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Public Bill Committee

ENVIRONMENT BILL

Twenty First Sitting

Tuesday 24 November 2020

(Afternoon)

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Saturday 28 November 2020

The Committee consisted of the following Members:

Chairs: † James Gray, Sir George Howarth

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

Anwen Rees, Sarah Ioannou, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 24 November 2020

(Afternoon)

[James Gray *in the Chair*]

Environment Bill

New Clause 9

Animal Testing: REACH Regulation

"(1) The Secretary of State must by regulations set targets for the replacement of types of tests on animals conducted to protect human health and the environment within the scope of the REACH Regulation, and for the reduction pending replacement of the numbers of animals used and the suffering they endure.

(2) A target under this section to reduce the suffering of animals must specify—

(a) a standard to be achieved, which must be capable of being objectively measured, and

(b) a date by which it is to be achieved.

(3) Regulations under this section must make provision about how a set target is to be measured.

(4) A target under this section is initially set when the regulations setting it come into force."—(*Fleur Anderson*.)

This new clause would require the Secretary of State to set targets to reduce animal testing.

Brought up, and read the First time.

2 pm

Fleur Anderson (Putney) (Lab): I beg to move, That the clause be read a Second time.

I am honoured to be called to speak about this important new clause. Indeed, it is so reasonable that at this stage of this iteration of the Environment Bill Committee, the seventh day, this might be the new clause that is agreed by all its members. We are not setting specific targets; we only ask that targets be set. We are not saying how they should be measured; we are just saying that measurements should be done. It is a new clause, surely, that must be agreed by all.

The issue is not only of concern to constituents across the country and to members of the Committee, it is a huge concern to my constituents. More than 200 people have taken the additional time and effort to write to their MP about animal welfare issues, from testing to warfare experiments and sentencing. I have long believed that the UK should lead the world with high animal welfare standards. I am proud that the UK banned cosmetic testing on animals back in 1997 and extended that to cosmetic ingredients in 1998. I was one of those who had been campaigning since the 1980s for that. We have made some good progress and agreeing on the new clause and putting it into the legislation would entrench those gains and make sure we go further.

It is welcome that animal testing practices have improved and advanced greatly over recent years, and non-animal methods for research have also developed and improved over time. However, I remain concerned at the lack of transparency around animal testing project licence applications, as well as the continued permissibility of severe suffering as defined in UK law. Again, the new clause does not aim to be entirely prescriptive about the conclusions of that—it leaves that for secondary legislation—but it asks for it to be included and considered.

Animal testing is not the answer to protecting people and the planet from potentially harmful chemicals. Tests on animals are unreliable and their value is increasingly being questioned in scientific literature. It is a matter of corporate pride for many businesses to say that they have animal cruelty-free products, because that is increasingly what the public wants.

There are better ways to ensure chemical safety and better assess risks to environmental and human health while also reducing and eliminating the cruel suffering of animals in laboratories. Cruelty Free International estimates that since 2006 more than 2.6 million animals have been used in chemical tests across the EU, including the UK, with many more tests planned. The UK reports conducting more animal tests than any other country in Europe. EU chemical legislation—the REACH legislation—already discussed in Committee, has resulted in a huge increase in the use of animals in European and UK laboratories. Now is our chance to be better and to provide that world-leading legislation. We need a proactive plan to reduce and replace chemical tests on animals. If the UK is serious about its commitment to animal protection, the Government must adopt a forward-looking Environment Bill that moves away from cruel and ineffective animal testing and write into law a target-based, science-led strategy for reduction and replacement.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow): I agree with what the hon. Member for Putney wants to achieve in new clause 9. Just like her, I am an animal lover. As a former chair of the all-party parliamentary group for animal welfare, I think I speak for everyone on the Committee in terms of being animal lovers. The UK was consistently one of the strongest voices in the EU, applying downward pressure on animal testing—I am sure the hon. Lady is well aware of that—including changes to REACH to enforce the use of alternatives. The UK's presidency of the European Council in the late 1990s was one of the driving forces behind the reform of the chemicals regulations and we referred to that in a previous session. We are continuing with that clear aim now that we have left the EU, and we are already enshrining the last resort principle as one of the protective provisions in the Bill. Under article 138(9) of REACH, the Secretary of State will also be under a duty to review the testing requirements on reproductive toxicity within 18 months of the end of the transition period. That review must be carried out in the light of the objective of reducing the use of animal testing.

In addition, the powers in schedule 19 of the Bill to amend REACH would enable us to build such targets into REACH, if that were felt to be appropriate. Any amendment would have to be consulted on and to be consistent with the aims and the principles of REACH as set out in article 1, including that we must maintain a high level of protection for human health and the environment, seek alternatives to animal testing, and that REACH is underpinned by the precautionary principle. I believe that would be the better route, if we conclude that targets are desirable. For those reasons, I hope that the hon. Lady will withdraw new clause 9.

Fleur Anderson: I thank the Minister for looking into the issue and for some assurances that targets could be included in future, and that we will be seeking alternatives. I note the concerns and considerations that we all want

the same thing, which is stronger animal welfare. I am disappointed that we will not agree on this matter this afternoon, but I will not press it to a Division. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 10

OEP: Penalty notices

'(1) If the OEP is satisfied that a public authority has failed to comply with a decision notice, the OEP may, by written notice (a "penalty notice") require the public authority to pay to the OEP an amount in sterling specified in the notice.

(2) When deciding whether to give a penalty notice to a public authority and determining the amount of the penalty, the OEP must have regard to the matters listed in subsection (3).

(3) Those matters are—

(a) the nature, gravity and duration of the failure;

(b) the intentional or negligent character of the failure;

(c) any relevant previous failures by the public authority;

(d) the degree of co-operation with the Commissioner, in order to remedy the failure and mitigate the possible adverse effects of the failure;

(e) the manner in which the infringement became known to the OEP, including whether, and if so to what extent, the public authority notified the OEP of the failure;

(f) the extent to which the public authority has complied with previous enforcement notices or penalty notices;

(g) whether the penalty would be effective, proportionate and dissuasive.

(4) Once collected, penalties must be distributed to the NHS and local authorities to be used for pollution reduction measures.

(5) The Secretary of State must, by regulations, set the minimum and maximum amount of penalty.

(6) Regulations under this section are subject to the affirmative procedure."—*(Dr Whitehead.)*

This new clause would allow the OEP to impose fines.

Brought up, and read the First time.

Dr Alan Whitehead (Southampton, Test) (Lab): I beg to move, That the clause be read a Second time. This proposed new clause was originally put forward in the names of my hon. Friends the Member for Swansea West (Geraint Davies) and for Leeds North West (Alex Sobel), who no longer sit on the Committee. With our names added, we certainly support the sentiment.

The proposed new clause contains a simple proposition relating to the Office for Environmental Protection and its functions. Hon. Members will recall that we have had substantial discussions about the extent to which the OEP has powers to make its functions work well. It is a question of giving it not just general authority but enforcement powers, notices and so on, which we have debated. As the Bill stands, although the OEP would have a number of powers concerning notices and the ability to bring court proceedings, it would not have the power to levy fines.

That argument is sometimes raised where a no-fine outcome is concerned, when the question arises regarding the bodies on which the OEP would levy fines. That would, by and large, be public authorities. The argument then runs about what it would mean to levy a fine on public authorities. I remind hon. Members that that was not the case before we took powers over from the EU, in running our own environmental importance. Nor is it something that other agencies do not have as shots in their locker.

The clean air regime, for example, allowed the EU Commission the power to levy fines on infracting countries. In the case of clean air regulations, there was a suggestion that the fines that the EU authorities had the power to levy could be applied to infracting local authorities that were not adhering to clean air regulations. Indeed, there was quite a to-ing and fro-ing between the Department for Environment, Food and Rural Affairs and local authorities, because it was suggested that authorities that had been identified as infracting, and therefore needed to draw up clean air plans, would bear the brunt of the fines, rather than the UK Government. The UK Government were the public authority that was infracting, but they had passed on their infraction responsibilities to other public authorities, so those public authorities would be fined. That was a real issue with regards to clean air just a little while ago, but it has not been passed on to the Office for Environmental Protection, which would be the agency in that instance with UK powers.

Similarly, Ofgem has considerable powers to fine companies that do not undertake proper management of their customer bills or their responsibilities for energy supply. Indeed, a considerable number of fines have been levied, running to millions of pounds, on energy companies. Ofgem has that clear and workable power to levy fines, but the OEP does not.

We are saying that the OEP should have the power to fine. Indeed, the new clause would give it that power. The other part of the problem is what the agency would do with the fines once they have been collected—is it not just a circular process? The new clause states that, once collected, penalties must be distributed to the NHS and local authorities to be used for pollution reduction measures. The fines would be recycled, but in a positive way for environmental management and improvement.

Having that power to fine, and being able to publicly state that authorities had been fined, are potentially strong weapons in the OEP's locker, not necessarily because the fines would be punitive in their own right, but because they would be a mark against that public authority and because, through the transfer of the fine payments, the sins of that public authority would be effectively transferred into positive action on environmental improvement in other areas.

We think the new clause is a sensible, straightforward measure that would generally improve the efficacy of the OEP. The fact that nothing like it was thought about emphasises the general theme that we have been talking about in Committee of the power, independence and force of the OEP being downgraded through a number of Government amendments that have been made as we have gone through the Bill. This would be one back for the OEP, so I hope the Committee will view it in a favourable light.

Rebecca Pow: I thank the hon. Member for the intention behind tabling the new clause. The Government completely agree that effective enforcement of public authorities' compliance with environmental law is vital. That is why we are establishing the OEP to hold public authorities to account, as we have clearly talked about many times

[Rebecca Pow]

in Committee. However, in our domestic legal system it is unnecessary to make specific provisions for fines to achieve that.

Fines play an important role in the EU infraction process, as the hon. Member points out, but only because the Court of Justice of the European Union is unable to compel member states to take a specific course of action through a court order. It is the only penalty that it has in its armoury. It is therefore reliant on the significantly less effective approach of penalising the member state until they take some form of remedial action, although the UK has never been fined for an environmental infraction.

2.15 pm

The enforcement framework provided for in this Bill will be more effective at bringing about compliance than the EU infractions process, due to the more targeted and timely remedies that will be available. On an environmental review, if the court finds that a public authority has failed to comply with environmental law, it will have access to judicial review remedies. This includes court orders, subject to appropriate safeguards. These remedies can ensure compliance is achieved. For instance, a mandatory order can require a public authority to take a particular action.

The stronger remedies available in our domestic court system therefore dispense with the need to make any additional provision for fines, and will resolve cases more quickly than the EU. The whole process that has been set up—that framework—is to work through problems and issues through remediation, discussion and advice, long before we get to the point of a court issuing a fine, which, I put to the shadow Minister, will be far more constructive than any massive stick of a fine would be.

Richard Graham (Gloucester) (Con): My hon. Friend is making a strong case as to why it is much more effective that the OEP works with public authorities to try to make the sort of environmental improvements that everybody here wants to see, rather than acting as a fining mechanism. Does she agree with me that on this occasion unfortunately the Opposition have confused trying to replicate a European measure with a much better way of doing things here in the UK?

Rebecca Pow: I thank my hon. Friend for making my case for me. A great deal of thought has gone into it, which I was going to come to at the end. The shadow Minister suggests that this has not been thought about; I think those were his exact words. To reiterate what my hon. Friend said, this has been thought about in great detail, to come up with a system that will be better at solving problems and improving the environment than the one the EU has on offer.

Furthermore, the Committee might wish to note that this new clause would give the OEP powers that even the European Commission does not have, so it cannot claim to be ensuring equivalence between the OEP and the European Commission. The European Commission cannot fine a member state government, only the Court of Justice of the European Union can do so, a point that really needs clarifying with the shadow Minister. As I have already mentioned, we have stronger remedies than the CJEU. It would be wholly inappropriate for the OEP to directly impose fines. Effectively that would mean the OEP could prematurely sanction public authorities, without reference to the courts, and with no appeals mechanism for the public authority to challenge the decision.

Ruth Jones (Newport West) (Lab): Does the Minister agree that enabling the OEP to issue penalty notices would help to give its investigatory work a degree of clout, and serve as a meaningful contribution to efforts to improve public authorities' compliance with environmental law?

