

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

ENVIRONMENT BILL

Twenty Second Sitting

Thursday 26 November 2020

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NEW CLAUSES considered.
NEW SCHEDULE considered.
Bill, as amended, to be reported.
Written evidence reported to the House.

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

not later than

Monday 30 November 2020

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The Committee consisted of the following Members:

Chairs: †JAMES GRAY, SIR GEORGE HOWARTH

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

Public Bill Committee

Thursday 26 November 2020

[JAMES GRAY *in the Chair*]

Environment Bill

11.30 am

The Chair: Welcome to this penultimate, or possibly ultimate—we hope—sitting of the Committee. I think that everybody is observing social distancing today, but the Speaker has made it perfectly clear that we must be very strict about this. For this last—or second last—event, please try to remember that.

New Clause 23

REDUCTION OF LEAD POISONING FROM SHOT

(1) The Wildlife and Countryside Act 1981 is amended in accordance with subsections (2) and (3).

(2) After section 5(c)(viii) insert—

“(ix) any form of lead ammunition used in a shotgun.”

(3) After section 11 (1)(d) insert—

“(e) uses lead ammunition in a shotgun for the purposes of killing or taking any wild animal”.

(4) The provisions in this section come into force on 1 January 2023.

This new clause intends to provide an effective regulation to protect wildlife, the environment and human health by replacing widely-used toxic lead gunshot with alternatives. It intends to ensure a supply of healthy game for the market, whilst meeting societal requirements and those of shooting, food retail and conservation stakeholders.—(Fleur Anderson.)

Brought up, and read the First time.

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

It is an honour to stand in this last sitting of our Environment Bill Committee consideration, which began 261 days ago. I have been disappointed, so far, by the lack of agreement over the amendments proposed by Opposition Members.

I hope today will see a sea change; that this new clause is the one that we can all accept, agreeing that lead shot is highly toxic, should not be in our system, is bad for the environment, bad for wildlife, bad for children, bad for adults—bad for everyone. Its days can now be hastily numbered, and we can support the shooting community in their efforts to get rid of lead shot from our environment, our ecosystem and our agriculture.

Lead shot is highly toxic and is easily absorbed into the bloodstream. Birds eat it as they mistake it for grit—which they eat for digestion—and it then gets absorbed into their bodies. It is also highly toxic for children; there is no minimum amount of lead, in any system, that is safe for children.

I am no urban MP, standing up for a city constituency, with no idea of what goes on in the country, because I was raised in Wiltshire, where my father was a rural vicar. Every Christmas, some of our presents would not be wrapped up, but would be hung up outside our door, as they would be a brace of pheasants. I do understand what happens in the shooting community.

Bim Afolami (Hitchin and Harpenden) (Con): Will the vicar’s daughter give way?

Fleur Anderson: I will.

Bim Afolami: Could the hon. Lady outline the differential impacts of steel and lead shot, as that is something that many in the shooting community are interested in and will carefully consider?

Fleur Anderson: I thank the hon. Gentleman for that intervention, and for his interest in this subject, which I have become much more interested in since researching it and talking to relevant bodies.

Steel is considered to be safe, as are tungsten alloys and tin, so there are alternatives out there. There is obviously an issue with single-use plastics, which would currently have to be used with alternatives to lead. However, I believe that with the inspiration and impetus from this amendment, the whole shooting community—including manufacturers of alternatives to lead shot—would be encouraged to use and produce ammunition that was far, far safer than lead shot.

Lead does not need to be used; non-toxic ammunition is widely available, effective, and comparably priced. The hon. Member for Hitchin and Harpenden may be interested to know that Denmark and the Netherlands banned the use of all lead shot in the 1990s; they have proved that changing to safer ammunition is entirely possible.

Why do we need to do this new clause? We know that 8.7% of ducks and geese across Europe die every year from eating lead shot; this includes 23% of pochard, which is a species threatened with global extinction, and 31% of pintail ducks. Lead poisoning from ammunition kills an estimated 75,000 water birds each year, as well as other birds and mammals.

Through ingestion by cattle—which then results in food-safety issues as it enters their system—lead can end up in restaurants and retail outlets; in our food. It also seeps into land, including wetlands, and creates toxic grounds; wetlands have been found to be peppered with lead shot.

Lead is dangerous for people’s health, as lead shot often fragments and is ingested in game meat. Children and pregnant women are particularly at risk due to the negative impact of lead on the developing brain, which has led to Waitrose labelling its game meat products as not safe for pregnant women and children.

Lead is not something we should allow into our food system. Somewhere in the order of 10,000 children from the UK hunting community are estimated to be at risk of negative impacts on IQ due to household consumption of game meat. If the effects were immediate and something happened to us that caused an immediate breakdown of our health, we would have stopped this years ago, but because lead has a subtle effect on our health—on our brain development and IQ—it has been allowed to carry on for too long.

The new clause has not just been dreamed up in the past few months; it is the result of the Government engaging with this issue since 1991. There have been stakeholder groups, compliance studies, risk assessments and reviews, but the stars are now aligned. We cannot any longer say that the new clause is not needed. I know that the British Association for Shooting and Conservation is moving towards a ban on lead shot, which I welcome. It wants to take action within the next five years to see a change. There is clearly appetite in the shooting world to accomplish what is set out in the new clause by banning lead shot. However, things are not moving fast

enough. We cannot entirely rely on that compliance, but the new clause would take us where the shooting community seems to want us to go.

The stars are aligned, and it is time for the new clause. There is a limited ban at the moment, focused on wetland birds, but it is widely flouted and there has been only one prosecution, which is another reason why we need to have the new clause in the legislation. The partial regulation focused on protecting wetland birds, and similar regulations in other home nations, have been ineffective in reducing lead poisoning in water birds because there has been a high level of non-compliance. Birds feeding in terrestrial habitats, where most of the lead shot is legally deposited, are also affected. Moreover, enforcement of the limited regulation has been negligible so far, and human and livestock health have not been protected. Two large-scale restriction proposals are currently being progressed in the EU under REACH, which will bring about a total ban and additional benefits to law enforcement. Let us pre-empt that and go one step further in the UK.

This is the right time for policy change. The coinciding of the new Environment Bill and proposed policy change on lead shot is opportune. The nine main UK shooting organisations recognise the risk from lead ammunition. There is no debate about that. The imminent impacts of regulation on lead ammunition in the EU, and the likely impacts on UK markets for game meat, all need to be considered. Hence, on 22 February, the move to a voluntary phase-out of lead shot within five years was announced. That has already prepared the UK's shooting community for change, and I have seen that the media narratives around shooting have changed to reflect that.

To date, however, voluntary bans on lead shot have always failed, so to say that the new clause is unnecessary is just not good enough. Denmark, which has gone ahead of us on this issue—we can learn from them—banned all lead shot in 1996. Hunters accept that it was because a progressive Government took such a step that they now lead the world in the control of lead poisoning from shot.

