

PARLIAMENTARY DEBATES

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GENERAL COMMITTEES

Public Bill Committee

ENVIRONMENT BILL

Eighteenth Sitting

Thursday 19 November 2020

(Morning)

CONTENTS

CLAUSES 93 TO 96 agreed to, one with an amendment.

CLAUSE 97 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

Monday 23 November 2020

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The Committee consisted of the following Members:

Chairs: JAMES GRAY, † SIR GEORGE HOWARTH

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|---|--|
| † Afolami, Bim (<i>Hitchin and Harpenden</i>) (Con) | † Jones, Ruth (<i>Newport West</i>) (Lab) |
| † Anderson, Fleur (<i>Putney</i>) (Lab) | † Mackrory, Cherilyn (<i>Truro and Falmouth</i>) (Con) |
| † Bhatti, Saqib (<i>Meriden</i>) (Con) | † Moore, Robbie (<i>Keighley</i>) (Con) |
| † Brock, Deidre (<i>Edinburgh North and Leith</i>) (SNP) | † Pow, Rebecca (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>) |
| † Browne, Anthony (<i>South Cambridgeshire</i>) (Con) | Thomson, Richard (<i>Gordon</i>) (SNP) |
| † Crosbie, Virginia (<i>Ynys Môn</i>) (Con) | † Whitehead, Dr Alan (<i>Southampton, Test</i>) (Lab) |
| † Docherty, Leo (<i>Aldershot</i>) (Con) | † Zeichner, Daniel (<i>Cambridge</i>) (Lab) |
| † Furniss, Gill (<i>Sheffield, Brightside and Hillsborough</i>) (Lab) | Anwen Rees, Sarah Ioannou, <i>Committee Clerks</i> |
| † Graham, Richard (<i>Gloucester</i>) (Con) | |
| † Jones, Fay (<i>Brecon and Radnorshire</i>) (Con) | † attended the Committee |

Public Bill Committee

Thursday 19 November 2020

(Morning)

[SIR GEORGE HOWARTH *in the Chair*]

Environment Bill

11.30 am

The Chair: Before we begin, I would like to remind hon. Members about social distancing. Spaces available to Members are already clearly marked. *Hansard* colleagues would be grateful if you could send any speaking notes to hansardnotes@parliament.uk. I also remind Members to please switch electronic devices to silent. Tea and coffee are not allowed during sittings.

We continue with line-by-line consideration of the Bill. The selection list for today's sitting is available in the room. It shows how the selected amendments have been grouped together for debate. Amendments grouped together are generally on the same or similar issues. Please note that decisions on amendments do not take place in the order they are debated, but in the order they appear on the amendment paper. The selection and grouping list shows the order of debates. Decisions on each amendment are taken when we come to the clause to which the amendment relates.

Richard Graham (Gloucester) (Con): On a point of order, may I highlight the terrific leaf-covered suits of the Minister and her PPS and, indeed, the green jacket of the hon. Member for Putney, as part of a tribute to the cause of this great Environment Bill Committee?

The Chair: As the hon. Gentleman is fully aware, that is not a point of order. However, the point has been made and I am sure it will be appreciated by those to whom it was directed.

Clause 93

GENERAL DUTY TO CONSERVE AND ENHANCE BIODIVERSITY

Amendment made: 223, in clause 93, page 95, line 21, after "England)" insert—

"(a) in subsection (1), after 'conserving' insert 'or enhancing';".
—(*Rebecca Pow.*)

This amendment adds a reference to enhancing biodiversity to section 41(1) of the Natural Environment and Rural Communities Act 2006.

Question put, That the clause, as amended, stand part of the Bill.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow): I thank my hon. Friend the Member for Gloucester for his lovely comment on my suit. As I explained to the Chair earlier, it is my lucky suit. I wore it for both Second Readings—we have had two already—and I thought, as we are doing nature, I should wear it today.

Public authorities can and should play an important role in improving our nature. Under the current duty, a number of public authorities have undertaken projects with the aim of conserving biodiversity, such as changing cutting regimes for roadside verges to allow wild flowers to flourish. The hon. Member for Cambridge mentioned something going on in his own area along those lines, and I am pushing my county council in Somerset to do exactly that.

Such efforts are not consistent across public authorities, nor are they enough when compared with the Government's wider ambitions for recovering nature and the country's desire to build back better. They are also not enough to address the drastic decline in biodiversity seen over past decades, which we have referenced several times in Committee. I believe we all agree about the need to address it.

The existing duty was criticised in a House of Lords Select Committee report in 2017, with environmental groups such as Wildlife and Countryside Link giving evidence that the duty was ineffective. We have listened and clause 93 therefore strengthens the biodiversity duty to better reflect the ambition set out in the 25-year environment plan and to give public authorities a better approach to building biodiversity into their core activities. It just needs to be part and parcel of everything in the future. We are changing the nature of the duty away from considering biodiversity every time that a function is exercised, when in many cases it will not be relevant or it will be too late in the implementation process to make the most effective change. We want public authorities periodically to take a strategic look over all their functions, identify where they can make a change that will improve biodiversity as they are developing their policies and procedures, and then take action.

Public authorities must also have regard to local nature recovery strategies, species conservation strategies and protected site strategies—I mentioned those in the previous sitting—when they consider biodiversity. That is an important underpinning for the strategies and is crucial to their implementation.

The strengthened duty seeks to embed consideration of how biodiversity can be conserved and enhanced in the overall performance of public authorities' functions across England. I urge that clause 93 stand part of the Bill.

Daniel Zeichner (Cambridge) (Lab): Let me start by reassuring hon. Members that my hon. Friend the Member for Southampton, Test is not suffering undue excitement from the previous sitting, but is on a late-running train from Southampton and will join us soon.

May I also thank you, Sir George, for allowing us to sort out the slight procedural difficulty that we had at the end of the previous sitting? It was a long sitting and finished in a bit of a rush. The Government introduced a whole range of important new clauses relating to clause 93, to which I will now be making reference. A huge set of amendments were introduced about species conservation strategies and protected site strategies. Of course, it was not possible to discuss that provision in evidence sessions, and the Opposition were disappointed that that was not possible. It prompts a whole range of questions, and perhaps the Minister can answer some of them in her reply. We are not clear on why the provision

was introduced at such a late stage. Although some of it is welcome, there are some questions of detail, which I will go into. It is not clear to us why the provision was introduced at such a late moment.

I have to say that this goes back to the argument that I have been making—you missed the first half of it, Sir George—as I have questioned who was responsible for, in the Opposition's view, so diminishing the power of the Environment Bill. We think that there is an interaction with the Government's planning White Paper, and I ask the Minister just to say a little more about the interaction that she thinks that there will be with these proposals.

I draw the Minister's attention to a piece in *The Planner*, which I am not sure she is a regular reader of—I confess I am not. The question was raised over the summer of the interaction between the planning White Paper and the good proposals in this Bill and clause 93. One question raised by Huw Morris, one of that publication's key writers, is this: in a streamlined planning system, how will local plans be assessed from an environmental and sustainability point of view, and how will individual schemes be environmentally assessed to provide the right mitigation? The point is that in the planning White Paper, we have new categories, including of course the growth category, where none of these things will be done in detail. Huw Morris says that the picture gets murkier in growth zones, where schemes will be allowed automatically. With sustainability appraisal scrapped and environmental impact assessments not carried out at the outline stage, how will a development's green footprint be judged, if at all?