Rebecca Pow: I do not think the OEP is going to have any problem at all operating its clout. We will have a new chairman and a supporting board, and that will be their raison d'être. They do not need fines. In fact, I wrote an exclamation mark as I thought it was a bit of a joke when I saw that the shadow Minister had suggested that the OEP should become a funding body. That would be a significant expansion in its scope, and not consistent with its role as a watchdog to hold Government to account.

In summary, the OEP's enforcement framework has been designed to resolve cases as robustly, quickly and effectively as possible. The powers already available to the courts to grant and enforce remedies make a system of fines unnecessary. I therefore ask the hon. Member to withdraw the new clause.

Dr Whitehead: I thank the Minister for that response. There are arguable cases. What we want to see as an emphasis on enforcement is a matter of opinion as to what is most effective, rather than a fundamental discussion about having a power or not. I remind the Minister that we had a debate about the fact that OEP appears to be pushed further away from its ability to go through the courts by the debate on who should decide whether something was a serious breach, and the role of the OEP and the Minister in that. At the very least, this idea, that the OEP could introduce penalties in its own right, would be a step to rectify that particular problem.

I take what the Minister has to say about the extent to which there are, at least in principle, reasonable methods of enforcement as far as the OEP is concerned. It is not a wholly unreasonable point to make that that should not necessarily include fines. However, this is a route worth considering, and it may be that, as the OEP develops and we see how it manages to enforce things, the idea of fines might be revisited. I do not intend to press the clause to a vote this afternoon, so I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 12

DUTY TO FOLLOW RECOMMENDATIONS

(1) A "public authority" must follow the course of action set out in a recommendation made by the OEP in a report issued under sections 25 or 26 unless the public authority has determined that there are reasons of public interest demonstrating that it is not necessary for it to do so in order to comply with the law.

(2) If the authority does not follow a recommendation, it must publish a report setting out the reasons for not doing so and set out what alternative course of action it proposes to take.

(3) In this section public authority carries the same definition as in section 28(3). *—(Dr Whitehead.)*

This new clause requires a public authority to whom the OEP has issued a recommendation to normally follow that recommendation.

Brought up, and read the First time.

Dr Whitehead: I beg to move, That the clause be read a Second time.

Interestingly, this new clause comes at the same point from a slightly different direction. On the basis of what the Minister had to say just a moment ago, she might consider how this clause might work in enhancing the ability of the OEP to secure importance in an appropriate and robust manner.

The new clause—and I shall not dwell on it great length—requires a public authority to whom the OEP has issued a recommendation to normally follow that recommendation. That is an onus in law, on the public authority, to follow the course of action set out in the recommendation made by the OEP. There can, of course, be exceptions to that, and there may be circumstances in which an authority considers it does not have to follow a recommendation. However, if that is the case, the new clause provides that it should publish a report setting out the reasons for not doing so and, positively, what alternative course of action it proposes to take.

The new clause would considerably enhance the power of the recommendations of the OEP as the default position would be that an authority should follow its recommendation; it could not get away with saying "Well, we don't particularly want to do that. There are reasons for this; trust us—don't worry. We don't have to do it". Instead, it would have to go public on why it could not do it, and it would have to publicly say what alternative course of action it would take, rather than taking no action.

This does not go down the fine route, but it does go down the enforcement route in a different way—a potentially equally important way—and I would be interested to hear the Minister's thoughts on this particular way of further enhancing the enforcement credibility and robustness of the OEP.

Richard Graham: I am slightly concerned about the trend of the hon. Gentleman's line of thinking, which is very authoritarian and along the lines of "Let's have the courts say as a default that the police are normally always right; that the county council are normally always right on issues of child welfare and so on." That is not the way that this country operates; we believe fundamentally in freedom and an objective decision by the courts on the rights and wrongs of a particular case. Surely there is no reason why the OEP should be some sort of magical exception to that overriding rule.

Dr Whitehead: If the hon. Member for Gloucester were pursuing a principled position on that, he would have to undo the whole structure of regulation in this country to ensure the freedoms and the way of life that he suggests that we should follow, because that is what regulators by and large do—they quite often produce regulatory decisions and regulatory outcomes that apply to those who are being regulated. I gave the hon. Gentleman the example of Ofgem, which levies fines on bodies that appear to transgress what Ofgem has decided as a regulator. That is not a court action but relates to how the regulator works and how those who are supervised by that regulator are expected to behave. There is a direct relationship between those two, and that is the case with a range of other regulators in all sorts of other areas. For example, the hon. Gentleman will be aware of Ofcom's regulatory activities on a number occasions, and those of Ofwat.

I am not suggesting an exceptionally authoritarian proposal that comes out of thin air in a desire to regulate people beyond what they can bear. It is based on the relationship between the regulator and the regulated and their respective actions. Normally, those who are regulated should do what the regulator suggests should happen. To me, that is not akin to the Stasi going in to everyone's life and regulating their private thoughts out of existence. What is proposed is a reasonably standard regulatory process, as carried out on a agreed basis in this country.

Daniel Zeichner (Cambridge) (Lab): As ever, my hon. Friend is developing an interesting argument. I suspect that in some ways it goes back to where our regulatory frameworks first emerged. He and I are probably of an age to remember those discussions, which originally arose around some of the privatisations of public authorities. A regulatory framework grew up and it was initially intended that it would melt away because the market would weave its magic. Of course it quickly became apparent that we did need regulatory authorities. Does he agree that, over the past 20 to 30 years, we have had an emerging regulatory structure that is quite different from how it was originally envisaged?

The Chair: Dr Whitehead, strictly on this new clause.

Dr Whitehead: Indeed, Mr Gray; I will not be too far tempted on to the history of regulation and privatised industries and how that has worked out, other than to say that the checks and balances of the regulator are an important part of the process. What the new clause proposes does not depart from that practice, and I really do not agree with the suggestion that it is somehow following an authoritarian course.

I have been tempted to make a lengthier speech on the new clause than I intended by the interventions from the hon. Member for Gloucester, so I will not say any more at this stage, but I hope that the Minister will react favourably to the new clause.

Rebecca Pow: I thank the hon. Member for Southampton, Test for tabling the new clause because it allows me to provide some detail on the OEP's scrutiny function as well as its interactions with Government and public bodies.

The new clause refers to recommendations made under clauses 25 and 26, which cover the OEP's scrutiny of the Government's environmental improvement plans and targets, as well as the implementation of environmental law. Many of the OEP's recommendations, if implemented, are likely to require changes to law and policy, and those changes need to be carefully assessed alongside many other considerations. The responsibility for making changes to policy as well as introducing changes to legislation lies firmly with the elected Government, not an independent body. That was highlighted in the interventions by my hon. Friend the Member for Gloucester.

I also want to use this opportunity to explain how the OEP will interact with Government and public authorities with regard to its scrutiny function. In terms of the

[Rebecca Pow]

OEP's report issued under clause 25, it will be addressed to the Government, as the Government are ultimately responsible for delivery of the environmental improvement plan and targets. Clearly, public authorities will help Government meet their objective of improving the natural environment, but, when the OEP makes recommendations as to how progress could be improved, Government are best placed to determine how, and by whom, those recommendations should be implemented. That is particularly important because it is the Government, obviously, who have the statutory duty to respond to the OEP's recommendations, and are therefore held accountable. The Government must respond to the OEP's reports; they must publish the reports and lay their responses before Parliament. That means that the Government will be held to account for their actions by the OEP, Parliament and the public.

2.30 pm

Ruth Jones: The Minister has talked about the OEP holding the Government to account. How will it do that, as it will be part of the Department for Environment, Food and Rural Affairs? It will be appointed by the Government, and will, surely, be hand in glove with the Department. It is very difficult to say that it will actually be able to hold the Government to account.

Rebecca Pow: I will not go into a huge amount of detail in my answer, as it was all covered in the early stages, but I could send the hon. Lady a page on how and why the OEP will remain independent. It will be an utterly independent body, and the Secretary of State has to be mindful of the independence of the OEP; that is a crucial part of some of the detail written into the Bill, and, if she wants to be referred to those sections, I am sure that we could clarify those with her.

Clause 26 enables the OEP to assess how environmental law is implemented; it is not simply about compliance with—or deviation from—the law, but will be more about whether the law is effective and delivering its intention. The OEP will seek information from public authorities to undertake this duty but, again, its findings will be addressed to Government, and only Government are required to respond.

This will work as one big machine, and local authorities will clearly play an important part; that is not to say that public authorities cannot implement any of the OEP's recommendations which are applicable to them, if appropriate. However, this is very different from the suggestion that public authorities must comply with the OEP's recommendations unless they publish a report justifying an alternative approach.

For those reasons, I ask the hon. Member for Southampton, Test to withdraw the new clause.

Dr Whitehead: I thank the Minister for her reply. She will not be surprised to know that we do not entirely go along with all of it, but I appreciate what she has said. Indeed, it may be that her remarks are taken into account when we discuss the next new clause. On that basis, I have no intention of pressing this to a vote, and I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 13

OEP REGISTER

"(1) The OEP must maintain a register of communications between it and Ministers (or government departments).

(2) The OEP may omit from the register communications which it considers trivial or otherwise unlikely to be of interest to the public.

(3) The OEP must publish the register." .—*(Dr Whitehead.)*

This new clause requires the OEP to keep a public register of correspondence with the Government.

Brought up, and read the First time.

Dr Whitehead: I beg to move, That the clause be read a Second time.

This is an innocuous-looking new clause, but it is potentially quite important. Indeed, we think it should be an important part of the process, precisely because of what the Minister just said in response to the suggestion from my hon. Friend the Member for Newport West about the stated and apparent independence of the OEP, as far as the Department is concerned.

The new clause simply states that the OEP should maintain a register of communications between it and Ministers or Government Departments. Obviously, there is a statement in that clause to say that trivial things—such as the Minister ringing up to ask whether they had a spare sandwich—should not be included in the register, but significant communications between the OEP and Ministers should be recorded in the register, and that register should be published.

What that would mean, quite simply, is that there would be on the record a transparent adumbration of the occasions on which there has been conversation between Ministers and the OEP. While obviously it is not suggested that the record should go into detail on what the communication was—it is not a public record to that extent—it would show the extent to which the OEP was acting independently or the extent to which it might be under duress, shall we say, from ministerial quarters in its doings. If the Minister is serious in what she says about the independence of the OEP, despite some of the apparent constraints placed on its independence in the Bill, I would have thought she would welcome the new clause as a pretty good way of enabling us to see on the table what was going on and enabling the OEP, if it needed to, to show that it had been placed under pressure by Ministers. If, indeed, it was placed under pressure by Ministers, that pressure would be in a public place, it would be seen by all and it could therefore be remedied.

Rebecca Pow: I thank the hon. Member for the new clause. I share his interest in ensuring that the OEP acts transparently in the exercise of its functions. That is why we have created, in clause 22, a duty on the OEP to have regard to the need to act transparently. We have also required the OEP, in clause 38, to make public statements when it carries out various enforcement activities. In carrying out the duty in clause 22, the OEP would normally make information about its work publicly available—perhaps the shadow Minister has missed that element.

However, there may be certain situations where it is inappropriate and unhelpful for it to do so. There is a difference between what is in the public interest and what might be of interest to the public or to some

members of the public. In particular, the OEP will need to communicate with public authorities, including Departments, in the exercise of its scrutiny and enforcement functions. Those communications will require a degree of confidentiality if the OEP is to engage effectively and productively on sensitive issues with public authorities, and avoid prejudicing possible enforcement action. The effect of the new clause might be to remove that necessary confidentiality from the OEP's interactions.

The new clause would require the OEP to maintain a continuous running commentary on its communications with Ministers and their Departments, which would be administratively burdensome and a poor use of resources, given the other provisions we have included in the Bill on transparency, reporting and public statements. The hon. Member asked whether ringing up to order a sandwich should be recorded. That is a good point, because it is not at all clear in the new clause what exactly the register would have to contain. Is it the full text of the communication? Potentially, if one was having to record everything, one would have to record those things as well. It is just a small point.