Although there is a desire for change within hunting organisations, there also remains a tradition of resisting regulation, which might just roll on and on over the next five years.

Robbie Moore (Keighley) (Con): I want to pick up on that point. It is not only BASC but the Moorland Association, the National Gamekeepers Organisation and the Country Land and Business Association that are behind the transition. They are actually going further than what the hon. Lady is asking for, by asking for a ban on single-use plastics in the cartridges, but what they are clearly asking for is a period of smooth transition over five years. Does the hon. Member not agree that that is more appropriate?

Fleur Anderson: I agree, and I thank the hon. Member for pointing out the wide support for a move in this direction, but if we can ensure it is in legislation, the move will go further, it will be deeper and it will be guaranteed to happen. Given the high toxicity of lead, we cannot just leave this issue to voluntary moves by all those organisations. Let us go with the flow and accept their willingness to change, but let us underpin that with legislative change, which moves it on faster. These issues have already been under negotiation. The smooth transition

is happening. I am not asking for this to happen on 1 January—the proposal is to give another year. There is time to move forward; the new clause is very reasonable. If we want to go further and talk more about single-use plastics, that will happen in time, and this proposal will enable manufacturers to do that.

Only regulation will provide a guaranteed market for ammunition manufacturers. Moving all users of ammunition through these changes, all at once, will enable ammunition manufacturers to make the change that we all surely want to see, and will ensure the provision of game free from lead ammunition for the retail market. It will enable cost-effective enforcement and protect wildlife and human health much earlier than in five years. Why would we want lead shot in our food for another five years? Why would we want to kill all those birds for another five years?

Action on this issue was recommended in 1983 in the report of the Royal Commission on Environmental Pollution on lead in the environment. It has been long enough. It is long overdue. Now, at last, is the time to act.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow): I thank the hon. Member for Putney for the new clause and for highlighting her eating of pheasant as a child. I, too, have had many a pheasant hanging in my garage. Indeed, we had roast pheasant for lunch this Sunday. It was absolutely delicious, covered in bacon. It was really nice.

I reassure the hon. Lady that this Government support the principle of addressing the impacts of lead shot. Evidence published by the Wildfowl and Wetlands Trust suggests that, as she pointed out, tens of thousands of wildfowl die from lead poisoning each year and many more birds, including scavengers and predators such as raptors, suffer and die through secondary poisoning.

There is a lot of movement already going on in this space. In England, the use of lead shot is already prohibited over all foreshore, on sites of special scientific interest and for shooting certain waterfowl. I certainly know people in Somerset who give anyone all of the chat before they go out to shoot anywhere near wildfowl and local ponds about not using lead shot.

My hon. Friend the Member for Keighley has pointed out that the new clause falls short of what shooting organisations are calling for. Organisations such as BASC, the Moorland Association and various other countryside organisations—I engaged with a lot of them as a Back Bencher—are calling for an end within five years to both lead and single-use plastics. They are talking about it seriously. As the hon. Member for Putney will know, there is a lot of research going on as well.

An EU REACH regulation on the use of lead shot in or near wetlands is close to being adopted and a wider measure affecting all terrestrial areas is under consideration. The fact that the industry itself is calling for a ban within five years demonstrates the work going on in this space.

The wetlands measure will apply in Northern Ireland by virtue of the Northern Ireland protocol and will apply in the rest of the UK and be retained EU law after the transition period if the legislation providing for that comes into force before the end of this period.

The amendment seeks to prohibit use of lead shot in shotguns for the purposes of killing or taking any wild bird or wild animal. That approach may not be the

[Rebecca Pow]

most effective means of restricting the use of lead shot. It is also slightly unclear because it does not cover clay pigeon shooting, for example. If one were really going to address this issue, all aspects of the sport, as it might be termed, would need to be considered. The new clause does not address them all.

The police would enforce under the Wildlife and Countryside Act 1981, but as with other wildlife crimes, there are considerable difficulties in detection and taking enforcement action in remote locations. All those things would need ironing out; it is not just a straightforward, “Let’s have a ban tomorrow.”

11.45 am

I thank the hon. Member for Putney for her proposal and for drawing attention to this issue, which we all agree is really significant for the environment, animal welfare and even human health. However, it is critical that the Government take the right level of action through measures that are underpinned by evidence, as always, and informed by further conversations with stakeholders. I am not sure that the hon. Lady’s proposal necessarily does that. I also note that, as drafted, the new clause would require a legislative consent motion, and it is not clear whether she has considered this. It would actually be a matter for the devolved Administrations to proceed with and pursue.

I regard the restriction of lead shot as very important, and I assure the hon. Lady that I will ask my officials to continue exploring options for the most effective way forward that would tackle this whole issue in the round. For those reasons, I ask the hon. Lady to withdraw her amendment.

Fleur Anderson: I thank the Minister, but it will not surprise her to hear that I will not be withdrawing the new clause. Assurances do not cut it on this issue; it is too important. I would also absolutely refute any feeling that this is not underpinned by evidence. As I have outlined, so much work by so many different groups has gone into this that it does need to go ahead.

If we need it to, the Office for Environmental Protection has all the powers to go further than my proposal to talk about clay pigeon use and single-use plastics. Let us take this further, absolutely, but accepting the new clause would be a much better assurance and indication of our intentions for what should happen in terms of getting rid of lead ammunition. Assurances and good words will be far less effective than putting this new clause in the Bill. The new clause goes further than voluntary regulations because it puts this firm date, 1 January 2023, in legislation. Those five-year assurances might go on and on; when is the actual end of that five years? The new clause ensures that action will happen, so we will be dividing the Committee.

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

The Committee divided: Ayes 5, Noes 9.

Division No. 56]

AYES

Anderson, Fleur
Furniss, Gill
Jones, Ruth

Whitehead, Dr Alan
Zeichner, Daniel

NOES

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

Question accordingly negated.

The Chair: Before we proceed, may I advise the Committee that we are able to sit here until 5 pm on Tuesday, but I personally feel a strong urge to get back to Wiltshire as soon as I possibly can, and cracking on would therefore be a good plan.

New Clause 28

ENVIRONMENTAL OBJECTIVE AND COMMITMENTS

‘(1) In interpreting and applying this Act, any party with duties, responsibilities, obligations or discretions under or relating to it must comply with—

- (a) the environmental objective in subsection (2); and
 - (b) the commitments in subsection (3).
- (2) The environmental objective is to achieve and maintain—
- (a) a healthy, resilient and biodiverse natural environment;
 - (b) an environment that supports human health and well-being for everyone; and
 - (c) sustainable use of resources.
- (3) The commitments are—
- (a) all commitments given by Her Majesty’s Government in the United Nations Leaders’ Pledge for Nature of 28 September 2020, including, but not limited to, the urgent actions committed to be taken by it over the period of ten years from the date of that pledge;
 - (b) any enhanced commitments given by Her Majesty’s Government pursuant to that pledge, any other pledge, and any international agreement; and
 - (c) all relevant domestic legislation, including, but not limited to, the Climate Change Act 2008, as amended from time to time.
- (4) Without prejudice to the generality of the requirement in subsection (1), that requirement applies to—
- (a) the Secretary of State in setting, amending and ensuring compliance with the environmental targets; preparing, amending and implementing environmental improvement plans; and performing all their obligations and exercising all their discretions under this Act;
 - (b) the Office for Environmental Protection and the Upper Tribunal in performing their respective obligations and exercising any applicable discretions; and
 - (c) all other persons and bodies with obligations and discretions under, or in connection with, the subject matter of this Act.’ —(Dr Whitehead.)