That is a very big question. I appreciate that the Minister might not want to respond immediately, but I hope that she has some opportunity, in the discussions, to give some reassurance to people, because this potentially, in our view, undermines many of the good points that we have talked about. That is why we were so keen to have an evidence session.

In relation to clause 93 and new clause 25 on species strategies and licensing, we have looked at this provision closely and are disappointed that we were not able to examine it more closely in a proper evidence session, because the interaction between some of these suggestions and existing legislation is quite detailed. Strategic approaches to species conservation are clearly essential. We agree with them. It is vital to preserve biodiversity and enable the recovery of nature. As I think we have already said, that is important because 46% of conservation priority species in England declined between 2013 and 2018, and many of those species would certainly benefit from a strategic plan resulting in all relevant public bodies taking appropriate actions to save and restore them.

Sadly, this proposal has to be understood in the context of the net-gain offsetting that we have already discussed, and our fear is that there could be unintended consequences. We are advised that the overall result could sadly be to allow the destruction of habitats and protected species in return for new habitat creation elsewhere. A developer could be licensed to proceed with activities that destroy habitats and species in return for contributing to habitats that support the wider population of that species.

It is a complicated point, but I am sure that the Minister knows what we are driving at. Our worry is that it would allow a developer to proceed without

protecting every specimen of a protected species and without always undertaking site-specific survey work. The result would be to speed up development and reduce costs, which seems to us—this is the argument that I am trying to build—to be the effect of the planning White Paper. It seems to be the very opposite of what we are trying to achieve in the Bill.

If the proposal is implemented well, it certainly could be a positive way to contribute to the conservation of certain species, but if it is managed badly or applied to inappropriate species it could sadly become a shortcut to getting round some of the protected species obligations. The evidence for that is provided by conservation organisations that tell us that the implementation of strategic approaches to species protection, such as district licensing for great crested newts, have not been proven effective. The Minister claimed that they had been, but that is not their view.

The Government notes do not give us cause for optimism. In the fourth bullet point of the notes that were issued alongside the clauses, the Government say that there are

“concerns limiting the development and roll-out of such existing schemes: 1) uncertainty about how effective they are and 2) whether they can be considered to meet the high standard of certainty required by law.”

That is the point that we are seeking to pursue.

We are told by environmental organisations that monitoring has been incomplete, that there is little evidence that it has protected the most important newt populations from development, and that the overall benefits for the species are unproven. That could have been probed and tested in evidence, but sadly we have not been given that opportunity. We are concerned that the Government seek to advance on the roll-out of district licensing around the country, with a duty to co-operate forcing the hand of local authorities, many of which are already saying that they are concerned about the effectiveness of the scheme.

We can see the dangers, and we think that high risks would come from extending that kind of approach to other species that have distinct conservation needs. As far as we are aware, no assessment has been undertaken to establish which, if any, other species would be ecologically amenable to this or similar approaches. Can the Minister tell us whether that work has been done? Again, I do not necessarily expect her to have the answer to hand, but if she cannot tell us today, she could write to us.

We are looking for some serious reassurance that the species conservation strategies will not lead to perverse outcomes. We need to ensure that they are delivering gains for nature rather than gains for developers. This may be slightly tedious, and I apologise, but again because we have not had the opportunity to interrogate these matters we think it is important to put it on the record.

Greener UK has raised several legal details with us that we would like addressed. It asked us why the clause has not been worded to ensure that each species strategy is required to identify priorities for the protection of habitats in addition to the existing priorities of creation or enhancement of habitats. Greener UK's concern is that purely focusing on enhancements, as is currently the case in the clause, would undermine the planning process by undervaluing the need to protect existing

[Daniel Zeichner]

habitats, and it wonders why the clause has not been worded to ensure that each strategy must give precedence to the mitigation hierarchy.

That is an important point because, as we said in earlier discussions, offsetting and licensing through species plans should be the very last option rather than considered earlier in the process. Greener UK is particularly concerned that site surveys should still take place when existing data is inadequate to identify impacts on key species. The worry through all this is that this is an attempt to speed up the process for development rather than to protect species.

Site surveys covering features important to species as well as habitats are particularly important for bats and invertebrates. Bat roosts, which are essential to the species' survival, and endangered insects on private sites, are easily overlooked and are often detected only in pre-development site surveys.

11.45 am

To return to the powers, why is it only a power, rather than a duty, for Natural England to publish the species conservation strategies for species listed under section 41 of the Natural Environment and Rural Communities Act 2006 that are in decline or are persisting at unsustainable levels where, under that legislation, actions by any public body are likely to contribute to the recovery of that species? A duty would help to ensure that species conservation strategies focus on environmental rather than development needs. Again, the point is about the interaction between new and existing legislation.

We are concerned that, on the evidence we have seen, it is pretty clear that when authorities only have to have regard to wildlife, sadly, that is often interpreted as thinking about rather than taking action. Why has that not been strengthened to ensure that authorities have to take actions that will contribute to the objectives of the species conservation strategies?

Currently, there is no duty to report on the status of a species subject to a species conservation strategy. There should be clear responsibilities for monitoring and reporting on the status of species within the areas covered, with relevant data published to enable scrutiny. The clause also contains no wording to prevent the continuance of species conservation strategies that are not working. It should be a long-term process. Any strategy that is failing should be revoked or replaced by a significantly strengthened strategy.

Can the Minister explain why those things have not been done? Can she confirm that, in every case, conservation gain and the method of achieving it within each strategy will be agreed by the Natural England species specialist and external non-governmental organisations before strategic approaches are applied, and that each strategy will be framed around the action needed to achieve specific conservation objectives and favourable conservation status? Those objectives will vary across species, as each species requires a tailored approach based on its specific needs and area-specific pressures.

I would also like the Minister to confirm that, where species conservation strategies are used in cases of development planning, species' needs will dictate the outcome, with the overriding presumption and priority

being for on-site or local, rather than off-site, mitigations. Will she also confirm that biodiversity net gains will be additional to meeting the legal and policy requirements within the species conservation strategies?

As the clause stands, it looks as if the Government are racing ahead to deploy strategic approaches as a licence to give developers freedom to potentially destroy important species that they view as an impediment to planning. That is a seriously different outcome from the one that I suspect all Committee members would like.

We welcome the principle of new clause 26. At the moment, sites are often harmed by the cumulative effect of successive developments without a strategic view of how they can be alleviated. Of course, that then leads to disputes later when those sites are pushed to breaking point. That is in the context of 61% of sites of special scientific interest being in an unfavourable condition. Frankly, I am surprised we even know that, because I am told that half of those SSSIs have not been monitored for more than 60 years. That is not a criticism of Natural England.

An excellent report published by the Prospect trade union last week indicated—this goes back to earlier points about funding and capacity—that Natural England's grant in aid budget has declined by 49% in the last six years. Its chair said:

“We are now running with some serious risk to our core, statutory functions.”

There is a real risk that the good intentions will not be realised, so it is important that we take a more strategic view of the conservation needs of sites. The measures in new clause 26 aim to do that by mitigating those pressures in advance and ensuring that the needs of the ecosystem are considered as part of each individual application and in the round.

Many sites are also affected by water extraction, pollution from nearby land, and a range of other activities that are regulated by public bodies and could be addressed in a co-ordinated way by a protected site strategy. Again, those must not serve as an excuse to destroy valuable habitat for development or forgo the need for site-specific consideration, assessment and advice.