Richard Graham: The Minister is making a very good case for the new clause being entirely redundant. I am surprised that the hon. Member for Southampton, Test, whose judgment is often very sensible, really considers that creating a register of communications, with all the arguments about what might be considered trivial or not trivial, is a good idea when setting up the very important Office for Environmental Protection. Does the Minister agree that this is another new clause that we should move on from swiftly?

Rebecca Pow: I could not agree more. I thank my hon. Friend for clarifying that point, because he is absolutely on the money—not that the OEP is a fundraising body, of course.

There is nothing in the Bill, of course, to prevent the OEP from setting up a register of significant communications should it choose to do so, but we do not believe that it should be required to do so as a legal obligation. It is, after all, an independent body. To clarify how independent it is, I should say that it will obviously be operationally independent from the Government and governed by the non-executive members appointed through the regulatory public appointments process.

On the question of the OEP potentially deciding it wants to set up a register, I should mention that the Office for Budget Responsibility has a register similar to that proposed by the hon. Member. That is not a statutory requirement; rather, the OBR produces it of its own accord, and we believe it must remain for the OEP to decide how to fulfil its duty to have regard to the need for transparency. The new clause is somewhat inappropriate and unnecessary, and I ask the shadow Minister to consider withdrawing it.

Dr Whitehead: I am not sure that I will any more, actually. The Government's suggesting that the Committee should move swiftly on because they do not particularly like an Opposition new clause does not strike me as full participation in the spirit of what we are supposed to be doing—that is, we, the Opposition, get the opportunity to put amendments forward, they are discussed and answered properly, and then we move on. That is what I hope will happen with this new clause.

I am not sure whether the Minister is saying that, if the OEP thinks it would like to set up a register—sandwiches notwithstanding—of its communications with Ministers and to publish those communications, Ministers would be happy to go along with that and would not in any way seek to impede it. Alternatively, is the Minister saying that because she thinks the correspondence and communications between Ministers and the OEP must take place in an air of confidentiality, she would discourage the OEP from doing that if it wanted to?

The new clause would clear that up; it says there should be a register. Its subsection (2) states that the OEP does have discretion, and the word "may" creeps in:

> "The OEP may omit from the register communications which it considers trivial or otherwise unlikely to be of interest to the public."

That is what you might call a sandwich clause. It does not need to put that stuff in; it merely needs to maintain a register to indicate the general degree of communication that is going on and how that communication is working.

Rebecca Pow: To clarify, there is nothing in the Bill that prevents the OEP from setting up a register. I cannot reiterate any more than I already have that it is an independent body: if it decides it wants to set up a register, that is purely up to the OEP. I reiterate again that we do not believe that that should be a legal obligation on the OEP—after all, it is an independent body and it will think through these things for itself.

Dr Whitehead: That was not quite the question that I asked the Minister. What I asked was: if the OEP did decide to set up its own independent register, what would Ministers have to say about its being a transactional register—not a register of independent actors, but a register of things happening between people, including Ministers?

Would the OEP be encouraged to do that by Ministers? Would Ministers be happy to go along with that if the OEP did it? Alternatively—we would probably never find this out because we would not know what the communications were—would Ministers say, for the reasons the Minister has outlined, "That is a pretty bad idea, OEP. You don't really want to be doing that. We might say, in theory, that you are able to set up your own register, but we as Ministers seriously discourage you from doing it."

We would be considerably comforted if the Minister said this afternoon that not only could the OEP set up its own register, but she would positively encourage it to do so, in the interests of transparency and of ministerial communications being as public as possible.

2.45 pm

Cherilyn Mackrory (Truro and Falmouth) (Con): I am just trying to clarify something. We have had various debates on the independence of the OEP and now the hon. Gentleman is asking Ministers to give their pre-emptive influence as to whether the OEP should do one thing or another. It might just be me, but I find that the Opposition amendments and new clauses are trying to pre-empt the OEP's own terms of reference, which it will decide for itself.

Dr Whitehead: What I was doing was engaging in a bit of what-iffery. The Minister came back to me and said that the OEP could set up its own register, if it

[Dr Whitehead]

wanted to do. That is not what we want to do in the new clause; we just want a register to be set up—that is quite clear and straightforward. The OEP would have some discretion over what it consisted of, but the register would be there on the table for public record. That system operates in a lot of other legislatures and jurisdictions, to a greater or lesser extent. It does not bring the world tumbling down; it brings transparency.

Rebecca Pow: To back up the strong point made by my hon. Friend the Member for Truro and Falmouth, would the hon. Gentleman agree that the whole point about the OEP is that it is an independent body and Ministers cannot encourage it? That is the whole point of its independence.

Dr Whitehead: That is indeed absolutely what we hope will happen and what the new clause is intended to underpin. The Minister, I think, has just made a further point in favour of the new clause—the effect of her words often goes considerably beyond what she thinks. That is very good and positive.

I do not wish to say too much more about the new clause. I have been tempted by interventions to go down particular routes, but I emphasise the simple, central point. This is about fresh air, light and transparency, and actions taken by public bodies, for the public good, being available to the public. It is as simple as that. The fact that there would be a requirement does not put any constraints on anybody's actions; it simply makes sure that the light of transparency is properly shone, and is guaranteed to be shone. That is what the public would expect to happen in the case of an independent body that nevertheless appears to have close relations with the Government, in terms of its independence.

The Chair: I am unclear as to whether the hon. Gentleman is seeking to divide the Committee.

Dr Whitehead: Sorry, Mr Gray. I have been goaded beyond endurance in this particular debate, so I ask for a Division.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 5, Noes 9.

Division No. 51]

AYES

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

NOES

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

Question accordingly negatived.

New Clause 14

PRIMARY DUTY TO SECURE RESILIENCE

"(1) Section 2 of the Water Industry Act 1991 (general duties with respect to water industry) is amended as follows.

(2) In subsection (2A), at the end insert—

"(c) to contribute to achievement of any relevant environmental targets set under the Environment Act 2020.".

This new clause places duties upon the Secretary of State and the Director General of Water Services in the Water Industry Act to contribute to targets in the Environment Bill.—(Dr Whitehead.)

Brought up, and read the First time.

Dr Whitehead: I beg to move, That the clause be read a Second time.

Let us see how we get on with this one, Mr Gray. Again, this is a very simple new clause; I thought the last one was simple, but there we go. It places an environmental responsibility on Ofwat—in the same way, I talked a while ago about what does not happen at the moment, but I sincerely wish would happen, with Ofgem.

The new clause sets out that the director general of water services, who is mentioned in the Water Industry Act 1991, which was put in place before modern Ofwat came into being—the director general of water services now works closely with Ofwat on regulation of the water industry—and the Minister, which is effectively Ofwat,

"contribute to achievement of any relevant environmental targets set under the Environment Act 2020."

It would mean that any targets for water companies would have an obligation attached to them: that Ofwat must work towards those targets.

This is an important point for water regulation and, indeed, any other form of industry regulation. What regulators do is based on a brief from the Government about their overall activities. Even though it is independent, the regulator will, to a considerable extent, ensure that what it does is guided by that overall requirement.

If, for example, the general direction is simply to go for value for money for customers, important though that is, and if that is the guiding light for that particular regulator, it will stick by that at the expense of other considerations that could balance it out in the interests of, for example, environmental targets.

The new clause seeks to balance what the regulator is doing on those targets. It is quite proper that it should have an interest in the targets. Surely that is one of the aims of the targets in the Bill—to ensure that we are working together to get them achieved. If important parts of the water industry are not bound into seeking to achieve those targets, that weakens the overall push forward.

The new clause is not authoritarian. It is not trying to get anything done that should not be done. It simply tries to make sure that everyone is bound together in making sure that the targets work well in the water industry.

Rebecca Pow: The Government recognise the hon. Member's intention that the water industry should play its role in achieving targets set under the Bill, particularly in the priority area of water, but I do not believe that the new clause is necessary, given the legislative requirement to achieve long-term environmental targets.

Clause 4 will place the Secretary of State under a duty to ensure that the targets set under clause 1 are met. At least every five years, the Government must

review their environmental improvement plan and, as part of that, must consider whether further measures are needed to achieve its targets. The Government must also periodically review its long-term targets set under the Bill, alongside other statutory environmental targets, to consider whether meeting them collectively would deliver significant environmental improvement in England.

In addition, both the Secretary of State and Ofwat are already placed under environmental duties by section 3 of the Water Industry Act 1991, which was referred to by the hon. Member. Section 2A of the Water Industry Act 1991 enables the Secretary of State to set out strategic priorities and objectives for Ofwat, which we have already heard about, as it relates to water companies, wholly or mainly in England, through a strategic policy statement. In preparing that statement, the Secretary of State must already have regard to environmental matters. In future statements, those matters could include targets set under the Environment Bill.

The existing legislative framework, together with provisions in the Bill, are therefore sufficient to ensure that targets, including water targets, will be achieved. While the duty to achieve targets rests with central Government, of course public authorities, including regulators, will have their role to play. As I have pointed out, the legislative framework already in place, plus the provisions in the Bill, should drive us towards ensuring that targets will be achieved. Therefore, I ask the hon. Member for Southampton, Test to withdraw the new clause.

Dr Whitehead: The new clause specifically talks about targets, and in the 1991 Act targets did not exist. While it is true that there are general environmental obligations in that Act, they do not relate to the Bill's aims in terms of its targets. We have already discussed that. The Minister implies that it is more than conceivable that the general framework relating to environmental considerations could be nudged towards targets, when those are in. To some extent, it is a question of looking at whether Ofwat is doing the right thing, as those targets come in.

Rebecca Pow: There are other areas that will help towards this. We need a whole range of levers to meet the targets, but the targets will be set through the Environment Bill. Thinking is already going on about the relevant targets for water and they are priorities for me, so we are moving on that.

A river-based management planning process, which the Environment Agency is currently revising, will also be a key measure and stage in identifying some of the other levers that will be needed to complement the powers over the regulatory stuff, as well as the targets in the Bill. Does the hon. Gentleman agree?

Dr Whitehead: Since I have only just heard that, I am not sure I can completely agree with it. The Minister is suggesting that there is a mesh of things there already, which could lead towards moves unpinning the targets. I hope the Minister is right about that process. I am not absolutely sure that they are as strong as we might like them to be in terms of what the new clause suggests, but I am sure that the Minister would be able to review that position, if it turns out that, once those targets are set, the mesh is not strong enough to impel those regulators in the direction that should be taken.

On that basis, and with confidence in the Minister's powers of persuasion for future arrangements, I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 15

RESERVOIRS: FLOOD RISK

"(1) The Secretary of State must make regulations to grant the Environment Agency additional powers to require water companies and other connected agencies to manage reservoirs to mitigate flood risk.

(2) Regulations under this section are subject to the affirmative procedure."—*(Fleur Anderson.)*

Brought up, and read the First time.

Fleur Anderson: I beg to move, That the clause be read a Second time.

I speak as a representative of a constituency that is no stranger to flooding. In Putney, we regularly have very high tides along the river. There is even a "high tide club" of car drivers who had not realised that the water was going to come, and found themselves water logged and stranded. People love to go and take photos of them, but it is not very good for the drivers.

I rise to speak in favour of the new clause, which has an unusual range of support—perhaps it will be the first that attracts the support of the whole Committee. I hope that all Committee members have noticed that it has the support of the Conservative hon. Members for Colne Valley (Jason McCartney), for Shipley (Philip Davies) and for Calder Valley (Craig Whittaker) and the SNP hon. Member for Falkirk (John Mc Nally), alongside my hon. Friends the Members for Bristol East (Kerry McCarthy), for Leeds North West and for Halifax (Holly Lynch). I pay tribute to my hon. Friend the Member for Halifax for all the work she has done championing the use of reservoirs and reservoirs management in mitigating flood risk for communities.

This Environment Bill will mean more collaboration between water companies to deliver the infrastructure we need and ensure that we have clean and plentiful water, now and for decades to come. That is in the bag. This new clause takes the Bill further in strengthening the powers of the Environment Agency to manage reservoirs to mitigate flood risks.

My hon. Friend the Member for Halifax introduced a private Member's Bill on this issue last year, as a result of many years of conversations and learning between agencies, including the Environment Agency, water companies and local authorities for the area of Calderdale, about what will really help to stop communities being at risk from flooding.

Currently, the legislation that underpins water companies and their regulation has a focus on mitigating drought risk rather than flood risk.