This new clause ties obligations and discretions of the various parties under this Act (subsections 2 and 3), other acts and international agreements together. It seeks to incorporate commitments as they are made in the future. It requires all relevant public bodies to apply the commitments as they are agreed to

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.

Hon. Members with an elephantine memory will recall that at the beginning of this Committee’s deliberations—I have here the exact date and time a clause is debated; it is written on a piece of parchment, it is so old—we tabled new clause 1, which related to the environmental objective. At that time, we said that one reason for tabling this new clause was that the Bill had no cohesion in terms of its overall objectives. While it

has many good things in it, those are essentially disparate elements that do not pull themselves together in terms of what the Bill is or should be about overall. We tabled that brief clause to try to pull the Bill together. The clause was not agreed to on that occasion, but as the Bill Committee has progressed and as we have moved into our latter stages in the autumn, nothing has made the Bill more cohesive.

New clause 28 would do exactly that, with environmental objectives and commitments. It would place in the Bill a very clear environmental objective to

“achieve and maintain...a healthy, resilient and biodiverse natural environment...an environment that supports human health and well-being for everyone; and...sustainable use of resources.

I think that would absolutely pull together what we all think we are doing in this Bill Committee. If passed, imagine the new clause placed at the head of the Bill, where it would underline those objectives and ensure that everything in the Bill was read within them.

The new clause goes further still by ensuring that the Bill takes account of

“all commitments given by Her Majesty’s Government in the United Nations Leaders’ Pledge for Nature of 28 September 2020”,

which reflects those environmental objectives. The legislation would include the international commitments that we as a country have made to our environmental objectives, underlining just how important the Bill may be for those objectives.

We are offering a much better and improved environmental objective clause that takes account of all the various issues raised in Committee, and we think it would be a great adornment to the Bill. I know that in this place we are all looking for “the one” when it comes to clauses, and I was grievously disappointed that the last clause did not make it into the Bill, because there was absolutely no reason at all why it should not have been adopted. I have a similar feeling about new clause 28. I hope that the Committee will unanimously agree that we need an environmental objective in the Bill. This clause fits the bill admirably and should be supported.

Rebecca Pow: The shadow Minister said that there is no cohesion to what the Bill is about. He spoke about people with elephantine memories, but surely he has not been listening? Throughout Committee stage, we have talked about what the Bill is about. I thank him for his sentiments, but I honestly think that he has missed the point somewhere along the line.

I reassure the Committee that we have designed each governance mechanism in part 1 of the Bill with guiding objectives. They will ensure that targets, environmental improvement plans, the environmental principles, which are included, and the Office for Environmental Protection work in harmony to protect and enhance our natural environment. That has all been devised as one framework. As is set out on the face of the Bill, the objective of the targets and environmental improvement plans is to deliver significant improvement and to provide certainty on the direction of travel. The first EIP is the 25-year environment plan, which the Opposition have waved at us many times.

The policy statement on the environment principles will be required to contribute to the improvement of environmental protection and sustainable development. Ministers of the Crown must have regard to that statement when making policy. Those aims will therefore be integral

to policy making across Government. Furthermore, clause 22 sets a principal objective for the OEP of contributing to environmental protection and the improvement of the natural environment in exercising its functions, so if the OEP does not think that enough is being done towards that objective, it can say why, give some steers and advice, and things will have to change. Those measures are all closely aligned and will work together to deliver the environmental objectives outlined in new clause 28 on the improvement and protection of the natural environment, and the sustainable use of resources—that is all very much a part of the measures.

The new clause would include commitments made under the voluntary leaders’ pledge for nature. I am very glad the hon. Gentleman mentioned that, because it was a big moment when our Prime Minister said that we support that pledge at the recent UN biodiversity summit at the UN General Assembly in September. The UK is now working with other key signatories to drive forward the 10 commitments in the pledge, including through our hosting of COP26 and our involvement in the convention on biological diversity negotiations in 2021. I reiterate that the leaders’ pledge for nature is voluntary and, as such, was drafted between the participating states in deliberately non-treaty language, partly to serve as a public document that could be read by as many constituents as possible. The UK is now working with other key signatory countries to drive forward those commitments.

Many of the areas reflected in the leaders’ pledge are already included in the Bill, which introduces a powerful package of new policies and tools to support nature’s recovery. I know that the shadow Minister wants that just as much as I do, but I assure him that the measures in the Bill already cover that, not least on biodiversity net gain, local nature recovery strategies, conservation covenants, which he did welcome, and a strengthened biodiversity duty on public authorities. All those things will work together to drive from the roots upwards to get overall improvement. As a result, we will be creating or restoring rich habitats to enable wildlife to recover and thrive in future years. Measures on resource efficiency will help to keep products in use for longer, encouraging better repair and recycling of materials by influencing product design at the very beginning.

Clause 2 places a clear, legally binding requirement on the Government to set an air quality target that goes beyond EU requirements and delivers significant health benefits for citizens. The Bill also supports recent legislation on reaching net zero emissions by 2050 and our wider efforts to build resilience to a changing climate. It will do so by improving air and water quality, supporting resource efficiency, and restoring habitats to allow plants and wildlife to thrive, along with other measures in that part of the Bill.

I hope that I have made it clear that I honestly do not believe that new clause 28 is needed. I ask the hon. Gentleman to withdraw it.

Dr Whitehead: Although the Minister has provided a good concordance on where to look in the Bill for things that could conceivably pull it together, nothing in the Bill actually does that. Saying that if one looks at the Bill carefully, one can see things that move it in the right direction, is not really a defence.

Rebecca Pow: The shadow Minister's new clause refers to a "healthy, resilient" environment—that is such a loose term. What exactly does he mean by that and what does it mean legally? Does he not agree that, were that wording to be used, it would create huge legal risk and could jeopardise the delivery of key policies in the Bill?

Dr Whitehead: I do not think a healthy and resilient environment can be interpreted in any other way than an environment that needs to be as healthy as possible for human development and progress, and one that is able to regenerate itself and keep as close as possible to the most beneficial way of working that it had prior to human intervention. I do not think there is a problem about the definition. Indeed, having it defined in that brief, particular way gives a very good remit for making sure that those are the ways in which that environment can be defined.

12 noon

I did not intend to go down this particular route, so I will not go any further down it. I just say, in closing, that we forcefully put the case for an environmental objective clause at the beginning of the Bill Committee, so it is appropriate that we make our case once again at the end of it. On that basis, we seek to divide the Committee.