Organisations have raised legal issues with us. Why is the preparation and publication of protected site strategies a power of Natural England, rather than a duty on them? A cynic would say that it is a way of helping Natural England solve a funding crisis. Frankly, it is passing the buck and will not achieve the outcome we are looking for. We would like confirmation that site-specific impact assessments at the time of planning or of other consent applications should still be carried out to ensure that all impacts are identified and addressed. We need confirmation that each strategy will be framed around the conservation objectives of the sites concerned, as well as any other conservation considerations. Each strategy should be properly underpinned by a clear understanding of what successful achievement of those conservation objectives should look like for those sites, with clear monitoring and reporting.

Finally, new clause 27 is a particularly difficult one: it tackles a complicated issue around the way licences are granted for activities that could “harm, remove or disturb” wild animals and wild plant species that are protected either under the Wildlife and Countryside Act 1981 or under the Conservation of Habitats and Species Regulations 2017. The issue is particularly complicated, and has not

been subject to consultation. Strong concerns have been expressed to us that the changes could weaken the protection for some species. Greener UK are certainly recommending that aspects of new clause 27—particularly subsection (1) and subsection (2)—should not be agreed until further consultation has taken place. I seek the Minister's assurance that there could be further consultation on that. On that basis, I will not go into the fine details of the relationship between these pieces of legislation, which are tricky. Subsection (1) could result in a licence under habitat regulations overriding the additional protection currently afforded by the Wildlife and Countryside Act 1981.

An example I have been given is that a licence to allow the capture of natterjack toads under the habitats regulations could then permit reckless disturbance of the natterjacks that is otherwise prohibited under section 9(4)(b) and (5) of the Wildlife and Countryside Act 1981, but not under the habitats regulations. It is complex stuff, and it does require looking at, as otherwise we may end up with unintended consequences.

Similarly, subsection (2) of new clause 27 amends the Wildlife and Countryside Act 1981 to allow for licensing activities to take place under a new ground of so-called "overriding public interest". That would allow development to proceed if it meets the bar of "overriding public interest" even when it would result in the killing of protected species such as grass snakes, if licences are granted to cover that.

There is a range of difficulties in terms of the different levels of protection in different pieces of legislation, and we want those to be resolved, if possible. I apologise for speaking at some length on the matter. They are important amendments that have been introduced late in the process, and we seek reassurances from the Minister that these questions can be answered.

Fleur Anderson (Putney) (Lab): I rise in support of the objections and concerns raised by the shadow Minister about clause 93 and, specifically, new clauses 25 and 26 on species conservation strategies. The strategic approaches to species conservation are essential to preserving biodiversity and enabling nature's recovery. They should include protecting, restoring and creating habitat over a wider area to meet the needs of individual species. The additional clauses, along with shining a light on species conservation, are welcome. It is clear that current rules are not working and—as already mentioned—46% of conservation priority species in England declined between 2013 and 2018.

I was concerned, however, to read the reports from Greener UK, which is a coalition of 13 major conservation and environmental organisations. It says that the various strategies may be undermined by the way they are written and the way they are enforced, actually resulting in faster development with lower standards. That cannot be the aim of the clauses at all. Were the strategic powers to be managed badly or applied to inappropriate species, they could become the loopholes that developers would use straightaway to put costs before species protection, and to get away with undermining species protection. That would be as a result of these clauses, which cannot be right.

I am concerned that it has been raised by Greener UK that experienced operators of existing licensing systems are not currently providing protection for animals

such as great crested newts, so the district licensing does not work at the moment. Has the Minister met those organisations? Has she talked about these issues and the outcomes on the ground?

I ask the Minister to look again at this clause, which must be amended to explicitly state that site surveys should take place when existing data is inadequate. If the barrier is too high to progress with the site survey, it will not be done, except in abnormal situations or when it is too high a bar. It will not be done in all the places where conservation is failing, which is why we are having this decline. Such an amendment would be vital to this clause so it will be enacted in a way that means we can conserve species.

There is no room for error on this. We cannot wait for 10 years then review this, and find out that lots of habitats have been decimated, and that species have not been conserved and have gone because of this. We need to be on it right from the start. What will be the monitoring of the impact of these clauses? Will the monitoring be fast and rigorous, to ensure that the outcome is conservation and protection of special sites, rather than seeing developers riding roughshod over the regulations and using the rules as a loophole for continuing decimation of our important sites?

Rebecca Pow: I thank hon. Members for their comments. As the hon. Member for Cambridge said, he has raised a large number of points in one go. He has given me a large task, and I will write to him if there are points that I miss out, because it was an awful lot to take in at speed.

The hon. Gentleman is right to be asking these questions because we need to make sure that we have got this right. I give him the assurance straight away that new clauses 25 to 27 will not diminish the Bill, but will add to it. That is what we have in mind and there has been a lot of discussion in order to come to that conclusion. We have listened to a lot of comments. That is why clause 93 strengthens the biodiversity duty, to better effect the ambition set out in the 25-year environment plan and to give public authorities a much better approach to building biodiversity into their core activities, so that that is part and parcel of everything rather than being done on an itsy-bitsy, one-off basis.

Daniel Zeichner: No one on the Opposition Benches questions the Minister's commitment to this, but why was it introduced at a late stage? If she can explain that, it would go some way to assuaging some of our fears.

Rebecca Pow: As the hon. Gentleman knows, this Bill has been in the making for a very long time. It began long before I came along as the Environment Minister. We have spent a whole year working on it, which has enabled us to strengthen it and to work more closely with all the bodies and organisations, particularly Natural England.

The hon. Member for Cambridge talked about Natural England, with whom we have worked really closely. In fact, it will play a big role in all this and we have had full discussions with it. Indeed, Natural England launched a project about 10 days ago. I would have gone, had it not been for the lockdown, so all I could do was a speech. The project was about how nature recovery

[Rebecca Pow]

networks, which is a generic term, and strategies will be pulled together with the protected sites. The launch went well and about 500 people attended the Zoom event, to show how these things will work as we go forward and make sure that in the future biodiversity is embedded into all that we do.

Daniel Zeichner: I will not keep intervening, but my concern is about the section on nature in the 10-point plan that the Prime Minister launched yesterday. There is no mention of net biodiversity gain, which seemed to us to be surprising. That is why we are suspicious. It is difficult, because we have new proposals coming forward from other bits of Government and our worry is that the strength of this Bill has been undermined.

Rebecca Pow: I thought the 10-point plan was brilliant. It put a massive focus on decarbonising and the renewable energy sector, which I know the hon. Member for Southampton, Test is particularly interested in. It was addressing other elements of the whole green recovery. We were really pleased that we got the tree mentioned in there.

12 noon

The whole area of net gain and biodiversity is another huge agenda for this Government. We have made it a top priority in everything that we say. It was in our manifesto to improve the environment and leave it in a better state. I can assure the hon. Member for Cambridge that the Prime Minister is fully on board with this.

The hon. Member for Cambridge was asking about how these strategies will work with the new planning system. They are designed to support better and faster greening of planning decisions. The intention is that they will support development. We all agree on that. We must have our housing, hospitals and schools. There is a massive demand, regardless of party, for those things. The intention is that they will support the development by creating improved processes to meet requirements under the habitats regulations. They are designed to be fully compatible with the reforms set out in the “Planning for the future” White Paper. They will not reduce existing protections; they should make it easier to make existing protections successful.