The new clause seeks to redress the balance, as is only appropriate. Reservoir management is vital to mitigation of the damage and havoc that floods can wreak on communities such as those in Calderdale, and trials of flood management are already under way in such areas as Thirlmere in Cumbria and the reservoirs in the upper Don valley. We know that it will affect reservoirs across Wales and Scotland, as well as Wessex in England.

3 pm

The new clause would place into legislation the important function of reservoir management for flood risk mitigation. That is what is deemed to be working in best practice. We should therefore listen to that and learn from it, and put it into the legislation. We know that extreme weather will increase the frequency of flooding in the years to come, and reservoirs are key to ensuring resilience within our water infrastructure if we are to manage both drought and flood risk. The difference is that reservoirs need to be relatively low to manage flood risk but high to manage drought risk, so we need the ability to move water between reservoirs, and that requires a lot of infrastructure.

We have infrastructure here on the Thames, so I know how important it is. The Thames barrier was put up for the 194th time last week. It has stopped flooding all the way down the Thames, and a similar amount of large-scale infrastructure needs to be put in to enable our reservoirs to work effectively to stop flooding. The new clause would enable the Environment Agency to do that.

The new clause would enhance current flood mitigation measures by ensuring that there are agreements in place, long in advance of any actual floods, between the Environment Agency, water companies and "connected agencies"—those may be bodies such as local authorities, though the new clause provides for that to be locally understood and decided. They could identify what capacity level is appropriate at which reservoirs, when the reduction would take place and what evidence base is needed to support those decisions.

Water companies are currently regulated by Ofwat, and inevitably there is a strong focus on preventing the over-obstruction of water sources, particularly in the context of fears that climate change will bring about prolonged periods of hot, dry weather. However, the Environment Agency warned in May last year that entire communities may need to be moved away from rivers if we are properly to prepare for a predicted terrifying average global temperature rise of 4° C. Again, regulation must find the appropriate balance between the two threats of drought and flooding.

The water industry in England and Wales is diverse, and pressures in one area are not the same as those in others. This is not a one-size-fits-all new clause; it fully understands local needs. The new clause will strengthen the Bill by leaving the space to allow for water companies, locally relevant connected agencies and the Environment Agency—with the Environment Agency, importantly, taking the lead—to respond to local risks and react accordingly.

The new clause recognises the need to strengthen flood risk mitigation with regard to reservoirs specifically. There may be many other advances that the Minister could, and should, talk about, but the new clause specifically refers to reservoirs, where it has been identified in best practice that there needs to be this additional provision. The new clause will allow us to respond in real time to changes in our climate that mean that we can face, at the moment, both drought risk and flood risk within months of each other. Any plans will be based on current trials that are already happening.

In an ideal world, the ability to transfer water between reservoirs and even across the country would enable the mitigation of flood risk by the release of excess water, which could be sent elsewhere without wasting a single drop. Yorkshire Water, for example, has recently been exploring the possibility of directing the water released from its trial reservoirs into its nearby treatment works. That is exactly the kind of approach that we would like to see, and it would be enabled by the new clause.

With that in mind, I hope it is clear to all Committee members why the new clause is needed and has attracted so much support from across the House. It will rebalance the risks of drought and flood. It will transfer powers to the Environment Agency and result in investment in infrastructure and localised plans, with flexibility to move water with ease as needed to protect both the environment and communities from flooding.

Ruth Jones: It is a pleasure to speak in support of new clause 15 and to follow my hon. Friend the Member for Putney, who made so many powerful points in her speech.

I want to start by paying tribute to my hon. Friend the Member for Halifax, who has long campaigned for action to protect communities vulnerable to flooding and for the Government to act to mitigate the risk of flooding in her constituency and across England.

She has been joined by a number of Members, including my hon. Friend the Member for Barnsley East (Stephanie Peacock), who I know supports the action to which the new clause would give effect.

On 1 May 2019, the Opposition forced the Government to agree to the UK Parliament becoming the first in the world to declare an environment and climate emergency. It was the right thing to do, and that declaration and the necessary action to tackle the emergency have underlined every word uttered by the Opposition in Committee and, importantly, influenced every single amendment and new clause. Earlier this year, we saw storms Cara, Dennis and Jorge demonstrate the reality of the climate crisis and showed that more extreme weather will happen more often and with devastating consequences for jobs, lives and communities. I saw the impact water damage can have on communities. Newport West itself had minimal damage, but we saw considerable flooding in our parks and green spaces. Sadly, other parts of south Wales were severely impacted—the Rhondda Cynon Taf area in south Wales was the scene of 25% of the UK total of homes damaged by the floods in early 2020—and there was also significant damage in places such as Shrewsbury and other small towns on the banks of the River Severn. So this is real. It is important that we get to grips with the dangers the water poses and look to adopt a policy of prevention, because that is better than cure.

I am deeply concerned by the deep, long-term cuts to Natural England and the Environment Agency that have seriously undermined their ability to tackle the environment crisis and deal with the impact of the climate emergency. That is important to note, because new clause 15 seeks to enhance the powers and reach of the Environment Agency, and we cannot do that without acknowledging the huge hit to its finances, abilities and reputation inflicted by the Government. The new clause is a focused, clear and coherent attempt at mitigating risk, but would also show that the House is determined to respond to the climate crisis, as well as to lead our way out of the many problems caused by water damage and flooding.

The amount of homes at risk of flooding has more than doubled since 2013, reaching an approximate total of 85,000 homes, so we need a joined-up approach across regional water authorities, local government and regulators to provide a single flood plan for an area to manage flood risk and better co-ordinate the response to flooding. That is why the new clause is important. It is about more than just preventing flooding from reservoirs: it should look to identify opportunities where existing and proposed reservoirs could be used to provide flood storage capacity and other benefits.

The damage caused by water has destroyed lines and, in some devastating situations, has taken lives too. This afternoon, we need to make sure that the new clause passes, because I am sure the Government share our ambition to ensure that this is enshrined in law.

Richard Graham: I rise very briefly, to my Whip's dismay, to comment because the points raised by the hon. Member for Newport West have a lot of merit to them, as the Minister will agree. In particular, the hon. Member is not far away from the same river that has frequently flooded my own city of Gloucester, most notably in 2007. It is worth noting that we do have something called the Severn Partnership, which brings together the MPs the whole way along the river—around 40 of us—to work very closely with, for example, Shropshire County Council, the Environment Agency and other important stakeholders. Indeed, it is very important that it is a cross-border partnership, talking closely with colleagues in Wales and the authorities there.

The key point, which I am sure the Minister will touch on, is that I am not convinced the Secretary of State needs to make regulations granting the Environment Agency these additional powers. However, I do think that it is incredibly important for the Secretary of State, and his or her Ministers—the Minister in her place has already done this—to show huge commitment to encouraging and working with all those partners in order to resolve a fundamental problem in this country, which is that half of it has too much water and has floods, and the other half has too little and has droughts. If we could store water high up, in the Welsh or Shropshire hills, and avoid flooding in places such as Gloucester, we could then transfer it by pipe all the way down to Thames Water, and make a turn at the same time, which would be good news for all concerned. I am sure that the Minister will explain why she agrees with the principle but does not necessarily see the point of the amendment.

Rebecca Pow: I thank all hon. Members who have contributed to the debate, and particularly the hon. Member for Putney for sharing her experiences of flooding. Clearly, my sympathies lie with anyone who has experienced flooding. I saw it for myself at first hand when the Somerset levels flooded.

I want to reassure the Committee that flood risk management is a top priority for this Government. I fully recognise the desire to look at all the options, but this Bill is not the place for new flood management legislation. There are currently over 200 reservoirs operated by the Environment Agency that are used for flood risk management, and that are deliberately kept low in order to maximise the amount of rainwater they can store.

Water company reservoirs have a different purpose and play a significant role in ensuring that we have ready access to water whenever we want and need it. Indeed, water companies have statutory duties, enforceable by Ofwat and the Secretary of State, to maintain secure water supplies, under the Water Industry Act 1991. That is a key point to highlight, because the security of water is so essential. This primary purpose of water companies must be considered first, before any additional duties are placed on them, even if those duties would help with flood risk management.

However, there is nothing to stop a water company using its reservoirs for flood risk management purposes and as a risk management authority. Under the Flood and Water Management Act 2010, water companies have a duty to co-operate with all other risk management authorities, including the Environment Agency. I am aware that some water companies across the north of England have undertaken trials to explore how and where this approach might offer the most benefits. Those trials have shown some positive results, but they have also identified some risks, such as prolonged dry weather, which need to be fully understood.

We should not forget that not many months ago we were facing a potential drought in the north-west, and everyone was on the phone to the water Minister. That was exacerbated by unusually high demands for water, because of the hot weather and changes in people's behaviour and routines during the pandemic, with more people using hosepipes to fill paddling pools, wash their cars and water their gardens. Similarly, in the summer of 2018 the country dealt with very dry and warm weather, with water companies experiencing high demand. We must pay as much attention to the problem of too little water as we do to too much. Indeed, as the hon. Member for Newport West highlighted, we should expect more frequent extremes of weather as a result of climate change, so that all impacts on this situation.

There is a formal agreement between the Environment Agency and Yorkshire Water in relation to Gorpley reservoir, which demonstrates that, through effective partnership working, such agreements between the different water bodies and organisations can be secured locally. I therefore believe that local agreements and partnership working form the most appropriate approach. My hon. Friend the Member for Gloucester highlighted the Severn Partnership, which involves a whole range of bodies working together, including local authorities and all the MPs representing constituencies up and down the valley. That is proving to be something of a model in driving forward the whole issue of water infrastructure, how to get water from A to B, and how to deal with the demand. That has been a voluntary arrangement.

As I have said, flood risk is a top priority for the Government. We have published our flood and coastal erosion risk management policy statement, which sets out our long-term ambition to create a nation that is more resilient to flood and coastal erosion risk.

The hon. Member for Newport West touched on funding. From 2021, the Government will double investment in flooding to £5.2 billion in the next six-year capital investment programme for flood defences. That investment will better protect 336,000 properties from flooding. Additional funding of £200 million over six years will help 25 local areas to take forward some much wider innovative approaches to improve flood resilience and coastal erosion. That touches on the whole issue of water supply.

3.15 pm

The Government are bringing forward a range of really exciting initiatives in this space. We have already brought forward £170 million-worth of shovel-ready defence schemes across the nation, which will create jobs along the way and help economic growth. Those projects were announced in the summer.

The more resilient approach is reflected in clause 75. The improved consultation requirements provide for there to be earlier and better consultations and therefore a more integrated approach to water planning, requiring water companies who share borders to talk to each other and think about how their plans dovetail together.

However, there is currently no legislation that stops water companies using their assets for flood risk management. In fact, water companies are risk management authorities under the Flood and Water Management Act 2010 and they have a duty to co-operate with all other risk management authorities, including the Environment Agency, local authorities, internal drainage boards and others, as is being put into practice by the Severn Partnership. I therefore ask the hon. Member for Putney to withdraw the new clause.

Fleur Anderson: I thank the Minister for all those points and for her impassioned argument in favour of the new clause. The change in water use under covid has been recognised. It has been seen in London, where fewer people are working in the city and more are working at home. Better powers granted under the Bill, and local management plans, would make it possible to respond to those changes.

The Gorpley reservoir partnership is a great model of how to work together, as is the one in Calderdale that led to a private Member's Bill last year and to this new clause. The new clause seeks only to put into legislation what is seen to be good practice. This is a top priority of the Government, so it should be in the Bill. Why would it not be? I absolutely agree that the security of water is very important, but we are asking for balance with flood mitigation.

The new clause would give specific powers to the Environment Agency and would provide joined-up legislation across the Government. The Minister has talked about the top priority of flood mitigation; the new clause balances that with the top priority of a world-leading Environment Bill. This is the right place for the new clause, so I seek to divide the Committee on the motion.

The Committee divided: Ayes 5, Noes 9.

Division No. 52]

AYES

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

NOES

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

Question accordingly negatived.

New Clause 16

WASTE HIERARCHY

"(1) In interpreting responsibilities under Part 3 of this Act and in all matters relating to waste and resource efficiency the Secretary of State must take account of the requirements of the waste hierarchy.