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

The Committee divided: Ayes 5, Noes 9.

Division No. 57]

AYES

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

NOES

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

Question accordingly negated.

The Chair: Just to give the batting averages, we have taken half an hour for two new clauses. At this rate, we will be here until 4.30 pm this afternoon. Speed is of the essence.

New Clause 29

REPORT ON CLIMATE AND ECOLOGY

“(1) The Secretary of State must, no later than six months after the day of which this Act is passed, lay before Parliament a report containing an assessment of the adequacy of environmental legislation and policy for meeting the climate and ecology challenges faced by the United Kingdom and the world.

(2) That report must include specific assessments relating to—

- (a) water quality, availability and abundance;
- (b) biodiversity, including, but not limited to, the restoration and regeneration of biodiverse habitats, natural and human modified ecosystems, and their respective soils;

(c) the expansion and enhancement of natural ecosystems and agroecosystems to safeguard their carbon-sink capacity and resilience to global heating; and

(d) resource efficiency, waste reduction and the promotion of the circular economy.”—(*Daniel Zeichner.*)

This new clause requires the Secretary of State to go beyond setting one target (as in Section 1(2)) to within 6 months, assess, develop plans and outline adequacy of each target. “Circular Economy” is included as the Prime Minister agreed this concept in September 2020 at UN Leaders Pledge for Nature

Brought up, and read the First time.

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

I am grateful to the Minister for writing to me yet again. We are such regular correspondents that I am half expecting a Christmas card any time soon. She wrote on the debate we had on new clauses 25 and 27. It is a very detailed reply and it does give some reassurance, but I have to say that it shows why we should have had a discussion about those clauses in an evidence session, rather than have them inserted late in the day. I suspect there will be other lawyers who will take a different view on some of these matters, but I am sure that can be pursued as we go through the later stages of the Bill.

On new clause 29, I very much echo the comments of my hon. Friend the Member for Southampton, Test. We believe that new clauses 29 and 28 together would strengthen the Bill. New clause 29 would give additional bite; it can stand on its own, so there is still time for the Minister to redeem herself. Exactly as my hon. Friend said, we take issue with the lack of overall clarity in the Bill. It needs a clearer thread running through.

The new clause, which would require the Secretary of State within six months of the Bill becoming law to report on the adequacy of current environmental law and policy in meeting the climate and ecological challenges the UK faces, would be tremendously helpful, not least because—as we saw yesterday—it seems the Government do one thing one day, and completely different things another day. They fail to face the challenges when they make big policy announcements. The new clause would make it much tougher for the Government to crawl out of their obligations.

We think the report should specifically be required to address issues of water, biodiversity, the capacity of natural and agroecosystems to mitigate global warming, resource efficiency, waste reduction and the promotion of the circular economy. That should be helpful to Government. As my hon. Friend said, we support the Prime Minister's signing up to the UN leaders' pledge for nature, and this includes the circular economy in our thinking.

We have taken a number of these ideas from the climate and ecological emergency Bill, which we believe is right to place emphasis on the importance of expanding and enhancing natural ecosystems and agroecosystems to safeguard their capacity as carbon sinks, as well as on the need to restore biodiverse habits and their soils. Out there in the world, which is sadly not following proceedings on the Bill as closely as some of us would hope, there is an appetite for this more ambitious approach.

After the Secretary of State has made the report, we would then very much hope that he or she would act on it and ensure that the environmental targets and environmental improvement plans were appropriately

ambitious and would set out not just one long-term target in each area as required in clause 1, but set and outline the adequacy of those targets and lay out adequate plans to address each of those major issues within six months.

If it is an emergency, it needs addressing urgently. We do not believe the Bill does that at the moment. New clause 29 would help.

Deidre Brock (Edinburgh North and Leith) (SNP): Much of the Bill is concerned with English-only environmental issues, as I have mentioned in the past, because environment is a devolved area under the Scotland Act 1998 and legislative consent motions have been agreed.

In connection to new clauses 29 and 29, I point out for those who are keen to hear what is happening in Scotland that the Scottish Government are developing their own environmental strategy. “The Environmental Strategy for Scotland: vision and outcomes” was published earlier this year. As the Cabinet Secretary for Environment, Climate Change and Land Reform indicated just yesterday at her appearance in front of the Environment, Climate Change and Land Reform Committee, she will soon be publishing a monitoring framework for the strategy, which will bring together existing statutory targets, elements of the national performance framework and indicators from other strategies. That is after considerable consultation with stakeholders.

The strategy has attracted a broad range of cross-party support. The Cabinet Secretary just yesterday suggested working with Opposition Members to design amendments that will set out an obligation on Ministers to continue the work on an environmental strategy. It is an example of cross-party working that I think this place would do rather well to emulate. The Scottish Government and Parliament are leading the way in many environmental areas. I encourage Members from this place to lift their eyes from here and look to some of the great progress in this area that is being made in the devolved nations of the UK. I think it really would be worth their while.

Rebecca Pow: I thank the hon. Member for Cambridge for moving this new clause. He is always very passionate about what he says. I am pleased that my letter was able to give a bit of clarity on the subjects he raised in the Committee.

I reassure the Committee that the new clause is not needed. It will not surprise anyone to hear me say that. There are already measures in the Bill to help assess the adequacy of environmental legislation. Under clause 26, the OEP will proactively assess how our environmental laws work in practice and advise the Government on the most effective and efficient way of implementing those laws.

The OEP’s reports must be published and laid before Parliament and the Government are required to respond to the OEP and publish that response, which must also be laid before Parliament. Given that climate and ecology challenges are key environmental issues affecting us, we would expect that the OEP would want to address such matters in its clause 26 reports. That is basically its *raison d’être* and the *raison d’être* of the Bill. I do not think the hon. Gentleman is seeing what is in there, which covers what he is asking for. We also report annually on our progress in improving the environment through the 25-year environment plan.

The Bill as drafted already introduces a number of reporting requirements in the areas specified. Clause 94, for example, requires designated public authorities, including local planning authorities, to produce five-yearly biodiversity reports. The reports will provide transparency and accountability, and help local authorities to share best practice. Over time, they will become a very valuable source of data to support nature’s recovery. Clause 75 concerns improving water companies’ water resources management plans. This planning occurs every five years, taking into account the next 25-year period. Companies must review their plans annually.

The reporting requirements introduced by the Bill will complement the Government’s existing and proposed reporting and monitoring of the natural environment. There is only so much reporting people can cope with. I honestly think more reporting would cause people to groan under the weight of it all. What we want is action, and that is what this Bill is going to set in motion, which is why we need to get through it.

Last month, the Government published their response to the 2020 recommendations from the Committee on Climate Change. The response sets out the Government’s intention to publish a comprehensive net zero strategy in the lead up to COP26. The strategy will set out the Government’s vision for transitioning to net zero and reducing emissions across the economy. We have already set out our plans for a nationwide natural capital and ecosystem assessment. That is a big data-gathering census and a new large-scale surveying initiative, which will provide us with the all-important data to drive better decision making. That is something I have absolutely wished for as the Minister, as has the whole Department. It will be crucial in our future—we have talked about data before, and it is absolutely essential to know what we have now, what we will have tomorrow and what we would potentially like in the future.