The hon. Member for Cambridge alluded to the state of the sites of special scientific interest. Yes, there is a great amount of work to do on that. It must be done through this new system. Our net biodiversity reporting requirement, which is being introduced in the Bill, will help towards that, as will the other measures such as the local nature recovery networks. All those things should meld together in a fabric to create a better environment.

Conservation is explicitly in the legislation; development is not. The strategies are for conservation, enhancement and protection of species and protected sites. That must be pointed out. The Government are working closely with MHCLG on this, so that we can develop this green strand going forwards. We fully intend to do that. The planning reforms will reinforce the implementation of these measures, including the biodiversity duty. They should not contradict them.

I want to say a bit about the individual strategies. We have protected site strategies and conservation species strategies. The protected site strategies will be targeted and designed to help protect specific sites where they can be most efficient and effective. They will be particularly useful where we have problems. Maybe it is all hunky-dory in Cambridge, but in Somerset we have had a recent issue with nitrates. We have to come up with helpful plans, so we can look after our wonderful Somerset levels, which are an internationally acclaimed wetland site where lots of great work already goes on, but we do not want to stagnate everything to do with development. Coming up with strategies for that would be helpful.

We already have some good examples of that. The South Humber Gateway is an award-winning scheme. I do not know if the hon. Gentleman has visited it, but I think it would be a good plan. We cannot do any visits now, but when we can, we should go on a joint visit. That mitigation scheme successfully unlocked the development of hundreds of hectares of land, helping to deliver an anticipated £2 billion of investment and 15,000 associated jobs. At the same time, funding has been secured to create 275 hectares of new wet grassland habitat. That will be an enormous benefit for the birds that go there in numbers of up to 175,000. That is a good example of a scheme developed by people involved locally. Having this better protected site strategy will really help.

I visited another project in the Solent, where they also have an issue with nitrates—now we will have a phosphates issue as well—because too much nitrate is going into the Solent, and they had to work out how they could build the houses, because a lot of nitrate is associated with waste water and increased housing, as well as agriculture. They have offset some land. The farmer will reduce his usage of fertilisers and nitrates, and they can build the houses: everybody is happy.

That is a really good example. We have now launched five pilots on schemes like that one across the country to assess them, see what they are doing and whether we could copy them or tweak them for other areas. That is what the protected site strategies are. The hon. Member for Cambridge asked—it was a good point, and a question that I have asked myself—whether they alter existing legal protections on designated sites; they do not. They are still there. Where a development project impacts adversely on a protected site, a habitat regulations assessment will be needed. The protected sites strategy will make it easier and quicker to find solutions where we have problems. I hope that that gives some clarity. I am convinced that it is a very sensible idea.

Let us move on to species strategies. The hon. Member for Cambridge mentioned district-level licensing for great crested newts, which everybody keeps talking about. I am a great newt lover. Some 85% of funding goes directly towards habitat creation and habitat restoration management and monitoring, compared with 16% approximately under the traditional licensing approach. He had some information that showed that those schemes were not working. We have lots of data to say that they are very successful, on the whole. The additional investment is really working and early monitoring data shows that 34% of new ponds are colonised in the first year, which is more than double the rate that would normally be expected. There is a lot of good data to say

that those schemes are working. Natural England has been very involved in developing those schemes and scaling them up so they can be used elsewhere.

The idea is to then come up with other strategies for other species. Of course, they would not be the same as for newts. Bats, for example, have different habitats—they live in roofs and churches, have different flightpaths and need to have avenues of trees where they can do their echolocation to get to their roosts. I have actually made a few films about lesser horseshoe bats, which I would love to share with the Committee—I think they are on YouTube.

I know what the hon. Member for Cambridge means and great care has to be taken. There is potential to come up with a specific approach for other species—for example, bats or dormice. The idea is not to be detrimental to our lovely bats and dormice; it is to help them. That is the idea behind this measure.

Natural England has been piloting a system for self-licensing by independently accredited surveyors. The hon. Member for Putney touched on that point, which is really important. Who will do all that work? Natural England is already working on that and has some pilots running.

I will write to the hon. Member for Cambridge about the points on the Wildlife and Countryside Act, because they were very specific and very detailed. I hope that I have covered a lot of the issues he touched on.

All the measures in the Bill will be knitted together so that they work together for the overall fabric, which should be better for our nature and the environment, and we have to work with MHCLG on the planning White Paper so that the environment is absolutely integrated into our building back faster and better, which is something I believe the people of this country want.

Question accordingly agreed to.

Clause 93, as amended, ordered to stand part of the Bill.

Clause 94

BIODIVERSITY REPORTS

Daniel Zeichner: I beg to move amendment 142, in clause 94, page 95, leave out lines 28 and 29 and insert—

“(a) all public authorities and persons or bodies exercising functions of a public nature, and”.

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

Amendment 186, in clause 94, page 95, line 30, at the end insert—

“(d) Natural England and the Environment Agency”.

Daniel Zeichner: I assure the Committee the going may be slightly lighter for the next period. That was complicated. I appreciated the Minister’s response, but I think there are two takes we can have on this: one is the optimistic take, which she presents, but others are a little more sceptical and suggest that even if the bulldozer is hydrogen-powered, it is still a bulldozer, so we need to be careful.

We welcome clause 94, because it remedies a weakness in the Natural Environment and Rural Communities Act 2006, which lacked a reporting duty for public authorities with regard to the biodiversity objective. The world moves on and we want to do better, so the

clause is good. Those reports will be important in regularly recording the actions that public authorities take to conserve and enhance biodiversity.

I am grateful to the Minister for her letter referring to the burdens on local authorities. She was very swift in writing to me. I am not certain that my council colleagues will be totally convinced, but apparently there is a new burdens doctrine, which sounds slightly severe. In her letter, she was very specific about some elements that will apparently be funded, but I suspect that, with all these measures, whether it is the reporting duty or anything else, many local authorities will ask where the resources will come from to enable them to do it. Nevertheless, we would like it to be done, because we think that these reports will help to improve information on protected sites, priority habitats and priority species.

The clause could helpfully be amended, to realise the full potential of those reports, so I will continue my theme of trying to strengthen the legislation and achieve the outcome that we all want. Extending the range of public authorities that are required to provide reports, providing more direction on report content and expanding the list of topics that public authorities should report on would be helpful. Currently, the requirement to produce biodiversity reports applies only to local authorities in England other than parish councils, local planning authorities in England and designated authorities. We think that it would be beneficial to extend the range of public authorities required to provide reports, to make sure that all bodies that have influence over the natural environment are properly included. Our amendments 142 and 186 seek to do that.

Amendment 142 would make it a requirement that “all public authorities and persons or bodies exercising functions of a public nature”

have to produce these reports, spelling out how they are meeting the biodiversity objective; and amendment 186 would add Natural England and the Environment Agency to the list of designated authorities required to publish biodiversity reports. We think these amendments would be helpful. We will not pursue a vote, but it would be helpful to hear the Minister’s response.

Rebecca Pow: You will be very pleased to hear that I will not speak for as long as I did previously, Mr Howarth.

I thank the hon. Gentleman for his amendments. Importantly, the addition of a reporting requirement strengthens the Bill. The reports will be a valuable source of information, facilitating the sharing of best practice and providing both transparency and accountability.