(2) In this section, "waste hierarchy" has the same meaning as in the Waste (England and Wales) Regulations 2011 (S.I. 2011/988).".—*(Ruth Jones.)*

Brought up, and read the First time.

Ruth Jones: I beg to move, That the clause be read a Second time.

I rise to speak to new clause 16 in my name and those of my hon. Friends the Members for Southampton, Test, for Cambridge, for Erith and Thamesmead (Abena Oppong-Asare), for Bristol West (Thangam Debbonaire) and for Brighton, Kemptown (Lloyd Russell-Moyle). The new clause is a specific and targeted addition to the Bill, and I do not intend to speak on it for long.

As colleagues will know from our recent discussions on waste and recycling, it is important that we act as comprehensively as possible and that we show real leadership on these important issues. For us to take these matters seriously—actually and theoretically—we need the Bill, when it leaves Committee, to be made up of a comprehensive plan backed by a coherent agenda that will deliver real results now and into the future. I hope the Minister recognises that the new clause will do nothing other than enhance the scope and reach of the Bill, taking it a great deal closer to being fit for purpose.

The Minister and Government Back Benchers will know that we have not sought to divide the Committee for the sake of it in recent weeks. Truth be told, all our amendments are worthy of a vote and of being added to the Bill. Alas, the Minister and her loyal colleagues have put paid to any chance of those additions. I wish to press new clause 16 to a vote, however, for a number of reasons, the most important being that people out there need to know that although efforts to make recycling fit for purpose, to tackle waste and to fight the climate emergency head on in England were on the table, they were all rejected. I would be delighted if the Minister rose to inform the Committee that she will accept the new clause and, even at this late stage, I urge her to scrap her notes and do just that.

Rebecca Pow: The hon. Lady will be pleased to know that I will not be recycling my notes just yet. I thank her for tabling new clause 16, which seeks to ensure that the Secretary of State must take account of the requirements of the waste hierarchy when considering all matters relating to waste and resource efficiency. Organisations that produce or manage waste in England and Wales are already legally obliged to comply with the waste hierarchy duty, as set out in the Waste (England and Wales) Regulations 2011—the hon. Lady is perhaps not aware of that.

The Environment Agency is responsible for enforcing that in England. Government policy in this area has, for a long time, been developed with the principles of the waste hierarchy in mind, and that commitment was affirmed in our resources and waste strategy in 2018—an excellent strategy that I urge the hon. Lady to read—which sets out our plans to move away from an inefficient "take, make, use, throw away" model, to a more circular

economy that keeps products and materials in use for as long as possible. We discussed that at length in many of the earlier waste clauses.

We intend to ensure that waste is prevented in the first place and that we recycle as much as possible once waste is created. Measures in the Bill have been developed with the waste hierarchy as our guiding light. At the top of the hierarchy, clause 50 and schedule 7 allow for regulations to be made about resource efficiency requirements, to drive a shift in the market towards products that last longer and can be reused and repaired more easily, as well as towards those that can be recycled. Those regulations would be used, for example, to require fitted furniture to be easy to disassemble and reassemble, or for parts to be easily repaired or replaced. The hon. Lady is absolutely right: the public are really welcoming of such measures.

Our producer responsibility powers in clause 47 and schedule 4 can be used to help to prevent products or materials from becoming waste. By imposing obligations on food producers, for example, we can hold them responsible for surplus food and food waste. That is a huge step forward: collecting food waste but also urging people not to create so much waste in the first place.

Our other producer responsibility powers in clause 48 and schedule 5 will also help prevent waste by making producers accountable for the full cost of managing their products at the end of life. I honestly believe that that will be a game-changer in terms of the amount of waste created. As I have mentioned before, that will encourage businesses to reduce the amount of packaging that they use and to use reusable and recyclable packaging, so that less waste is produced.

Clause 54 will ensure that we make recycling simpler for households, by stipulating a consistent set of materials that must be collected from all households and businesses in England, which, as I have just mentioned, will include food waste. I can therefore reassure the hon. Lady that we do not need the new clause, having touched on everything that she raised. She said that she intended to press the new clause to a vote, but surely I have convinced her that that really is not necessary.

Ruth Jones: I thank the Minister for those helpful comments and for raising the awareness of the importance of the 2011 legislation and the other relevant legislation which, of course, is compulsory bedtime reading on this side of the Committee.

We have discussed at length the importance of the cyclical nature of recycling, but it is so important that we begin to break it down. As the Minister rightly said, it is not just about the end product, but the starting point and how we ensure that products, when they are first created or built, are designed so that they can be fully recycled. My hon. Friend the Member for Southampton, Test spent a great deal of time explaining how car parts can be broken down and used again in different ways, and we all took that on board.

Rebecca Pow: Perhaps the hon. Lady did not register the producer responsibility, which will put the onus on the person who invents and designs the product in the first place. They will remain responsible for the cost of that product through its life and where it ends up, so that will make them think, "Goodness, I don't want to be responsible for that, so I'll think about how I design it in the first place," and that will reduce waste. Maybe she missed that.

Ruth Jones: I did not miss it, and I am perfectly clear about the producer responsibility. However, I am also clear on the need for public co-operation, because all recycling and waste management begins at home. We must ensure that we have the public on board. Although we are talking about the waste hierarchy, we need to ensure that the public out there in the real world understand fully what is expected of them. We need to make it easy for them, which means that they must have clear instructions—hopefully universal instructions rather than different authorities doing different things, confusing people. On that basis, I am sorry to disappoint the Minister, but I am going to press this new clause to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 5, Noes 9.

Division No. 53]

AYES

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

NOES

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

Question accordingly negatived.

New Clause 17

TREE FELLING AND PLANTING

"(1) The Secretary of State must by regulations establish and execute in conjunction with the devolved administrations a target for the percentage of land in the UK under forest or woodland cover by 2050.

(2) The target shall be at least 19% of UK land under forest or woodland cover by 2050.

(3) The Secretary of State must by regulations establish and execute a target for the percentage of land in England under forest and woodland cover by 2050.

(4) The target shall be at least 14.5% of land in England under woodland or forest cover.

(5) The Secretary of State must by regulations establish interim targets for the increase in hectares of land in England under forest or woodland cover for each five year period up to 2050.

(6) The interim targets shall be not less than an additional 80,000 hectares of land under forest or woodland cover for each five year interim target period up to 2030, and not less than an additional 10,0000 hectares of land for each five year interim target period thereafter."—*(Dr Whitehead.)*

Brought up, and read the First time.

Dr Whitehead: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 19—*Duty to prepare a Tree Strategy for England*—

"(1) The Government must prepare a Tree Strategy for England as set out in subsection (2) and (3).

(2) The strategy must set out the Government's vision, objectives, priorities and policies for trees in England including individual trees, woodland and forestry, and may set out other matters with respect to the promotion of sustainable management of trees in these contexts.

(3) The Tree Strategy for England must include the Government's targets and interim targets with respect to—

(a) the percentage of England under tree cover;

(b) hectares of new native woodland creation achieved by tree planting;

(c) hectares of new native woodland creation achieved by natural regeneration;

(d) the percentage of native woodland in favourable ecological condition; and

(e) hectares of Plantation on Ancient Woodland (PAWS) undergoing restoration.

(4) The Government must keep the Tree Strategy for England under review, and may, if they consider it appropriate to do so, revise the strategy.

(5) If the Government has not revised the Tree Strategy for England within the period of 10 years beginning with the day on which the strategy was last published, they must revise the strategy."

The aim of this new clause is to ensure that the Government prepares a tree strategy for England. It will ensure that the Government has to produce targets for the protection, restoration and expansion of trees and woodland in England.

Dr Whitehead: Hon. Members will recall that we heralded the arrival of this debate on new clauses 17 and 19 a little while ago in our debates, when we drew attention to clause 100, which comes under the strange heading of "Tree felling and planting" because "planting" does not appear in the text of the clause. New clauses 17 and 19 are similar—new clause 17 has more detail in the numbers—and seek to ensure that a proper strategy for tree planting is in place and that that strategy bears some relation to the reality of the numbers that will be required if we are actually to have a real effect on this country's emissions, particularly our net negative emissions as we go towards our net zero target, which the Minister and I have already mentioned in Committee on several occasions.

We all agreed that we were to move towards a net zero target for emissions by 2050, and trees play an incredibly important part in that net zero target, because they are nature's almost perfect method of carbon sequestration. Particularly as trees grow from their sapling stage to their mature stage, they have a burst of sequestration. Fortunately for us, that burst of carbon sequestration as the new trees grow exactly coincides with the period ahead of us up to 2050, when we have to get to our net zero target.

3.30 pm

Our tree strategy therefore ought to be aligned with that net zero target, and informed by an understanding of not just what we have to do to get to net zero but what happens in terms of sequestration by these trees. That is the biggest net negative weapon in our arsenal, because there will inevitably be substantial carbon overhangs in all sorts of other areas of activity, which we will have to account for in getting to the overall net zero target. The net negative effect of sequestration by a large planting of trees could go a long way to account for the carbon overhang in other areas of our economy.

It is probably a good idea to try to get a handle on the numbers that we are talking about by consulting our old friend the Committee on Climate Change. Its publication "Land use: Reducing emissions and preparing for climate change" of about two years ago looked at the number of new trees that we will need to plant, in the context of the present forest cover in the UK. Hon. Members will not be surprised to hear that we are one of the worst countries in Europe in terms of forest cover. We inherited a land that was richly forested across almost its length and breadth, and we have reduced it to a land that in England has no more than 10% forest cover overall. It is considerably higher in Scotland, but altogether in the UK there is only about 13% of forest cover. That compares very badly with France, which has 35% and Scandinavia, which has 50% to 60%.

We are a tree-bare country as far as carbon sequestration is concerned. It seems to me not only a good idea to get our skates on to plant a lot more trees, but an imperative to restore the forest cover substantially, not just for climate reasons but to enhance biodiversity, and to join up the various isolated pockets of species' existence in the country to create continuous corridors of species runs. We could immensely enhance, particularly in rural areas, the forest industries, which are very remunerative for the country, and make the country a much better place overall as a result of our efforts.

The Committee on Climate Change estimated that in order to produce the sort of sequestration that would make a real net negative contribution and save between eight and 18 megatons of carbon dioxide we would need to plant something like 1.5 million hectares of land, which would take the forest cover of the UK up from the present 13% to 19% by 2050. Looking at creating forest cover lets us understand the extent of the task ahead of us and what we need to do. By reasonable extrapolation, it gives us a handle on the numbers that have been bandied around recently about who is planting what trees, how many they are planting and what good that will do.

If we take the rough number of trees that can reasonably be planted per hectare—there are different amounts, depending on species and the purposes for which they are being used—it comes to about 1,600. If we multiply the 1.5 million new hectares of planting that the Committee on Climate Change suggests we should undertake by the number of trees per hectare, it equates to not millions, but billions of new trees: 2.4 billion to be precise. That puts in context some of the recent chatter about who is planting how many trees. For example, the 25 year environment plan includes an impressive figure. It states:

"We will increase tree planting by creating new forests and incentivising extra planting on private and the least productive agricultural land, where appropriate. This will support our ambition to plant 11m trees."

That sounds a lot, but when you put it into the context of the data I described, it comes to about 6,000-odd hectares.

Robbie Moore (Keighley) (Con): Across the whole UK, there are about 17.6 million hectares of productive agricultural land. Does the hon. Gentleman therefore

agree that it is about striking the correct balance? With the Prime Minister announcing 30,000 hectares for tree planting annually, does he agree that that will contribute towards reaching the target? It is about striking a balance.

Dr Whitehead: The hon. Gentleman is absolutely right and may well have anticipated my next comments. He referred to his miniature oracle—the mobile phone—to look up the number of hectares in productive use in the UK. In a tree strategy, it is important not to substitute productive land for tree cover if that can be avoided. We must ensure that marginal land, or land that is not in particularly productive use, can be afforested, and that land that is in productive use or has a high yield can continue to operate on that basis. We should not try to sequester land that could be used for other purposes to put trees on.