I thank the hon. Member for Edinburgh North and Leith for her comments. We obviously work closely with the devolved Administrations, and we will be sharing a lot of the measures in the Bill. We always like to learn best practice from others—I mentioned that in the main Chamber only this morning, when the hon. Member for Putney and I spoke about air quality.

Although I welcome the intent behind the proposed new clause, I do not believe it is necessary, for the reasons I have outlined. Wide-ranging reporting assessment measures are already in place in the Bill and will be able to drive the sort of action that I think the hon. Member for Cambridge is after. I honestly do not believe we need the new clause, so I ask him to withdraw it.

Daniel Zeichner: I am grateful, as ever, but disappointed by the Minister’s response. I do not think we need to divide the Committee, but I doubt whether even the Office for Environmental Protection will be established in the next months. Let us hope that it will go more quickly. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 30

SMOKING RELATED WASTE

“(1) The Secretary of State will by regulations introduce a producer responsibility scheme in England to tackle smoking related waste.

(2) The scheme will compel those tobacco companies operating in England, as defined in the regulations and subject to annual review, to provide financial support to the scheme based on a market share basis.

(3) The scheme will ensure that those tobacco companies will have no operational or other involvement in the scheme other than to provide financial support in accordance with guidance from the World Health Organisation Framework Convention on Tobacco Control and the Department of Health and Social Care.

(4) The regulations will set a target for a reduction in smoking related waste by 2030.

(5) The regulations will set out an appropriate vehicle to deliver the scheme including governance and criteria for funding related initiatives.

(6) The Secretary of State must prepare and publish an annual report of the scheme and must lay a copy of the report before Parliament.”—(*Ruth Jones.*)

The aim of this new clause is to ensure that the Government creates a producer responsibility scheme for smoking related waste. No such scheme exists at present and the clear up and waste reduction of cigarette butts are not covered by other Directives.

Brought up, and read the First time.

Ruth Jones (Newport West) (Lab): I beg to move, That the clause be read a Second time.

The new clause is really quite clear, and I suspect that colleagues on both sides of the Committee know what is coming, but I want to speak to it for a moment. It is designed to ensure that the Government create a producer responsibility scheme for smoking-related waste. No such scheme exists at present, and the clear-up and waste reduction of cigarette butts are not covered by other directives.

I remind colleagues that it was this Government who clarified, back in February 2020, that tobacco packaging is covered by the current producer responsibility regulations, which require companies to recycle a proportion of the packaging waste that they place on the market. In their resources and waste strategy, the Government committed to look into and consult on the extended producer responsibility, or EPR, for five new waste streams by 2025, as well as to consult on two of them by 2022. The five priority waste streams are: textiles, fishing gear, certain products in construction and demolition, bulky waste, and vehicle tyres—the Minister has already alluded to that several times during our debates. They are important areas for the challenges facing us as we look to tackle the climate emergency.

The producer responsibility powers in the Bill enable the Government to set up an EPR scheme for cigarette litter. I urge the Minister to do so, and I look forward to a positive response from her on that specific point. I am concerned that, up until now, Ministers have not identified cigarette litter as a priority area for EPR, so I would like some further clarity on the detail and the likely timescale for any progress. I am sure that the Committee does not need to be reminded—I will do so anyway—that cigarette butts are estimated to account for 5% of ocean plastic, which is a big deal. We need to act, and we need to act now.

I hope the Minister will take the opportunity to set out a clear action plan and timetable when addressing the issues raised by the new clause. There is a crossover with the other responsibilities that we have as parliamentarians and lawmakers, because it is clear that smoking has a public health impact. Having been an NHS physiotherapist for more than 30 years before

being elected to this place, I know a fair bit about the lungs and the danger that smoking causes. New clause 30 will help the wider battle against smoking and help promote a healthier world for all of us. As such, and with the determination needed to tackle the climate emergency, I wish to divide the Committee.

Rebecca Pow: I thank the hon. Member for Newport West for her contribution. It is always good to hear about people’s backgrounds, and her medical knowledge is obviously very useful.

Smoking-related litter is a particularly persistent and widespread problem. In the 2017 litter strategy, we explained that the most effective way to tackle smoking-related litter is obviously by reducing the prevalence of smoking in the first place. Given the hon. Member’s background in health, I am sure she would agree with that. Smoking rates in England are currently at their lowest recorded level, and our ambition is for a smoke-free Britain by 2030. In the meantime, I have made it clear that the lack of serious investment by the industry to clear up the mess caused by its products cannot continue.

In September, I held a roundtable with the tobacco industry and other stakeholders. I got a key group together, and I was pleased that we were able to get them to come to the table. We understand that Keep Britain Tidy is working with the tobacco industry to develop a non-regulatory producer responsibility scheme, and we are watching very closely, because it could provide a rapid means of securing significant investment from the industry to tackle the litter created by its products, rather than having to take legislative action.

12.15 pm

However, if smoking-related litter continues to be a significant environmental concern—it has been outlined just how much litter comes from this form of waste—we will reflect on the steps the Government can take to ensure that the tobacco industry takes more responsibility, as I outlined in no uncertain terms at the roundtable. The Bill will allow us to legislate for an extended producer responsibility scheme for tobacco products, if such an intervention is considered necessary. Just because they are not listed right now, that does not mean they cannot be listed in future; that is exactly the intent of the extended producer responsibility scheme.

Schedule 5 confers powers to make regulations that require specified persons to pay the disposal costs of products or materials that they place on the market. Furthermore, schedule 4 confers powers to make regulations that impose obligations on specific persons for the purpose of preventing a product or material becoming waste, for reducing how much of those products or materials becomes waste, and to increase the re-use, redistribution, recovery and recycling of a product or material. These are what we mean by extended producer responsibility, so there are already measures in the Bill that could tackle exactly what the hon. Member for Newport West is asking for.

Cigarette and tobacco product packaging will be covered by the reforms to the packaging producer responsibility scheme, so that will be a big element of tackling smoking-related litter. We also have powers in the Bill to place a target on producers to reduce smoking-related waste, so there is also that target option. I assure the Committee that I will not hesitate to intervene on

this if required, because it is something I take extremely seriously. Perhaps I have convinced the hon. Lady that she does not need to divide the Committee.

Ruth Jones: In a cyclical system, if we have less going in at the beginning, we have less waste coming out at the end, which is what we all want. As such, it is good to note that smoking is decreasing. That is a really important public health initiative, and it must continue. I am pleased to hear that the Minister held a roundtable with the tobacco companies and that she found it useful, but we want to put the onus on the manufacturers by introducing this producer responsibility scheme, which is why we think it is important to include it in the Bill. It is good to hear that the Minister is keen to do this in future, and that future options would be open, but why not have it in the Bill now? That is why we will divide the Committee.