Clause 94 designates some public authorities and provides the Secretary of State with a power to designate in secondary legislation which other bodies will be required to report. We are clear that local authorities and other planning authorities have important contributions to make to restoring nature, so we have designated those authorities in the Bill. We will require reporting from other relevant public authorities, including Government Departments with large estates and bodies that undertake statutory requirements, such as the public utility companies.

Amendment 142 would significantly broaden the duty to report on action taken under the biodiversity duty, which would not be appropriate for some public authorities

[Rebecca Pow]

that are small and have few resources. Parish councils, which we have mentioned previously, are a clear example of such authorities, but there will be others for which it would not be a sensible use of their limited resources to produce and publish biodiversity reports. I am sure that they will all want to have their say, but they could feed that in to their local authority.

Under amendment 186, Natural England and the Environment Agency would be named specifically in the 2006 Act as needing to produce biodiversity reports. The decisions on which public authority should be asked to report are best considered in detail as we develop the regulations that will flow from the Bill. All interested stakeholders will have the opportunity to engage with us to make sure we get the list of public authorities right. I think it is important that that is done. Consideration and consultation are important parts of the process, and while Natural England and the Environment Agency undoubtedly have crucial roles in our effort to enhance biodiversity, there are other important public authorities. I urge the hon. Member to withdraw his amendment.

12.15 pm

Daniel Zeichner: I anticipated that response, but I do think there is a missed opportunity here. Part of the problem goes back to the existing pressures on organisations like Natural England and the Environment Agency. They have to prioritise. The danger is that they will not be able to do some of the things we are asking them to do unless we actually specify and lay them out. The worry that has been expressed to me is that they sometimes struggle to carry out their biodiversity duties. Unless we actually press them and make it an obligation, they are not going to report on it or be able to do it. That is not a criticism of them; they are working with limited resources.

It comes back to the very basic point that it depends on how important one thinks any of this is. We think it is really important. I will gently say that, in the lead-up to COP26, where nature-based solutions are going to be a key theme, we could be setting a lead here by showing how we are pushing nature and biodiversity up the agenda—not at No. 9 on the 10-point plan, but much higher up, which is certainly where we would put it. I think it is a missed opportunity.

On parish councils and other authorities, which we will perhaps come on to a bit later, perhaps I am slightly obsessed by environmental land management schemes because of my role on the Agriculture Bill, but it seems to me that an awful lot is being put on these schemes. I said during the discussions on that Bill that there was a clear opportunity for local input, and it would be local knowledge that made these measures work. There is a role for these authorities, and this is exactly the kind of place where we could set that obligation.

Rebecca Pow: I have been wanting to intervene and give reassurances on that very point that everything in the Bill will also dovetail with the measures in the Agriculture Bill and the environmental land management schemes. That is essential, I am working very closely with the Farms Minister and the Secretary of State to make sure the Bills work together. The environmental

land management schemes will deliver much of the biodiversity and nature enhancement, and public goods including clean water, carbon capture and climate change mitigation, in large part through nature-based solutions. The measures in this Bill will help towards that, and the local authority biodiversity reports will particularly help, as well as the local networks that are developed. They show what nature is where, what needs enhancing where, and how different groups of people can join up through catchment-based approaches. I think what the hon. Gentleman wants to happen is what has been designed. Does he agree?

Daniel Zeichner: I am grateful to the Minister for giving me the opportunity to say how disappointed we were that the Government did not take the opportunity we offered in our amendment to link the Bills together, not least because they came in the wrong order, being driven by a Brexit timetable rather than an appropriate timetable to do this in the right way. We are not convinced they have been integrated in the correct way. We are only a few weeks away from that new system potentially beginning, and there is a lot of work to do, to put it mildly.

We think that there should be local input from the very beginning, much like the schemes we are losing—economic development, leader schemes and so on—that worked on a local level before. Who knows where the sustainable investment is going? A lot is being lost at the moment. To return to the amendment, we feel that a strengthened reporting obligation would actually help the Government, as we are trying to do, to achieve the outcomes they are seeking more effectively. None the less, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Daniel Zeichner: I beg to move amendment 141, in clause 94, page 95, line 43, at end insert—

“(e) an analysis of how actions taken have contributed to delivery of priorities identified in the Local Nature Recovery Strategies.”

This is a continuation of the same discussion, in effect, because we are looking at how the biodiversity reports could be improved. In the Bill, in the list of topics that the biodiversity reports should contain, there is no reference to any consideration of local nature recovery strategies. I have already spoken with some passion about the need to link all these things up to make them work. We agree that if we are going to tackle the biodiversity challenge, co-ordination is needed. The local nature recovery strategies are designed to do just that, so tying them into biodiversity reports would help to achieve that core purpose of directing local nature recovery activity.

Our amendment would do that by adding to the clause that biodiversity reports must contain analysis of how the actions of public authorities have contributed to the delivery of the priorities identified in the local nature recovery strategies. Our concern—this is a consistent theme—is to lock in a guarantee that something actually happens. The danger is that often good intentions are parked somewhere within authorities that, quite understandably, have many other things going on, and nothing happens. We need to ensure that things are considered in key decision-making processes and that actions are properly monitored, with decision makers

held to account. Again, the amendment is a probing one to tease out of the Government how they think the provision will work. There will be no need to divide the Committee.

Rebecca Pow: I thank the hon. Gentleman for the amendment. We intend the biodiversity reports to be proportionate and flexible. Designated public authorities will report every five years on how the measures throughout the clauses dealing with nature and biodiversity deliver the intended improvements for nature. To achieve that aim, we should not be too prescriptive by specifying in the Bill what the reports must contain.

There will be considerable variety across the public authorities designated to report. For many, it might well make sense to frame reports against the context of the relevant local nature recovery strategy. The requirement in the clause to “have regard” to the strategies while determining what action to take will encourage that. Indeed, we anticipate that biodiversity reports will be a valuable source of information for local nature recovery strategies when they are reviewed and republished. This should be a two-way process.

For many public authorities, however, having to specify the contribution to every relevant strategy would be a disproportionate burden. A public authority with national reach would find it challenging to provide a meaningful analysis of its contribution across a very large number of strategies. As I said, the idea is that the report is workable, is flexible, but that people are actually able to do it. A lengthy analysis could prevent the public authority from producing a report that is clear, readable and focused on the most important action that it has taken to help nature recover.

We therefore believe that such detail is best left to regulations and guidance, which allow for greater flexibility and, where suggested, content can be better tailored to individual circumstances. On those grounds, I urge the hon. Gentleman to withdraw his amendment—I think he said it was just a probing amendment.

Daniel Zeichner: Once again, I might have anticipated that response. My concern continues to be that insufficient leverage is being applied to ensure that such things actually happen. That is the only point at issue. Having heard the Minister’s response, I am happy to beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Daniel Zeichner: I beg to move amendment 12, in clause 94, page 96, line 27, leave out “may” and insert “must”.

This is our familiar “may” or “must” discussion. In this case, clause 94 currently outlines that the Secretary of State “may” make regulations to “require biodiversity reports to include specified quantitative data relating to biodiversity”.

I want to say a little about some of the data issues, because we think that this is rather important. Paragraph 846 of the explanatory notes makes a very good case for the amendment. It says:

“This will ensure key quantitative data is reported in a consistent fashion across all reports, thereby making comparisons across the reports easier. Having such data defined in regulations will also allow for it to be updated in the future as required.”

The Minister will say that that means it is good to have it in the regulations, but we think it should be stated up front.