On the overall target, we must ask ourselves—indeed, the Committee on Climate Change has asked itself—whether it is possible to get that number of trees on the land in the UK, bearing in mind the constraints that the hon. Gentleman mentioned. The answer is yes, absolutely, it is possible. The Forestry Commission and Forest Research have done a lot of research on the amount of marginal land in the UK that could have forest cover without impinging on grade 1 agricultural land, national parks, areas of outstanding natural beauty and so on. The answer is that roughly 5 million hectares are available in England for that sort of activity. There is land available.

A tree strategy would have to take account of the point that the hon. Member for Keighley made about what land was available and how it might be afforested, as well as the incentives that might be needed to do that because a lot of that land is in private ownership and some might be purchased for forestation and made available to the public. Other land could be made available through covenants, which the Minister mentioned. But overall, the purpose would be to ensure forestation that increases overall forest cover while making room for the various things that need to be done on the land up to 2050.

I want to come to the 30,000 hectares, which the hon. Gentleman mentioned and which we have recently heard about in the press. One is not entirely clear what that figure means. A blog from the DEFRA press office on 12 June was headed—I am not sure about the grammar here—"Tree planting on the up in England". Actually, it talked about tree planting not being particularly on the up in England, because not only have present targets been missed by up to 70% in recent years, but although total new planting in 2019-20 was indeed up, it was only up to 2,330 hectares, which is a tiny proportion of what is required annually to get anywhere near that figure by 2050.

Indeed, the figure very much squeezes the definition of what has been planted by taking into account the total number planted with Government support over the last three financial years and those hectares that the Department thinks have been planted without support—because people like planting trees. It suggests that total new planting, taking into account everything in the UK—Scotland and England as well—comes to about 13,000 hectares altogether. Therefore, even by squeezing the statistics as hard as we can, we still get a pretty low version of that tree planting figure.

Nor is it clear from that press release whether the 30,000 hectares of trees that we hear mentioned is an annual tree planting target or a target up to 2025. It states that

> "tree planting in England increased last year but was below the rate needed to reach the manifesto commitment to plant 30,000 hectares of trees across the UK by 2025."

That is very different from 30,000 a year. If the target is indeed 30,000 a year, that goes some way towards beginning to meet what the Committee on Climate Change has said is the imperative for planting up to 2050, but only halfway. We would probably need to plant about 50,000 to 60,000 hectares a year if we are to reach Committee on Climate Change target.

That is why the new clause sets out targets with particular percentages, because that is the key point: the percentage of land in the UK under woodland or forest cover, now and up to 2050. That is what the target effectively works around. We also need to understand clearly that the target has to be met between Governments, because half of the UK's new trees were planted in Scotland last year and a substantial amount of the overall UK forest cover target would have to be met there. Therefore, not only would the target have to relate to English planting; it would have to relate to mutual action and discussions between the UK Government and the Scottish Government—and indeed the Welsh Government and the Northern Ireland Assembly—about what is to be done on tree planting in the UK as a whole. As a matter of interest, Wales comes somewhere between Scotland and England in terms of its percentage of forest cover. Northern Ireland is very bad in its forest cover, so there are further areas to be made up in that context.

3.45 pm

I hope the Minister, when she replies, can provide some information about the thinking in Government about a tree strategy that actually addresses the issues I have raised this afternoon and is not about digging trees in here and there by boy scout groups—I am sure it will be about that, but as a small part of the process. We are talking very large numbers here, and the tree strategy will need to genuinely address those large numbers. Not only that, a tree strategy will need to address all the processes of how to get there and how to make sure that getting there is a sustainable process, because that is the other really important point in any tree strategy. As I have said previously in Committee, it is not just about going around with a bunch of saplings in a truck and putting 1,600 in per hectare: it is about making sure that a few years hence there are still 1,600 trees per hectare, not a couple of hundred, because the rest of them have been chewed up by deer and squirrels, or have died because the wrong species have been planted in the wrong place, or the land was not suitable for planting the trees in the first place. The strategy needs to be quite intricate, to get right where the trees are planted; to ensure the balance between marginal land and productive land, as the hon. Member for Keighley mentioned; and to make sure that the trees are maintained properly. Indeed, the Forest Stewardship grants and the Woodland Trust grants for planting trees are not just for planting trees, but provide for the stewardship of those trees over a period of time once they have been planted, and that is a necessary condition to get the grants in the first place.

All those considerations have to go into a proper tree strategy and what I hope to hear from the Minister—so that we do not have to divide the Committee—is that that is the Government's thinking. I hope they have a tree strategy on its way that will do all those things to get us to 1.5 million hectares of additional forest cover by 2050 and so that England and Wales will rejoice in about 13% or so forest cover, and the UK as a whole will rejoice in about 19% forest cover, with the active collaboration of all the Governments and nations in the UK. That is what I would regard as a real tree strategy, putting in place something that plants trees as well as felling them, and that is why we have tabled the new clause. I hope the Minister will find it very much to her liking. I know she is a very strong tree person, and I hope her strong tree inclinations will shine out this afternoon through her commitment to making the tree strategy work as well as we think it should.

Fleur Anderson: I feel as though this is the tree strategy support group part two. As my hon. Friend the shadow Minister said, we talked about it in our discussion of clause 100, which was very disappointing. For anyone reading this debate in *Hansard*, I recommend that they go back and discover the length and breadth of clause 100, which is headed "Tree felling and planting", but talks only about tree felling.

New clause 19 is specifically about a tree strategy, tree planting and tree conservation. As I said last week, putting an English tree strategy on a statutory footing is key to delivering the commitments in the 25-year environment plan alongside which the Bill sits. My hon. Friend has been through the many reasons why we need this strategy. It is therefore hugely disappointing to those who have a stake in our woodlands—and knowing how much the Minister is a tree person—that the Bill fails to deliver one. There have been no new clauses from the Government to set right this gap in the Bill. In the previous sitting, I heard several Conservative Members rightly praising and waxing lyrical about the Woodland Trust's work, about which they were very appreciative. Despite their admiration, however, they have seemingly ignored exactly what the Woodland Trust has called for, which is contained in new clause 19; the new clause has the Woodland Trust's full support.

I note and appreciate what the Minister said last week, namely that the long-awaited and much talked-about tree strategy is under production and will be launched in the spring of 2021. Given how long this Bill Committee seems to be going on, that feels very close. The tree strategy contains what the Government believe are ambitious commitments, and we all look forward to it. I welcome that, and I hope that the Government will listen carefully to the submissions made to their consultation. However, by refusing to give an England tree strategy a statutory footing, the Government risk seriously undermining their progress.

We know that there is a long way to go. Without a provision such as new clause 19, there is no formal way in England to set targets for a tree strategy. The new clause offers the opportunity to correct this, and it will ensure that the England tree strategy has the status it needs to protect, restore and expand trees and woodland in England. It is amazing; there were almost 3,000 submissions to the Government's consultation from Woodland Trust supporters, and many wanted an England tree strategy to be put on a statutory footing. Supporting the new clause would ensure that their voices were heard and make the strategy's targets meaningful, binding and much more likely to achieve their effect. The Woodland Trust has said:

> "The amendment is strongly consistent with the Environment Bill's aims of restoring and enhancing green spaces. It also complements the existing tree clauses, and reflects recent legislation in Scotland, important given the UK wide focus on increasing tree cover as part of the UK's global climate and biodiversity commitments."

As my hon. Friend the Member for Southampton, Test has outlined, this really is a no-brainer.

We can learn from other countries that have put tree strategies into legislation and reaped the rewards. I have been careful, in looking at the Bill, to find out which other countries have brought in similar Bills. Have they introduced environmental legislation, and what have they learned from it? What good practice do we want to take from countries that have gone before us, with similar legislative and regulatory bodies, and what has not worked out very well for the environment? We do not have time for second chances when it comes to the environment.

I will take one example from Norway. We might think of Norway as a massively tree-covered country that does not need any help, but its 2005 Forestry Act was brought up to date to promote sustainable forest management, taking into consideration important environmental values, wildlife habitat, the storage of carbon and other essential functions of forests. Norway's 2009 Nature Diversity Act ensured that forestry regulation complied with the legislation contained in that Act. Norway put forestry regulation on a statutory footing. It was probably littered with "musts", and had hardly any "mays"—I can picture it now.

The success of Norway's model and accompanying legislation speaks for itself. In 1920, Norwegian forests consisted of approximately 300 million cubic metres of standing timber. Today, the volume of standing timber is soon expected to exceed 1 billion cubic metres. It was on a downward trajectory, but it has tripled since the second world war, enhanced by the legislation that Norway has put in on a statutory footing.

New clause 19 is a "no regrets" commitment. I urge colleagues to reconsider their opposition to it, to stand up for trees and to stand up for the ambitious scale of tree planting and conservation that we need to meet our carbon targets, that we need for biodiversity and our own mental health, and that the public overwhelmingly want.

Rebecca Pow: I would like to think that the shadow Minister was going to branch out and not press this new clause to a Division.

I share everybody's desire to deliver on a tree-planting commitment. The Government are mindful of that and are not wasting time. We are working to increase planting across the UK to 30,000 hectares per year by 2025—the figure which has been quoted and which is in line with the CCC recommendations. We are taking those recommendations extremely seriously. Forestry is devolved, so we are working closely with the devolved Administrations to meet that commitment. To increase planting in England, we have announced a £640 million nature for climate fund. In our England tree strategy, which will be published

in early 2021, we will set out further plans for how a lot of the money will be used to fuel all the tree planting we need.

New clause 17 would set a UK-wide target, but as I just said, forestry is devolved, so the Bill is not the place to establish targets for the UK overall. The shadow Minister quoted some statistics—from a blog, I think—about 2,300 hectares of planting. That was an England-only figure for 2019; it was part of UK-wide planting of 13,400 hectares. Our manifesto commitment is to a UK goal, but the Bill is not the place to establish UK targets.

The new clause also proposes a specific England-only target, but significant woodland cover targets in legislation would have a major impact on land. Ours is a small island and therefore we have a limited resource for planting. It is not helpful to make comparisons with a country such as France, which is five times the size of the UK and has a much smaller population. I applaud what the Norwegians have done, but they have terrain that is much more suited to growing trees and, to take up the point made by my hon. Friend the Member for Keighley, they have fewer choices to make about prime agricultural land. We must and will strike a careful balance on where we put the trees.

Extending our 2025 commitment to 2050 would result in 17% tree cover, which is an enormous increase, but the new clause proposes 19%, which would require us to think seriously about the possible extent of woodland cover and how it would affect our prime agricultural land and land for housing and so on. I am sure the shadow Minister is completely aware of that. In a policy paper this summer, we set out our intention to explore whether legislative tree-planting targets would be appropriate under the target-setting procedure in the Bill. Before that process is complete, we should not set specific targets in legislation. Setting potentially unachievable targets, as proposed in the new clause, could lead to trees being planted in the wrong places for the wrong reasons, which could harm food production and sensitive habitats, or even increase carbon emissions. There are lots of things to consider.

New clause 19 proposes a duty to prepare a tree strategy for England and sub-sectoral targets. We know that a major increase in planting is needed—nobody denies that, and it is a manifesto commitment. That is why we have launched the consultation on a new England tree strategy. The strategy will be published in 2021; it will set out a clear vision, objectives and policies for trees in England, covering trees, woodlands and forests. There was great involvement in the consultation and some interesting ideas and proposals were advanced.

Daniel Zeichner: I appreciate the Minister's great enthusiasm for trees. Will she join me in supporting and celebrating tree charter day, which is this Saturday, and congratulate the young plantscapers of Mayfield Primary School in Cambridge, who created a tree hanging especially for me to celebrate it?

Rebecca Pow: Of course I would like to celebrate that. I commend the school for its work. It is a brilliant thing to engage young people in nature and everything about trees, including ancient trees. That can only bring benefits to people's lives. Well done to them for engaging.

4 pm

Going back to the strategy, it will be really important in not just delivering new woodlands, but protecting the woodlands that we already have. I take slight issue with the shadow Minister, because the forestry enforcement measures in the Bill will ensure the replanting of trees that are illegally felled by, for example, developers trying to realise the value of their land. We discussed that at length yesterday, and I think he welcomed those measures. It will deter illegal felling, keeping trees where they are, so it is incorrect to say that the Bill does not cover planting. It is a really important measure that many of those involved in forestry have called for, and it is in the Bill, so we do not need to put a strategy on to a legislative footing.