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

The Committee divided: Ayes 5, Noes 9.

Division No. 58]

AYES

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

NOES

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

Question accordingly negatived.

New Clause 32

BIODIVERSITY GAIN

(1) Section 114 of the Planning Act 2008 is amended in accordance with subsection (2).

(2) At the end of subsection (2) insert—

“(3) Before approving an application for an order granting development consent relating to nationally significant infrastructure on land, the Secretary of State must be satisfied that a biodiversity gain plan is in place in relation to that development.

(4) The Secretary of State must be satisfied that the biodiversity gain plan will ensure that the biodiversity gain objective is met.

(5) “Biodiversity gain plan” and “biodiversity gain objective” have the same meaning as in Schedule 7A of the Town and Country Planning Act 1990 if that Schedule applied to Development Consent Orders.”.—(*Daniel Zeichner.*)

This new clause would extend the biodiversity gain provisions to major infrastructure projects as defined in the Planning Act 2008.

Brought up, and read the First time.

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

The new clause seeks to address a glaring problem with the current biodiversity net gain provisions, which we discussed earlier in the proceedings. Currently, the Bill does not extend the requirement for biodiversity net gain to major infrastructure developments delivered through the nationally significant infrastructure projects

regime. We fear that that exemption will result in habitat loss on a large scale due to the size of those major infrastructure developments and could potentially lead to the destruction of irreplaceable habitats, increased fragmentation of remaining habitats and the local extinction of endangered species.

We have a very controversial example at the moment in High Speed 2—a major infrastructure project that does not have biodiversity net gain and that has put at risk 108 ancient woodland sites, 33 sites of scientific interest and 693 local wildlife sites. I appreciate that HS2 was not delivered through the NSIP regime, but it is comparable with future major infrastructure projects that would be delivered in that way. It is disappointing that HS2 has not gone with the trend of recent times and moved away and gone beyond no net loss, despite frequent calls for it to do so. Will the Minister comment on why no net gain is necessary in her view?

In their response to the net gain consultation, in which the Government outlined their intention that nationally significant infrastructure would not be subject to the requirement, despite the fact that there was considerable support from many respondents, the Government said that they will

“continue to work on exploring potential net gain approaches for these types of developments”.

What alternative net gain approaches have been considered for NSIPs? I understand that the Government have commissioned a study into the costs and benefits of bringing the large infrastructure projects into the scope of mandatory biodiversity net gain. What are the findings from that study, and is the Minister able to share them with the Committee?

I have one final plea for the Minister to find redemption in this whole process. As I have said many times—she has quoted it many times—we started with the 25-year environment plan, but we now find ourselves with the “Planning for the future” planning White Paper. Will she write to me on this issue—another item in our endless list of correspondence—and explain how the planning White Paper proposals will impact on net gain? This is one last chance for redemption. I live in hope.

Rebecca Pow: I thank the hon. Member for Cambridge for his tempting words and for the new clause, which would extend the biodiversity net gain objective and the biodiversity gain plan requirement to include nationally significant infrastructure projects.

I recognise the good intentions behind wanting to apply the mandatory biodiversity net gain objective to such projects. The Government are clear in the 25-year environment plan that our commitment to seeking to embed a principle of environmental net gain for development applies to infrastructure as well as housing. In line with that commitment, we are exploring how a biodiversity net gain approach for major infrastructure projects could best be delivered and how policy or legislation could be used to support that.

There are a number of ways in which a form of the biodiversity net gain requirement could be implemented for nationally significant infrastructure projects, but it is very important, as I am sure the hon. Member will appreciate, to take the time to work with stakeholders to develop an appropriate approach. Many stakeholders are really keen to discuss the matter.

[Rebecca Pow]

Introducing a new legal requirement for such projects now could lead to significant delay and increased costs for projects in the pipeline, hampering our ability to build back better in future generations. I am sure the hon. Member appreciates the need to get lots of the projects going, not least because of the link with jobs and levelling up across the nation. Risks of delays and costs to major infrastructure for a premature and inappropriate mandatory requirement could result in delays to the delivery of environmentally beneficial projects, such as those living renewable energy generation and waste facilities.

The hon. Member is trying to draw me on the planning White Paper. All I will say is that the Department for Environment, Food and Rural Affairs is working very closely with the Ministry of Housing, Communities and Local Government. We are at absolute pains to work with that Department, but also to ensure that the environmental protections remain there. It is going to be a green future, as the Prime Minister himself has said many times—in fact, I heard him say it again yesterday—so I can give assurances on that.

Nationally significant infrastructure projects are often distinct from other types of development in terms of scale and complexity. They have to be planned for over a number of years, as the hon. Gentleman knows, and many are in that design pipeline. We need to be very careful about doing what he is asking for now.

It is therefore important that any strengthening of biodiversity net gain requirements for the nationally significant infrastructure projects regime is done at the right time and in the right way, particularly if any mandatory net gain requirement is introduced. We do not want to be limited to the proposed approach to Town and Country Planning Act 1990 development when considering how to introduce any objective to other classes of development. As I have said, there are a number of ways in which biodiversity net gain for those big projects could be implemented through legislation or policy in future, for example through the national policy statement, sponsor-driven objectives or changes to planning legislation.

As I have said, the Government have set out a clear ambition to deliver infrastructure, but greener and faster. I support the intention behind the proposed new clause, but to ensure that we consider the best way to introduce any requirement for biodiversity net gain for major infrastructure, we need to consult on further details, which we will in due course. It is really important that we take that time to get this right. I would like to think that the hon. Gentleman will agree on that and will withdraw his new clause. I hope that we can continue to engage constructively on this issue when we do formally consult.

Daniel Zeichner: I admire the Minister's relentless optimism, which she has managed to maintain throughout the Committee's proceedings, and I congratulate her on that. I almost misheard her at one point: when she said that DEFRA had been "at absolute pains" with MHCLG, I thought she said that they "are absolute pains". There may be some truth in that.

I am not surprised to hear that, yet again, the Minister is unable to support our new clause, but we will not divide the Committee. I will just say finally that the

Minister's jacket is enough to brighten any dull winter day, and I thank her for her optimism. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

The Chair: Do the Opposition wish to move new clause 33?

Dr Whitehead: Mr Gray, we consider that the aims of new clause 33 have already been aired in new clause 29—we know the result of that—so we do not wish to move it.

New Clause 34

REDUCING WATER DEMAND

"(1) The Secretary of State shall within 12 months of the commencement of this Act amend the Building Regulations 2010 Part G to—

- (a) require all fittings to meet specified water efficiency requirements; and
- (b) introduce mandatory minimum standards on water efficiency.

(2) Standards as introduced under subsection (1)(b) shall be reviewed every 5 years to assess their contribution to meeting government objectives for reducing water demand."—(*Ruth Jones.*)

Brought up, and read the First time.