We believe that good data will make a big difference to how effective public authorities can be in improving biodiversity outcomes. This carries over into some of the discussions around the environmental land management scheme, which is why we pressed very hard for an environmental baseline to be established. Sadly, that was not taken up by the Government, but we think that they will probably have to do it at some point anyway. None of these worthy processes will be possible without good data. Of course, the world has changed in that there are many new and innovative ways of scanning, recording and assessing that may not have been possible a decade ago.

The Secretary of State himself said in his speech on environmental recovery in July:

“We want everyone to be able to access an accurate, centralised body of data on species populations so that taking nature into account is the first, speedy step to a”

planning application. That is a laudable ambition, which we absolutely support, but to do that the Government have to get the data in place. I pay tribute to the army of volunteers who gather data at the moment. We have fantastic volunteers in this country. I suspect that many people here watch and count butterflies, bees, birds and so on, which is all helpful. I have been very impressed by the Bumblebee Conservation Trust—I have already mentioned the ruderal bumblebee—which does excellent work in recording what is happening to bumblebees.

All such organisations require support and the volunteers sometimes need training, because it is not always obvious how to gather the data. There then needs to be a process of recording, verification and infrastructure, and there are costs to all of that. Although we have some wonderful not-for-profit organisations and there is a good tradition of volunteering, we feel that it is important that the Government provide support to ensure that we get the centralised, accurate body of data that the Secretary of State referred to. That, of course, will then allow the data sharing, the comparison and the mechanisms that are needed to ensure that we get the biodiversity gains that we are looking for.

I have said on many occasions that we think that local authorities are already struggling to fund, resource and support the kind of work that will be needed to make all these good intentions come to fruition. Fewer than a third of them have an in-house ecologist or biodiversity officer, and we fear that Natural England does not even have the required resources, as I have said, to carry out its current statutory duties in some cases, let alone the extra responsibilities. We think that there needs to be an investment from Government in the right data and environmental information infrastructure to ensure that nature conservation can work.

Again, this is not an issue on which we wish to divide the Committee. However, I would be grateful to hear from the Minister how she proposes to make sure that that fantastic pool of data is going to be put in place and maintained, to ensure that we can make the progress we are all looking for.

Rebecca Pow: I will narrow my comments down because this is a “may” and “must” amendment again. As I have previously explained during discussion of similar amendments from the hon. Member and others,

[Rebecca Pow]

primary legislation consistently takes this approach to the balance between powers and duties. I assure the hon. Member that the Government intend to make the regulations.

12.30 pm

We cannot ask public authorities to produce such reports unless we set out via regulations which bodies should do so and what the report should contain. However, as I have said previously, it is entirely appropriate to provide the Secretary of State with flexibility as to how the provision is given effect. To turn a power to make regulations into a meaningful duty risks rushing consideration of the potential content of reports when an alternative approach may be more suited as some of the potential content. For example, we will want reports from local planning authorities to include detail about biodiversity net gain, but we will want to ensure that that fits with the implementation of those measures.

The hon. Gentleman is right about the importance of data and how crucial that will be to informing all the plans and strategies. I want to reassure him that we are exploring the potential for an environmental census, which was recommended by the Natural Capital Committee as I am sure he will know. That would ensure that we get good baseline data against which to measure progress towards improving the environment. I am particularly interested in that, and believe it is important. Work is going on exploring that. I hope that gives the hon. Gentleman some reassurances.

I agree with the hon. Gentleman that citizen science and the army of volunteers are so wonderful, helpful and knowledgeable in many cases in gathering a lot of our species data, so we want to harness that too. As he says, they already feed a lot of valuable data into our environmental record centres, for example, to which our local authorities often go when they need data in discussing planning applications and such like. Those things will remain important.

I reassure the hon. Gentleman that the Government intend to make the regulations and that the Bill provides an appropriate power for the Secretary of State to do so. As such, we believe the amendment is not needed. I respectfully ask him to kindly stick to what he suggested earlier and treat this as a probing amendment.

Daniel Zeichner: I find much of that reassuring.

Anthony Browne (South Cambridgeshire) (Con): As a trained mathematician, I fully support the use of data supporting policy and as chair of the Government's Regulatory Policy Committee, it was my job to ensure that we had evidence-based policy making. However, I do not think it is good enough just to say that there should or must be data unless we specify what that data is. The risk, otherwise, is that we come up with the wrong sort of data.

Given our shared belief in data, I have been doing a bit of data gathering myself—not counting butterflies and so on, but counting “musts” and “mays”. In clause 94, I counted not just one or two—not three, four or five—but six “musts” and only two “mays”. That shows how strong the paragraph is, with the “musts” outnumbering the “mays” by three to one. Do Opposition Committee members welcome that fact?

The Chair: Order. We are straying into the territory of the Shakespearian debate about the use of “thee” and “thou”. Interesting though it is, I am not quite sure it adds any edification to our proceedings. It is for the hon. Member for Cambridge to decide whether that intervention has any influence on him.

Daniel Zeichner: I am grateful, Sir George, and I am grateful to my constituency neighbour, the hon. Member for South Cambridgeshire. As the chair of the all-party group on data analytics, I, too, can bore for Britain on that. He is right about the “musts” and the “mays”, but a lot depends on where they come in the paragraph. Sadly, there are lots of “musts” and then, quite often, whether something will be implemented or not is followed by a may. There is a hierarchy of “musts” and “mays” that also needs to be taken into account, which shows the difficulties that sometimes arise with using data. It does not always tell the whole story.

Data will be important, particularly as we go down the environmental land management route. I have concerns about that because of the complexities involved. The only way they will be able to work, I suspect, will be through good collection of data. If we are going to move to outcome-based measures—and I think that that is where many people want to get to, finally, on many such issues—it will be essential to be able to measure, record and draw conclusions. I think that we are probably all going in the same direction, and I suspect that we all want the things that are proposed to happen. It is just a question of how quickly they happen, and when. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 94 ordered to stand part of the Bill.

Clause 95 ordered to stand part of the Bill.

Clause 96

PREPARATION OF LOCAL NATURE RECOVERY STRATEGIES

Daniel Zeichner: I beg to move amendment 13, in clause 96, page 97, line 27, leave out “may” and insert “must”.

This is one of the most exciting provisions. I do not want to be in danger of getting over-excited, but we think that the set of provisions that we have now reached is very important. That is why I must go back to the ninth of the 10 points yesterday, and say that I found the references—and there is a reference to a local nature recovery network—slightly confusing, as it was in the context of landscape recovery projects.

We are in danger of drowning in a sea of acronyms, I fear, and one thing that we would look for from the Minister is clarity about how all those things will work together. We want a coherent framework that will drive an approach that will reverse nature's decline across the country. We genuinely believe that that can be done, but we feel that the potential for the local nature recovery strategies is constrained by the current wording and, yet again, we are trying to suggest improvements to help the Minister.

We have already touched on some of the weaknesses of the duty in question, and the need for monitoring in biodiversity reports. The amendment has been tabled to underline the point that the full positive impact of local

nature recovery strategies will be realised only if authorities are given clear and effective procedures to follow when they are preparing, producing, reviewing and publishing their local strategies. I am afraid that it is again a may/must issue.

Also, it is a concern of ours that in some instances the affirmative procedure will not be used. There is a strong feeling that, were there to be wider discussion, the legislation would be improved. Allowing third parties, including experts in a sector, to have input into the procedures through public consultation, would be only to the good. We seek the Minister's comments on whether she can make sure that happens.

