on our global environmental footprint at any time, so such targets are definitely in the mix.

Richard Graham (Gloucester) (Con): Our global environmental footprint abroad is very important and the hon. Member for Leeds North West made an interesting point in particular about our footprint in Indonesia. I happen to know about the BP investment at the Tangguh liquid natural gas project very well. It uses two offshore platforms, and there is an absolutely amazing social responsibility programme, which I have seen in detail. It is widely recognised as one of the best in the world, both by the people of West Papua and more widely in Indonesia.

It is worth noting that we have significant renewable energy projects there, including some interest in tidal stream—we brought a delegation from Indonesia to Scotland recently. Through the Department for International Development’s climate change unit, we have worked on making their timber production sustainable and are now looking at how we can help them make the palm oil industry sustainable. The Minister makes an important point about how we can build a strong environmental footprint abroad.

Rebecca Pow: I thank my hon. Friend for that intervention.

Alex Sobel: On a point of order, Sir Roger. Does the hon. Member for Gloucester have any interest to declare in relation to the statement he just made?

The Chair: That is not a point of order for the Chair. If the hon. Member for Gloucester had any interest to declare, I am sure he would do so.

Richard Graham: I am happy to say that my only interest to declare is as an unpaid, voluntary trade envoy in Indonesia for the last three Prime Ministers.

Rebecca Pow: I thank my hon. Friend for his intervention. He speaks with a great deal of knowledge about worldwide issues, as he always does in the Chamber.

On the grounds of what I have said, I ask the hon. Lady to withdraw the amendment.

Kerry McCarthy: I will have to go back and read what the Minister said, because I am rather confused. She seems to be jumping around all over the place. On one hand, she says a global footprint target can be included in the Bill and cites some good things that have happened through volunteer initiatives and through companies—perhaps with a bit of Government pressure on them—to say that such things can be done. On the other hand, she says that we cannot possibly put it in the Bill.

I point out that amendment 77 is designed to ensure that there is an end-of-year target, which was previously a commitment. The Government have said in various different forums that they would achieve that, so it is a

bit late now to say, “We need to worry about the metrics, and we need to be working on this, that and the other.”

I tried to intervene on the Minister because I wanted to ask her about the GRI recommendations, which will come forward on 30 March. If it recommends that the provision should be in the Environment Bill, will the Minister commit to table amendments that reflect the GRI recommendations? As she would not let me intervene to ask her about that, she is very welcome to intervene and tell me whether that is the case. It might affect whether I decide to push anything to a vote.

Rebecca Pow: I will intervene very briefly. I reiterate that we await the outcome of the recommendations and will consider them very carefully. Getting the metrics right is absolutely crucial, as is every target in the Bill. I said strongly that there is a power in the Bill to set targets on our global environmental footprint. I shall leave it there.

Kerry McCarthy: As I said, I want to revisit that, because I thought the Minister was making an argument against being able to pursue targets. She did not adequately make the case for not having the specific priority of a global footprint target, but we will return to that when we discuss new clause 5, which is a comprehensive clause about due diligence in the supply chain and how we enforce all this. We shall return to the debate then, rather than my pressing these issues to a vote now. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Dr Whitehead: I beg to move amendment 178, in clause 1, page 1, line 17, at end insert—

“(3A) Targets set within the priority area of air quality must include targets for—

- (a) the ambient 24 hour mean concentration of PM2.5 and PM10;
- (b) average human exposure to PM2.5 and PM10; and
- (c) annual emissions of NO_x, ammonia, PM2.5, PM10, SO₂ and non-methane volatile organic compounds.

(3B) Targets set within the priority area of water must include, but are not limited to, matters relating to—

- (a) abstraction rates; and
- (b) the chemical and biological status and monitoring of inland freshwater and the marine environment.

(3C) Targets set within the priority area of biodiversity must include, but are not limited to, matters relating to—

- (a) the abundance, diversity and extinction risk of species; and
- (b) the quality, extent and connectivity of habitats.

(3D) Targets set within the priority area of waste and resources must include, but are not limited to, matters relating to the reduction of overall material use and waste generation and pollution, including but not limited to plastics.”

We are now moving on to a debate on one of the most important elements of the Bill. I suspect it will take us beyond the break for lunch, but I will start my remarks. The amendment is designed to address the priority areas for environmental targets, which are set out in clause 1(3). Hon. Members can see that the stated policy areas are air quality, water, biodiversity, and resource efficiency and waste reduction. Other targets,

particularly on PM_{2.5} air quality, are mentioned later in the Bill, but those are the priority areas for the purpose of the Bill.

The Chair: Order. It is tiresome, but I have to interrupt the hon. Gentleman.

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.