On top of the measures I have already mentioned, we have heard reports of action from members of this Committee. My hon. Friend the Member for Meriden commended his own Solihull Council for planting thousands of trees and having plans to plant thousands more. That came without any statutory requirement, because the council realises just how important trees are to life. Similarly, we have heard about the Queen's Commonwealth Canopy, which is spreading across the nation.

To conclude, while I, of course, share the desire to see many more trees planted, we must set credible policies to deliver that with public support. As I have explained, the Bill is not the place to set legislative targets for forestry, first, due to it being a devolved matter and, secondly, because we must ensure that legislative targets are based on a thorough review of what is desirable, achievable and grounded in evidence. I ask the shadow Minister to, as I said, branch out and withdraw the new clause.

Dr Whitehead: The Minister, as she has managed to do on several occasions, presents a powerful speech in favour of a proposition from the Opposition, and then says, "Well, it is not necessary and should not be supported."

We can all agree that the Minister is a powerful advocate of trees; she has been for a long time and I do not doubt for a minute that she will continue to be so. I hope she appreciates that that is how I characterise myself. However, she also said—we are to take this on trust—that the Government are undertaking a review of trees. I hope they are, and that they will in due course produce something that will, among other things, lead to a considerable increase in tree planting in the way that I have described and the way in which she would advocate. However, as my hon. Friend the Member for Putney said, none of that is statutory. Now is absolutely the right time to make sure that there is a statutory provision to frame the way forward.

I urge the Government to accept the provisions of new clause 17, which sets out the sort of targets we should adopt. They could be incorporated into a statutory strategy that the Government might produce. I think we are creeping towards agreement not only on how this should be done, but on the imperative to achieve or get close to those sorts of targets—the sort of thing the CCC was talking about—to ensure that we really make a difference as far as trees in the UK are concerned, subject to all the considerations that the Minister mentioned.

We want to ensure that any target is achieved in a sustainable way, without prejudice to other forms of land use in the UK, and in this case in England. Indeed, the Committee on Climate Change discussed in its

[Dr Whitehead]

report what sort of land uses should be maintained in the UK. It was very clear that we should not do something that undermines something else, but should try to move forward with a unified strategy that gives room for crop land, grassland, rough grazing and forestry, and that takes into account the fact that we are an densely populated country—one that, I would add, has succeeded in chopping down pretty much every tree in sight over the past 500 years. We have reflected on the change in land use that has come about as a result.

I recall mentioning a little while ago that the New Forest, which is near me, is a changed landscape. It is called the New Forest, but it is actually a substantially non-tree landscape that has been changed by humans over time, and the habitat has changed as a result. In and around the Minister's constituency, there was a broad swathe of lowland forest and hilltops without trees on them. That is why a number of the dolmens, menhirs and standing stones are in their positions: they were ways of guiding people across forest areas to get to different places because the country was so heavily forested. We have wiped all that out over successive generations.

I do not think it is a case of trying to fit in a few trees to make enough progress on the margins while the rest of the country remains treeless. We need a wholesale project of restoring the tree heritage that Britain once had, while ensuring that that tree heritage can live alongside the other uses that we have brought about. That is a complicated thing to achieve.

Rebecca Pow: Given that the hon. Gentleman wants all this tree planting, does he welcome the great Northumberland forest, which is expanding forestry right across the landscape in the north-east, and the fact that we are kickstarting the planting of the new northern forest with a £5.7 million investment? I think he is agreeing with everything that I have said. We have said that we are ramping up tree planting to meet the advice of the Committee on Climate Change.

The Chair: Perhaps you can answer briefly, Dr Whitehead. It has been quite a long debate so far.

Dr Whitehead: Indeed. Yes, not only do I welcome those forests but I positively embrace the fact that they are being established. When we look at the older midlands forests that have arisen around Sherwood, we can see how more tree plantation can sit in the landscape alongside other uses. That is exactly what is being tried in the northern forest at the moment, so I understand and welcome that.

New clause 19, however, just says, "Get on with a tree strategy. You can put all these targets in it, but it has to be statutory so that we make sure it works properly." I do not wish to press new clause 17 to a Division, because I accept that it includes targets that, although I think they are very important, the Minister may think might be mediated by other factors. However, it is important that we put on record that there should be a statutory tree target in the Bill and that we should get on with that strategy now. I will therefore put new clause 19 to a Division, to test whether the Committee agrees with that notion. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 18

POLICY STATEMENT ON ENVIRONMENTAL PRINCIPLES: EFFECT

"When exercising any function of a public nature that could affect the achievement of—

(a) any targets set under sections 1 or 2;

(b) interim targets set under section 10; or

(c) any other targets that meet the conditions in section 6(8)

public authorities must act compatibly with and, where appropriate, contribute to the achievement of those targets and the implementation of the environmental improvement plan.".—*(Daniel Zeichner.)*

Brought up, and read the First time.

Daniel Zeichner: I beg to move, That the clause be read a Second time.

After the drama and passion of the trees debate, I am happy to inform you, Mr Gray, that the next few new clauses are a touch drier and return to issues of environmental law and the philosophical underpinnings of the Bill. They are important none the less.

New clause 18 would introduce a new duty on all public authorities to ensure that all levels and arms of government play their part in achieving the environmental targets. The new clause would give the air quality, water, waste and biodiversity targets we established at the outset real relevance and meaningful drive from day one, and it would bolster the effects of clause 4. Our concern is that, as it stands, the Bill does not require or sufficiently clarify the need for action across all levels of government and other public bodies.

I will give one example, on air quality. Although part 4 of the Bill provides welcome new powers for local authorities and some useful clarification of their existing responsibilities, it does not do enough to ensure that a comprehensive approach is taken across all levels of public decision making; in fact, it rather risks putting the burden of responsibility solely on local authorities. As we know, air pollution does not respect boundaries, and action by local authorities alone will not be enough to tackle all the sources of air pollution. The new clause would help to spread that burden across central and local government and other significant public bodies in this space, requiring them to contribute to providing solutions on a national and regional scale. We fear that, without something like this, progress will be too slow. The same would be true of the other priority areas as well.

We will not push the new clause to a Division, you will be pleased to hear, Mr Gray, but we would like to hear what the Minister has to say about how those targets can be achieved, which we all want, without this kind of wider environmental duty.

Rebecca Pow: The legal obligation to achieve the long-term target set by central Government properly rests with central Government, and it is for central Government to create the right natural policy frameworks in which other public bodies can best contribute to our environmental goals alongside their own priorities and legal obligations. We will report annually on the implementation of the environmental improvement plan, on improvements in the natural environment and on progress towards the targets, which will provide an opportunity to identify how these national

policy frameworks are contributing to environmental improvement. The Office for Environmental Protection will respond to the Government's annual report with its own independent report. That covers everything that I have been pointing out from the beginning about the whole process of monitoring and reporting.

Where necessary, the Government could change these national policy frameworks, as we are doing through the Bill by making improvements to the local air quality management framework; the hon. Gentleman touched on air, but this measure, already outlined, will do exactly that. Changes would need to be made, following proper consultation with affected bodies, having due regard to the environmental principles policy statement. Local authorities, as I said, have an important role to play in delivering environmental improvement, including through some of the measures in the Bill. Long-term, legally binding targets will set the trajectory for driving long-term improvements in our natural environment.

Public authorities, in particular local authorities, have an important role to play in delivering these improvements, and measures in the Bill will help to drive that action on the ground. For example, the nature section of the Bill strengthens the existing biodiversity duty under the Natural Environment and Rural Communities Act 2006. Public authorities will have to act to conserve and enhance biodiversity, while taking account of local nature recovery strategies. We have covered all that in great detail. There will be a groundswell from the bottom up; local authorities will be hugely involved.

Clear accountability at central Government level provides clarity and avoids additional burdens on hard-working public bodies. Were the new clause to be accepted, the shadow Minister would be placing many more burdens on local authorities. We are at pains to make sure that we do not overburden them, but what they do is an essential part of the whole system, with the Government up there at the top, being held to account and playing their role. I think the hon. Member for Cambridge said he was not going to press the clause. If that is the case, I thank him for it.

4.15 pm

Daniel Zeichner: The Minister is right; we are not going to press the motion, but I would say that I think we are repeating some of the arguments we had on earlier clauses. We are somewhat sceptical that the Minister's noble hopes will be realised. I entirely agree that the Government are expecting a lot from local authorities, but we think that it is not only local authorities that will have to step up. I hear what the Minister says and we shall see how it plays out. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 19

Duty to prepare a Tree Strategy for England

"(1) The Government must prepare a Tree Strategy for England as set out in subsection (2) and (3).

(2) The strategy must set out the Government's vision, objectives, priorities and policies for trees in England including individual trees, woodland and forestry, and may set out other matters with respect to the promotion of sustainable management of trees in these contexts.

(3) The Tree Strategy for England must include the Government's targets and interim targets with respect to—

(a) the percentage of England under tree cover;

(b) hectares of new native woodland creation achieved by tree planting;

(c) hectares of new native woodland creation achieved by natural regeneration;

(d) the percentage of native woodland in favourable ecological condition; and

(e) hectares of Plantation on Ancient Woodland (PAWS) undergoing restoration.

(4) The Government must keep the Tree Strategy for England under review, and may, if they consider it appropriate to do so, revise the strategy.

(5) If the Government has not revised the Tree Strategy for England within the period of 10 years beginning with the day on which the strategy was last published, they must revise the strategy.".—*(Dr Whitehead.)*

The aim of this new clause is to ensure that the Government prepares a tree strategy for England. It will ensure that the Government has to produce targets for the protection, restoration and expansion of trees and woodland in England."

Brought up, and read the First time.

Question put, That the clause be read a Second time:—

The Committee divided: Ayes 5, Noes 7.

Division No. 54]

AYES

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

NOES

Bhatti, Saqib	Mackrory, Cherilyn
Crosbie, Virginia	Moore, Robbie
Docherty, Leo	
Graham, Richard	Pow, Rebecca

Question accordingly negatived.

New Clause 20

State of nature target

"(1) The Secretary of State must publish documents setting out how the Government will exercise the power conferred in section 1 to set a target to reverse the decline in the state of nature in England.

(2) The Secretary of State must publish the first such document—

(a) no later than 30 days before the opening plenary meeting of the next Conference of the Parties to the Convention on Biological Diversity; and

(b) within three months of this Bill receiving Royal Assent.

(3) The Secretary of State must exercise the power conferred in section 1 to set the target described in subsection (1)—

(a) as soon as reasonably practicable following the end of the next Conference of the Parties to the Convention on Biological Diversity; and

(b) no later than October 2022.

(4) The Secretary of State must publish an updated document as set out in subsection (1) before each Conference of the Parties to the Convention on Biological Diversity.

(5) In carrying out the duties in subsections (1) and (4) the Secretary of State shall consider the appropriate domestic effort to contribute to improving the state of nature globally.

(6) In this section, "the state of nature" includes—

(a) the abundance and diversity of species;

(b) the risk of extinction; and

(c) the extent and condition of habitats.".—*(Daniel Zeichner.)*

This new clause obliges the Secretary of State to set out his intentions for setting a target to reverse the decline of nature in time to influence ongoing international negotiations and then to set that target as soon as possible following the conclusion of those negotiations.

Brought up, and read the First time.

Daniel Zeichner: I beg to move, That the clause be read a Second time.

After the Government's majority was slashed at the last vote, I am hugely excited. If only there were a Liberal Democrat bar chart to hand, we could see the swing. I am quite excited about new clause 20 and I am glad the Committee has come back to life. I am so sorry that some hon. Members failed to witness the excitement.

The new clause brings us back to the discussions that the Minister and I had about the state of nature. We think that we need to turn the Government's rhetoric into reality by setting out a target for reversing the decline of nature, in time to play a leadership role as we head to COP15. COP15 is delayed—it would have been happening about now—and is now set for late spring next year, in Kunming, China. The hope is for a new set of global goals for 2030 to replace the 2020 Aichi biodiversity targets, which, as we all know, the world has sadly not done too well on.

I think we can all agree it is vital that the next decade sees much more success than we have managed collectively to achieve in the recent past. As a driving force of the Leaders' Pledge for Nature, which commits to reversing biodiversity loss by 2030, the UK is in a really good place to be a key advocate for leading on these matters. The Bill contains a framework for setting long-term legally binding targets, but it seems to us that the timeframe does not sit comfortably with the 2030 goal. New clause 20 would require the setting of a state-of-nature target that takes account of what needs to be done domestically to contribute to improving the global state of nature.