We worry, also, about the timing. There is no date to begin the preparation of some of the things in the clause and our worry that they could go on the back burner. Will the Minister give some indication of when she thinks they will be in place and implemented, and when the good work is to begin? Once again, we are trying to find out information. We do not seek to divide the Committee—I can anticipate the Minister's response. I should like to hear what she has to say.

Rebecca Pow: I thank the hon. Gentleman for the amendment, but it will not surprise him to hear that we do not believe it is necessary. The backbone of the local nature recovery strategy clauses is a series of duties on the Secretary of State: first, to ensure that there are local nature recovery strategy areas covering the whole of England; secondly, to appoint responsible authorities to lead local nature recovery strategy preparation; and, thirdly, to provide the responsible authorities with the necessary information. The Government are also seeking the power to create regulations to establish the process for preparing a local nature recovery strategy. That is to enable that process to work smoothly and to create consistency in what each responsible authority produces.

I am not sure whether the hon. Member for Cambridge is aware, but just for information, I point out that five pilots are already running on local nature recovery strategies. One is in Cornwall. There were lots of areas where the pilots on the strategies could have run, but on the whole the areas chosen were those that had already done quite a lot of work in this respect and so had lots of good processes and plans and thoughts. My hon. Friend the Member for Truro and Falmouth probably knows about that initiative, given that it covers her patch. I hope that that explanation gives assurances. The work is ongoing, so the lessons will be learned about all that. That will help for the quick roll-out of these things; others will be able to copy what has been done and put them in process.

We have developed local nature recovery strategies to be an important new tool in delivering a wide range of environmental commitments, such as tree planting, peat restoration, natural flood management and the creation of the nature recovery network, which was touched on by the hon. Member for Cambridge. These commitments for this overarching improvement of nature—that is, the nature recovery network—are set out in the 25-year environment plan. The environmental improvement plan clauses in the Bill will establish duties to monitor and report performance against the commitments—it should be remembered that the first environmental improvement plan is the 25-year environment plan; that is how this all knits together—creating ample incentive for Government

to ensure that local nature recovery strategies work effectively to help to meet all our commitments. That will very much be part of it.

I would like to provide reassurance that we intend to waste no time in producing the regulations following Royal Assent to the Bill. It has to happen that we get on with these things pretty fast. Changing this proposed power to produce regulations into a duty to do so would serve no purpose. The Government are clearly committed both to the establishment of local nature recovery strategies and to the role that the regulations will play.

I hope that what I have said gives a bit more clarity on the direction that the hon. Gentleman was asking about and I ask him whether he would kindly withdraw the amendment.

Daniel Zeichner: We still do not feel that there is sufficient speed. That is our concern. Pilots are great, but we have seen with the environmental land management scheme that we can go through pilots and pilots and pilots; the question is whether the crisis is being addressed sufficiently speedily. We would like things to move more quickly, but I hear what the Minister says, and on that basis I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 96 ordered to stand part of the Bill.

Clause 97

CONTENT OF LOCAL NATURE RECOVERY STRATEGIES

Daniel Zeichner: I beg to move amendment 143, in clause 97, page 98, line 6, at end insert—

“(c) a statement of how the strategy is expected to contribute to achievement of relevant environmental targets.”

We move from pace to content. We would like to say a little about this—we have a number of amendments, which we can probably go through fairly swiftly—because we think that some things could be done to strengthen the content of local nature recovery strategies. Amendment 143 is to underline that we believe that there need to be clearer links between these requirements and the target-setting framework established at the outset of the Bill.

We believe that the strategies should be required to be developed with regard to the need to contribute to delivery of the environmental targets. We fear that, without that, there will be no means to measure how well the nature provisions are contributing to the overall goal of nature recovery. A clear link would ensure that each local nature recovery strategy delivered local and national objectives, as intended.

Local nature recovery strategies need to be the primary means by which ambitious national environmental commitments, priorities and investments are targeted to deliver maximum public and ecological benefits—the whole range, from tree planting to nature-based flood defences. In combination with those clear national priorities and ecological advice, working with local knowledge and expertise, they can be channelled into delivering measurable achievements through the local strategies. That is the way to make these strategies a success.

[Daniel Zeichner]

We think this amendment is helpful, provides clarity and knits the Bill together. From the outset, our worry has been that the Bill is a rather disparate set of measures. Through the amendment, we could tie it all together and make it work better. Once again, the amendment is an attempt to draw out from the Minister the Government's thinking on the issue, and we will not seek to divide the Committee.

12.45 pm

Rebecca Pow: I understand the hon. Member's intent in tabling the amendment, but I do not think it is necessary. The Government already have ample measures at their disposal to ensure that the local nature recovery strategies play their part in meeting the relevant targets, once those have been determined. As time goes on there will be opportunity for all manner of targets on nature to be set. That link has already been made.

First, as we have discussed, the Bill gives the Government the power to issue regulations setting out how each local nature recovery strategy must be prepared. Secondly, it will enable Government to issue statutory guidance on what local nature recovery strategies must contain, expanding on the detail on the face of the Bill. Thirdly, it will require the Government to provide the responsible authority with information to assist in preparing these strategies. That information includes a national habitat map as well as the location areas that the Secretary of State believes could contribute to the establishment of a network of areas across England for the recovery and enhancement of biodiversity in England as a whole.

In combination, these measures provide the opportunity for Government to set out a national spatial framework for the nature recovery network and to shape how it is reflected in each local strategy. The Bill also introduces a duty on the Secretary of State to meet the long-term environmental targets. All that reporting and monitoring will feed into that, starting from the ground upwards. All these measures will feed into achieving those targets.

The duty will be sufficient to ensure that the Secretary of State will use the tools referred to and provide responsible authorities with clear information on how local nature recovery strategies should contribute to achieving those specific targets. It will ensure that the Secretary of State has every incentive to monitor the effectiveness of these contributions. I urge the hon. Member to remember that the framework of reporting, monitoring and being held to account will all be part of making sure that we improve nature. I urge him to withdraw the amendment.

Daniel Zeichner: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Daniel Zeichner: I beg to move amendment 144, in clause 97, page 98, line 16, at end insert—

“(e) a description of how actions intended to meet the net gain objective and land management changes supported by public funds should be spatially targeted through Local Nature Recovery Strategies in order to contribute most effectively to environmental improvement.”

This amendment clarifies the relationship between LNRs, net gain, ELM and other policies.

I suspect that we are trying to achieve the same things through slightly different means. Amendment 144 seeks to ensure that local nature recovery strategies are comprehensive and bring all an area's environmental gains into a cohesive plan. They should co-ordinate all the local biodiversity net gains arising from planning as well as from the land management changes pursued under ELM schemes. As I have said, we think that linkage to ELM is absolutely key to ensuring a cohesive approach. Again, we think the amendment would strengthen the Bill, which is rather important. I have referred to the Prime Minister's 10-point plan, which I think needs to be strengthened.

We are helping the Minister here; she could win many brownie points by pointing out to her colleagues that, given that COP26 is nature-based, this is an opportunity to absolutely deliver on nature recovery. I am offering her an early Christmas present, really, and I am afraid that on this occasion we will divide the Committee, because it is a perfect opportunity for her to show that she wants to join us in strengthening her very own Bill.

The Chair: Christmas seems to come earlier and earlier.