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

New clause 34 was tabled in my name and in those of my hon. Friends the Members for Southampton, Test, for Cambridge, for Putney, and for Sheffield, Brightside and Hillsborough. We are seeking to ensure that we build on the Minister's words and give real effect to the long-term sustainable change that the climate emergency demands.

The new clause is clear in tone and intent. Although we are an island, safe and secure water supplies have eluded us in the past, and with a rising population and increased demand, the existing infrastructure, on which we have relied for many years, needs to be supported. It needs the pressure taken off, which is what the new clause would do.

In preparing to speak to new clause 34, I read Ofwat's recent report exploring the decisions that can be taken, the options available, and the action required to reduce demand for water in coming years. The report notes that

"on average we currently use about 140 litres of water per person per day in England and Wales, up from 85 litres per person in the 1960s."

The report's findings also reveal that

"tackling household leaks and using innovative technologies could help to decrease water use by two thirds—or over one bath per person per day—over the next 50 years."

The new clause therefore goes some way to giving parliamentary and legal effect to addressing many concerns related to tackling water waste up and down England.

The preservation of our environment is ultimately in our hands and those of the people we represent: working people in all parts of the United Kingdom. We need to ensure that the law is shaped in such a way that we motivate and encourage people to change their behaviour and to adapt to the changing and evolving demands of the climate emergency. The Bill will go some way towards

ensuring that we reach out and give the people of England the necessary direction, whether that is through the introduction of mandatory minimum standards subject to a five-yearly review or a set of fittings requirements. If we do not act now—there is no reason for us not to seize this initiative—we cannot expect people in the country to act.

This is a once-in-a-generation Bill, as the Minister said on Second Reading and previously in Committee. Let us ensure that those words mean something. Let us deliver a Bill that is fit for purpose, and that will stand the test of time and the scrutiny of future generations. With the future of our planet in mind, I move the new clause.

12.30 pm

Rebecca Pow: I thank the hon. Member for tabling the new clause. I have met a range of bodies to talk about water efficiency, including the Bathroom Manufacturers Association, and there is no end of things to learn about loos, flushes and showers—it is genuinely very interesting. I now read the riot act to my kids when they have showers that are far too long.

I understand the hon. Member's intention of improving water efficiency in our homes. We agree that more needs to be done to improve the management of our water resources, but I can reassure her that, with the Ministry of Housing, Communities and Local Government and the Department for Business, Energy and Industrial Strategy, we are already investigating how the building regulations could best promote water efficiency through the introduction of mandatory water efficiency labelling for water-using products. We consulted on those measures in 2019, and we will be able to use clause 49 of and schedule 6 to the Bill, and existing powers under the Building Act 1984, to make the changes required. We expect to publish a Government response to the consultation in spring 2021, which is fast approaching, and that will set out our policy on water efficiency and, specifically, whether changes to the building regulations are required.

The new clause would introduce mandatory minimum standards for water efficiency in the building regulations. However, I hope that the hon. Member notes that the regulations already set minimum water efficiency standards for new homes. She is right about the amounts: we use 145 litres a day. We actually aim to get that down to 110 litres a day. Improving labelling and consumer information about the amount of water that gadgets use will be part and parcel of the new water efficiency world.

Let me add that under section 81 of the Water Act 2003, there is already a duty on the Secretary of State to report every three years on the steps that he has taken to encourage water conservation. That report must be laid before Parliament. The last report was published in December 2018, so I suggest that there is no need for a similar review requirement.

I hope that I have covered all the points that will reassure the hon. Member that she does not need to press the new clause, and that she might kindly withdraw it.

Ruth Jones: It is good to hear about the Minister's new knowledge of bathroom fittings; I must admit that we have all learned a lot about them. I remember, even as a student, putting a brick in our cistern to save water, which was a great thing—and obviously a good use of household bricks. I think we all agree that more absolutely

needs to be done, and while I take her point about new homes being covered by regulations, we need to deal with existing homes. Let us be honest: there are far more existing homes that need encouragement and help to do the right thing. We also need to ensure that people are aware of their water usage, because if they do not know how much water they are using, they cannot do anything to conserve it. It would be good to marry up the various sound water conservation measures in other legislation by incorporating them all in the new clause. It is a shame that she has not accepted—

Rebecca Pow: I just want to make a quick correction. I mentioned a figure of 110 litres. Does the hon. Member agree that, while the efficiency requirement for a new build will be 125 litres per person per day, it could be the 110 litre figure that I mentioned if that is imposed by a local authority when granting planning permission? Does she welcome that?

Ruth Jones: I do welcome it, but I am a bit lukewarm. I would sooner it was down to the original rate in the 1960s of 85 litres per person, which would be far more helpful in moving forward on the climate change emergency. I am disappointed that the Minister has not taken the new clause on board, but I will not seek to divide the Committee on it, so I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 35

CLEAN AIR DUTY

“(1) The Secretary of State must prepare and publish an annual policy statement setting out how the Government is working to improve air quality, and must lay a copy of the report before Parliament.

(2) The annual policy statement in subsection (1) must include—

- (a) how public authorities are improving air quality, including indoor air quality; and
- (b) how Government departments are working together to improve air quality, including indoor air quality.

(3) A Minister of the Crown must, not later than three months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.—(*Fleur Anderson.*)

This new clause requires the Secretary of State to publish an annual report on air quality which includes indoor air quality and the work of public authorities and Government departments working together to improve it.

Brought up, and read the First time.

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

This is the final new clause. It is only right and proper that, as we come towards the end of the Committee's scrutiny of the Bill, after considering more than 230 amendments and 35 new clauses, we end with something that we can all agree on.

This new clause is all about working together. It has been tabled by the all-party parliamentary group on air pollution. It asks Government Departments to work together and for reports on how the Government are working with local authorities to achieve something very ambitious—tackling our air quality. It has cross-party support from hon. Members including the chair of the APPG, my hon. Friend the Member for Swansea West (Geraint Davies), and 23 other MPs.

[*Fleur Anderson*]

The new clause is intended to help the Minister to get to that holy grail of action—cross-departmental working—and to achieve cross-government support for action to tackle air pollution, specifically indoor air pollution. Given that the public health crisis results in 40,000 deaths a year and costs £20 billion, urgent action is needed by the Department for Transport and many others across Government. The new clause would help with that.

The new clause is an important addition to the parts of the Bill on air quality, in particular schedule 11. The Minister may say that that is sufficient, but I would argue that it is not. Schedule 11 amends the Environment Act 1995 and gives the Secretary of State the duty to report on the

“assessment of the progress made in meeting air quality objectives, and air quality standards, in relation to England, and...the steps the Secretary of State has taken in that year in support of the meeting of those objectives and standards.”

Those reports and that action are very welcome, but the new clause takes them further. It would be in the Bill itself, rather than an amendment to another Act, and has additional reporting requirements that would do more to ensure that there was more focus on achieving our air quality targets and more joined-up working in Government.