Looking back at the document on environmental targets from late August, we see that, interesting reading though much of it is, it seems almost like at discursive paper. In my city we are familiar with interesting, discursive papers, but this goes back to the may/must argument. There are plenty of fine intentions, such as:

"Natural England is currently working on a programme to improve monitoring of our protected sites"

That is great, but it is not necessarily mean that it is doing something.

The paper also states:

"A legally binding target for Marine Protected Areas could complement and bolster this on-going work."

And, sadly:

"Trends show that overall, species populations have declined over the last 40 years. Whilst these losses have slowed down, there is still work to do."

That simply describes a state of decline.

The document continues:

"Our most comprehensive species data is about the abundance of species. Using this, we could set a target".

They could set a target, or they might not. It continues:

"It will be difficult to predict how species populations will change over time—including as a result of implementing new policies—as we consider whether to develop a target or targets for species."

That is all worthy stuff, but it is not the stuff of leadership.

On habitat restoration, the paper states that

"the Environment Bill lays the foundation for the Nature Recovery Network that will complement plans for a new Environmental Land Management scheme."

Again, that is a description of an aspiration. Frankly, we know how difficult it will be to do some of this stuff. The document states:

"We are currently developing an indicator to directly monitor."

As I say, it is all aspirational stuff and, I am afraid, all too vague.

The section on nature finishes by saying:

"We are currently undertaking the following steps to increase planting in England"—

this goes back to trees—

"developing a new England Tree Strategy…developing plans to deploy the £640 million Nature for Climate Fund".

That is all part of a wish list, but it really does not add up to a leadership strategy.

We think the strategy needs to be much stronger and more ambitious. New clause 20 would signal the intention to set a target in domestic legislation. That would allow us, in advance of next year's very important international summit, to set a lead such that we would truly be able to say that we were world leading. Frankly, that section of the paper seems a bit fluffy to me.

Rebecca Pow: As the hon. Gentleman knows, the UK is committed to playing a leading role in developing an ambitious and transformative post-2020 framework for global biodiversity under the convention on biological diversity. The UK Government already support a global target to protect at least 30% of the global ocean by 2030, and 32 countries have joined our global ocean alliance in support of the target. We really are forging ahead on this issue. At the end of September, the Prime Minister committed to extend that commitment to land—indeed, the hon. Gentleman referred to that.

Together with the European Commission and Costa Rica, the UK was instrumental in crafting the leaders' pledge for nature, a leader-level voluntary declaration that was launched at the United Nations General Assembly on 28 October. The pledge sets out 10 urgent actions to put biodiversity on a path to recovery by 2030. If that is not ambitious, I do not know what is.

Our international aims on biodiversity must be underpinned by credible action at home—the hon. Gentleman is absolutely right about that. Indeed, it is something that I keep saying as the Minister. Following agreement of the post-2020 framework, we will publish a new strategy for nature in England that will outline how we will implement the CBD's new global targets domestically and meet our 25-year environmental goals for nature at the same time. We recognise the importance of setting legally binding targets to support our ambitions. As the hon. Gentleman knows, the Bill includes a requirement to set at least one long-term, legally binding target in relation to biodiversity, as well as targets for air quality, water and resource efficiency, and waste reduction. Our recently published policy paper on environmental

targets sets out the areas under consideration for targets, including on species and habitats. So there could and will undoubtedly be myriad targets in future years that will affect the space of biodiversity to which he refers.

The Government will determine the specific areas in which targets will be set via the robust and transparent target-setting, monitoring and reporting process that the Bill sets in train. Advice from independent experts will be sought during the target-setting process, and stakeholders and the public will also have an opportunity to provide input as to what they think is the right level. Targets will be based on scientifically credible evidence, as well as economic analysis. We do not want to prejudge the specific targets that will emerge from this process. Indeed, scientists and academics very much support this thinking and way of operating. I have made it clear that there is enough in the Bill without the proposed new clause, so I ask the hon. Gentleman—who, as ever, makes an eloquent point—to withdraw it.

Daniel Zeichner: On this occasion, I am afraid I will have to disappoint. The Minister has wheeled out a veritable forest of aspirational opportunities, but we think that the Bill needs to be clearer in its ambition. If that were the case, we would be in a stronger position going into COP26 next year. I suspect this debate will continue over the coming months, but in the meantime we would like to put our position on the record by forcing a Division and—who knows?—perhaps a great victory.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 5, Noes 8.

Division No. 55]

AYES

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

NOES

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

Question accordingly negatived.

New Clause 21

Co-operation with devolved environmental governance bodies

"(1) The OEP must, for the purposes in subsection (2), co-operate with any devolved environmental governance body in Scotland or Wales.

(2) Those purposes are the consideration of matters that—

(a) are common to all, or more than one, part of the UK;

(b) are cross-border issues; or

(c) affect both reserved and devolved matters.

(3) Co-operation under subsection (1) may include—

(a) the exchange of information;

(b) the carrying out or commissioning of research, jointly;

(c) arrangements regarding consultation under section 24(4); and

(d) arrangements for one body to provide support for the work of another.

(4) In particular, co-operation may also provide for—

(a) joint research;

(b) joint investigations; and

(c) joint enforcement measures."—*(Dr Whitehead.)*

This new clause would specify and permit co-ordination and co-operation in the operations of the OEP, and equivalent bodies (if/when established) in Scotland/Wales.

Brought up, and read the First time.

Dr Whitehead: I beg to move, That the clause be read a Second time.

The proposed new clause concerns collaboration with the various devolved authorities and Governments of the UK. It sets out a number of things that need to be done, but I suspect the Minister will say that they are already in the Bill. I hope she will give us good reasons for why what is in the Bill allows for that co-operation to take place. If she can do that, I am sure this particular proposed new clause will not go to a vote.

Rebecca Pow: I thank the hon. Gentleman for giving me the opportunity to reiterate this Government's strong commitment to a strong Union and to strong co-operation among the four nations in respect of the devolution settlements. How the OEP and equivalent bodies in the devolved Administrations co-operate will be a prime example of that. Co-operation between the OEP and equivalent devolved bodies is fundamental to ensuring that cross-border issues and matters that concern both devolved and reserved environmental law are dealt with effectively. However, the proposed new clause would not achieve this desirable objective.

First, the proposed new clause would place an absolute, unilateral duty on the OEP to co-operate with equivalent bodies in devolved Administrations. That would be an imbalanced and disproportionate approach, particularly as the specifics of environmental governance arrangements are yet to be confirmed across the Union. Secondly, effective co-operation requires flexibility and agency, something that the proposed new clause's over-specific definition of co-operation would prevent. The Bill already requires the OEP to consult devolved environmental bodies on environmental governance matters that would be of relevance to them. That is covered and I hope the shadow Minister will welcome that.

4.30 pm

Through clause 40, we have already removed restrictions that would otherwise apply on sharing information with a devolved governance body in an attempt to facilitate dialogue. Taken together, those measures will ensure that the governance bodies can and will co-ordinate their functions where appropriate for and beneficial to them. That includes joined-up research on enforcement efforts, which the OEP and equivalent bodies could collectively decide to undertake under the Bill's current provisions.

I am sure the hon. Gentleman will agree that co-operation is not a one-way street and cannot be meaningfully achieved through a prescriptive, inflexible and unilateral duty on the OEP alone, as proposed by the new clause. Rather, it will be for the OEP and equivalent devolved bodies to decide among themselves how they can best

co-operate. We have already had very good engagement and involvement with all the devolved nations, and that will continue as we progress. I want to make clear that that is very important. I hope I have convinced the shadow Minister that he does not need to press the proposed new clause.

Dr Whitehead: I am sure the Minister will thank us for giving her the opportunity to read out that pellucid note, which puts on the record the intention to, through the OEP, collaborate fully with the Governments of the UK. I therefore beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 22

APPLICATION OF ENVIRONMENTAL PRINCIPLES

"(1) A public authority must apply the environmental principles in section 16 in the exercise of its functions.

(2) In this section 'public authority' has the same meaning as in section 28(3)."—*(Daniel Zeichner.)*

This new clause requires public authorities to apply the environmental principles.

Brought up, and read the First time.

Daniel Zeichner: I beg to move, That the clause be read a Second time.

New clause 22 takes us back almost to the beginning of our deliberations and to environmental principles. The December 2018 policy statement on environmental principles set out five important principles in law: integration, prevention, precaution, rectification and polluter pays. There has been wide discussion in this area, including a lot of work by the Environmental Audit Committee, which came up with about 55 recommendations. Here we are, at the tail end of our discussions about the Bill, going back to some of those points. Concerns have been raised by environmental lawyers through Greener UK. After all this discussion, their view is that the Bill

"does not yet provide an adequate route to ensuring that those important legal principles fully function to achieve"

the aims set out by the Bill.

This is important because, when matters are tested in court, this is what people will look at. Much more learned people than me have pored over these issues and these are some of the conclusions they have come to. They feel that clauses on environmental principles have not changed much since the December 2018 document. Despite discussions in pre-legislative scrutiny and on Select Committees, the expert conclusion is that the Bill

"does not maintain the legal status of environmental principles as they have come to apply through EU law."

That is, of course, one of the crunch issues of the entire discussion around the Bill.

I will not go through in detail the fine points that they make, but they do say that

"environmental principles have been binding on all public authorities including in individual administrative decisions. This legal obligation on all public authorities to apply the principles, whenever relevant, will be undermined through the bill."

That is a strong concern, which reflects our continuing worry that, despite the ambitions, rhetoric and optimism displayed by the Minister, when we dig down into the detail of the Bill, we see that it does not provide the same level of protection that we have enjoyed before. Sadly, that takes us back. I am sure the Minister will disagree, and we will listen to the reasons why, but we will not press this to a Division.

Rebecca Pow: The Government are fully committed to ensuring that environmental protection sits at the heart of the policies that we will bring forward. However, the new clause would place significant—I would say huge—burdens on Government and public authorities, without adding any additional environmental benefit. Moreover, the Government already implement these considerations in other ways. Central Government develop strategic environmental policies and set the strategy and approach for any key decisions taken by public bodies. It, therefore, makes sense for the new environmental principles duty to sit with Ministers.

To use the example of a planning application for a shed, it seems wholly unreasonable for a public authority to be obliged to prove the principles have been considered, when the strategic framework, in such case the national planning policy framework, should embed these expectations. To be clear, strategies set by central Government, such as the NPPF, will have been developed in line with the principles policy statement. Placing a legal duty on Ministers to

"have due regard to the policy statement",

as we have done in clause 18, enables the provision of clear guidance to Departments to ensure an efficient policy-making process.

The policy statement will set out the details on the application and the interpretation of the principles. This would not be clear if the duty were directly on the principles themselves, as primary legislation cannot go into the necessary detail. In a similar vein, the proposal to alter the environmental principles duty from "have due regard" to "must apply" would be extremely burdensome and would have unintended consequences.

The new clause would also extend the scope of the principles duty from being limited to policy making to covering all functions administered by all public authorities, which would result in a massive, unnecessary burden. The new clause would create a significant additional and excessive burden on public services, while duplicating existing provisions, without any clear environmental benefit or purpose.

I think the hon. Member for Cambridge touched on the lowering of standards relating to the EU. The EU only has principles and it does not have a policy statement to explain how to use them. We have taken a big step further than that and it is much clearer, I would say. I hope that gives this complicated process a bit of clarity. I ask him to withdraw his amendment.

Daniel Zeichner: On this occasion, I am happy to oblige, not least because I suspect we will want to go away and look very carefully at the Minister's words. I think there is quite an important set of issues here. We are not necessarily convinced that this strengthens our environmental protections. A planning application for a shed was a slightly unfortunate example to give, given that under the proposals in the planning White Paper, there will be whole swathes of the country where no planning application will be needed in future at all.

That is exactly the force of our arguments. While we remain concerned, we will not pursue it any further this evening, because 20 minutes to 5 is not the time for this. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

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

4.39 pm

Adjourned till Thursday 26 November at half-past Eleven o'clock.