Rebecca Pow: I thank the hon. Member for Cambridge for the amendment and for his constant endeavour to strengthen the Bill, which we want to be a strong one—he is right about that—but I do not believe that this amendment is necessary, and I will set out why.

Local nature recovery strategies will be a powerful new tool to help us take a more strategic approach to how we plan for nature's recovery and to how we use nature-based solutions to address wider environmental challenges. The hon. Gentleman is absolutely right about nature-based solutions, but they are very much part and parcel of this new will to deliver for nature and for all those other benefits—flood control, better water quality, carbon capture and sequestration, and so on—so I think we are on the same page on that.

Cherilyn Mackrory (Truro and Falmouth) (Con): I think the point that the Minister is trying to make, which I reiterate, is that a lot of those schemes are in their infancy. We have just discussed the five pilot plans, one of which my constituency is involved in. If the Bill is too prescriptive, we will be unable to tweak those plans later if they do not work. It is important that we set out the intention on the face of the Bill and let the pilots do their work, so that Ministers and experts in the field have the flexibility to learn from and use best practice moving forward.

Rebecca Pow: I thank my hon. Friend for highlighting that; I could not have put it better myself. That is why we are running the pilots, and it is great that they are already running. The hon. Member for Cambridge asks when we are going to do all this, but we are actually already doing it. My hon. Friend is absolutely right to say that each area will be different: Cornwall will be quite different from south Humber or Keighley. Those areas' requirements and demands will vary and that is why we need to run pilots.

We do not want the pilots to go on forever—the hon. Member for Cambridge is absolutely right about that—and the Secretary of State and I are at pains to say, “Yes, we

want all the data and feed-in, but we do need action.” I like to think that we will see action. The Secretary of State said on Second Reading that we have to ensure that we work to promote actions through the environmental land management scheme and that those actions work with what we are putting into our local nature recovery strategies. The idea is that those will all work together and that we will then deliver our biodiversity net gain, which will also be helped by the strengthened biodiversity duty on public authorities in the Bill.

Beyond the Bill, the strategies will support local authorities in protecting and enhancing biodiversity through the planning system, and encourage more collaborative working between the public, private and voluntary sectors, to establish and achieve common goals. We are keen that each responsible authority leading production of a strategy properly understands and considers the different mechanisms through which the net gain and adding to nature could be achieved. The responsible authority will not always have direct control of all those different delivery mechanisms, however, so they will need to work collaboratively with other organisations, as we have proposed.

Simply requiring the responsible authority to give its opinion on processes that it does not control will add little to the strategy and could deter partners from engaging constructively. My intention is instead to use the statutory guidance provided with the clauses to explain how the responsible authority should take account of potential delivery mechanisms when preparing its strategy. I agree with the hon. Member for Cambridge: he is absolutely right that we are coming up to a crucial year, with COP26. However, I hope he is very pleased that nature and adaptation are part of the COP. That is why it is so important that we demonstrate that we are going to lead by example, with the pilots and all the measures in the Bill, which show that we are taking these issues seriously; it can work and add to nature. I therefore kindly ask the hon. Member to withdraw the amendment.

Daniel Zeichner: That was a helpful set of interchanges, but I have to say that we need something stronger than, “I’d like to think that we are going to see some action.” The urgency is much more pressing. There is a danger of ending up with perpetual pilots, and we want to go much more quickly and more strongly. On that basis, we will press the amendment to a Division.

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 10.

Division No. 37]

AYES

Anderson, Fleur	Whitehead, Dr Alan
Furniss, Gill	Zeichner, Daniel

NOES

Afolami, Bim	Graham, Richard
Bhatti, Saqib	Jones, Fay
Browne, Anthony	Mackrory, Cherilyn
Crosbie, Virginia	Moore, Robbie
Docherty, Leo	Pow, Rebecca

Question accordingly negatived.

Daniel Zeichner: I beg to move amendment 145, in clause 97, page 98, line 23, before “are” insert “an ecologically coherent network of sites that”.

This amendment clarifies that local habitat maps should contribute to a coherent ecological network.

Obviously, I am very disappointed that the Minister felt unable to accept my Christmas gift, but we will move on.

Amendment 145 seeks to ensure that local habitat maps, which are included in local nature recovery strategies, are set out in an ecologically coherent way. It is important to get some clarity, because the sites should relate to each other in a coherent way to form part of a wider integrated network for nature’s recovery. We do not want to see local habitats stagnating in isolation; they should relate to one another.

Our understanding is that the intention is for local nature recovery strategies to be produced, as the Minister has already made reference to, in a bottom-up way, to create a nature recovery network at a national level by way of creating corridors of habitat across the country.

I wonder slightly about the national level. As has already been referenced, we have quite clear regions and sub-regions, and it depends on the landscape. Our point is that there should be some coherence. There is a slight risk that there will be a lack of coherence. For instance, we could see a situation where a local authority prioritises a green space for people, quite rightly, but neglects the fact that it could be a crucial stepping-stone between two vulnerable habitats, which could be resolved by creating a corridor of trees that links those habitats.

The basic point we are trying to address is that there should be some integration. By linking strategies together, we believe they can form the building blocks of a national nature recovery network—a joined-up system of nature-rich places, as originally envisioned in the 25-year plan for the environment. We will not seek to divide the Committee on this amendment, but we want to get a sense of whether the Minister shares our aspirations.

Rebecca Pow: I have to go back to the last comments from the hon. Member for Cambridge. He said that, “I’d like to think” we might have some environmental improvement. I am thinking about it all the time, as my team know. All my thinking will lead to action, through the Bill—I just want to make that very clear.

I understand that the intention behind the amendment is to ensure that local nature recovery strategies consider the ecological coherence of any areas that they identify in their local habitat map, and I reassure the Committee that I recognise how important ecological coherence will be in the strategies. The current clauses allow us to publish statutory guidance to set out in more detail what each strategy must contain, so we intend to draw on examples of existing good practice in spatial prioritisation for nature, to ensure that ecological coherence is reflected in the strategies. Quite clearly, “link up” and “join up” are very important, and wildlife corridors are exceptionally important.

1 pm

Without ecological coherence, local nature recovery strategies will not be able to perform their essential role of proposing suitable locations to create or improve habitat in order to establish the nature recovery network.

As I have said before, the nature recovery network is obviously a key commitment in the 25-year environment plan, and the Bill makes that plan statutory. I have already referred to the national partnership that was launched earlier this month by Natural England to bring together key bodies to support the establishment of the network. It is really important that we pull together all those that might have an influence on a large area's ecological coherence, so that they can all work together.

The amendment would limit the consideration of ecological coherence to only part of the strategy, excluding existing protected sites, which are the areas of greatest value for nature. I am sure that is not what is intended, but that is how it might be interpreted. Nor would the requirement apply to locations where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits, which is a key aspect of the strategies. I do not believe that is the

intention of the hon. Member for Cambridge. I therefore ask him to consider the reassurances I have given and to withdraw the amendment.

Daniel Zeichner: I am grateful to the Minister for her reply. We probably have slightly different views on this issue, but we are both trying to get to the same place. My concern—it goes right back to the planning White Paper, where these issues are touched on very lightly—is about the lack of integration, rather than having a coherent, planned overall approach. That makes the whole approach less effective. We have heard what the Minister says, however, and we do not seek to push the amendment to a Division. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ordered, That further consideration be now adjourned.
—(*Leo Docherty.*)

1.3 pm

Adjourned till this day at Two o'clock.