Hon. Members will have read an email sent to us all in which Professor Sir Stephen Holgate, the Royal College of Physicians’ adviser on air quality and the UK Research and Innovation clean air champion, supports the new clause. I know that it is important to the Minister to be science-led. He said:

“I strongly support the need for placing greater transparent responsibility on public bodies, both central and local, to say what steps they are taking to improve air quality, both outside and inside buildings including houses, workplaces and schools. Since most people spend over 80% of their time indoors, the indoor air is a particular concern especially since all the emphasis is on conserving energy by “sealing” buildings with little regard to ensuring that ventilation is adequate. ...unless attention is focused on the ever-increasing chemical contaminants that will accumulate, without adequate ventilation, the public will suffer adverse health effects. This is especially so in periods of “lock-down” during the coronavirus pandemic and the attention needed to be given to this is in the building of new homes. Special attention must be given to vulnerable groups such as pregnant women, children, older people and those with chronic disease.”

Many other scientists back up those findings.

We all know that air pollution is a public health crisis, as acknowledged by the joint report of the Environment, Food and Rural Affairs Committee, the Environmental Audit Committee, the Health and Social Care Committee and the Transport Committee last year. There was joint working there, which we can encourage with the joint working on the reports that the new clause would make a legislative commitment.

A report by King’s College Hospital last year showed that cutting air pollution by a fifth would reduce the number of lung cancer cases by 7.6% in London, 6.4% in Birmingham, 5.9% in Bristol, 5.3% in Liverpool, 5.6% in Manchester, 6.7% in Nottingham, 6% in Oxford and 5.9% in Southampton. I read those figures out to show the local impact that air pollution is having on a considerable number of people’s lives; we know that it

needs local action. The new clause would ensure that we find out what that local action is and whether it is good enough.

Living near a busy road can trigger bronchitic symptoms among children with asthma. If pollution were to be reduced by one fifth, there would be 3,865 fewer cases of children with bronchitic symptoms every year in London. In my own constituency, I would see the difference that that would make. The Government have made considerable funding available to local authorities, so local authorities should report back on what the funding has achieved.

We now know that there is a more urgent reason for the new clause, which would strengthen the Bill. There is a direct link between coronavirus deaths and air pollution. Harvard says there is an 8% risk, whereas the Max Planck Institute says it is 14%, for each additional microgram per cubic metre of PM2.5, the smaller particulates. There is a direct link between air quality and coronavirus deaths, and the new clause would make taking urgent action compulsory. It is no surprise that there is a link, because air pollution weakens lungs, hearts and brains, which covid also affects. We need a joined-up approach, with cleaner transport and ventilated schools. It is about education, health, better building regulations from MHCLG, better planning and knowing the effects of more home working with digital infrastructure.

The new clause would encourage a fiscal strategy that helps to drive a holistic vision of a cleaner, healthier and more productive future for all. Put simply, we need to have a joined-up approach to have the best effect, and the new clause would help to ensure that is done by asking for joined-up reporting. No matter what is already in the Bill, it just does not go far enough. The new clause is needed.

The new clause does not have specific targets and action plans that can be rejected by the Conservative party. In fact, they are for the Office for Environmental Protection, which was mentioned in many earlier debates, to decide. However, this would be a wonderful model for the UK to showcase at COP26 next year, and for other Governments to adopt. There is no doubt that there might be a silo mentality in DEFRA that says, “We can’t ask other Departments to do things,” but air pollution is an NHS public health issue of massive proportions, and it cannot be left to DEFRA or to the Secretary of State for one Department.

No one Department has the tools to combat air pollution. The Minister will say that she will work with the Department for Transport, the Department of Health and Social Care and many other Departments, but the new clause would ensure that others could learn from best practice—we would be able to see when things were not going well and put them right as quickly as possible. We need such a collective, joined-up approach. The Minister should raise her ambition to embrace other Departments that, in their hearts, want to work together for the common good.

As we have seen again and again with previous debates, the Government have a big majority and can vote against the new clause, but this is the opportunity—this last new clause—for us to come together and agree. The biggest test for the Government is not how many votes there are, but whether they are big enough to accept in good grace an idea from an all-party parliamentary

group that they know is in the best interest and is supported in principle by all parties, and to take it forward for the common good. I think we would have cheers from people outside this place, who would hear that we are working together to tackle a concern that is so important to so many people.

This is an important opportunity to work together across government and public bodies to improve public health by improving air quality outside and inside, which would save lives. All our constituents would want us to do all that we can to protect them and their children, and the new clause would help us deliver on our duty to do so. I ask the Minister and members of the Committee to put their constituents and country first by supporting the new clause.

12.45 pm

Rebecca Pow: After 230 amendments, why break the habit of a lifetime? Honestly, the hon. Lady will know that I have great sentiment about much of what she is saying. I also support the work of the APPG, who I have done a lot of close working with and spoken to many times. They have done some really useful work.

We recognise the importance of national leadership on this cross-cutting issue of air quality, including indoor air. It is right to draw attention to the issue. I want to give reassurances that we do not work in a silo. We work very closely with other Departments. We have a ground-breaking clean air strategy that goes across government. Air cannot be dealt with in one place and one silo, it travels everywhere, even to Gloucester. Only yesterday I had a joint meeting with the Under-Secretary of State for Transport, my hon. Friend the Member for Redditch (Rachel Maclean) on an air quality issue. Only last week I had a Zoom call with the Under-Secretary of State for Health and Social Care, my hon. Friend the Member for Bury St Edmunds (Jo Churchill). I hope that demonstrates how closely we are working on these issues.

On indoor air quality specifically, we are working across government. I have regular meetings with, in particular, the chief scientific adviser on this, and we work closely with the chief medical officer. We also work with the Department of Health and Social Care and Public Health England on indoor air quality in particular. They are all part of this big landscape, which she has pointed out. Building on the evidence base is a key step to ensure that interventions are appropriately targeted and introduced in the right way and in the right place. I hope that that gives some assurances on cross-government working.

I want to reassure the hon. Member for Putney that we have a range of reporting requirements relating to air quality, and we are introducing additional requirements through the Bill. We are introducing a requirement for the Secretary of State to make an annual statement to Parliament on progress toward securing local pollution objectives through paragraph 3 of schedule 11 to the Bill. Perhaps she has not noticed that. It will include steps taken in that year to support local authorities to meet objectives. In addition, the Secretary of State will be required to publish a national air quality strategy and review it every five years. That is under paragraph 2 of schedule 11 to the Bill, in case she wants to have a look at it.

Alongside this, through a statutory cycle of monitoring and reporting, which I have talked about constantly, the Bill ensures that the Government will take steps to achieve the targets set under the Bill. This includes the air quality targets. We have a legal duty to set an air quality target, and we are going to set another one in addition. We are going over and above for air quality. We can be held to account by the OEP if Parliament fails to monitor and report the progress toward the targets.

We also already have several annual reporting obligations on ambient air quality. The UK's national atmospheric emissions inventory is compiled annually to report total emissions by pollutant. That is a very detailed inventory and has won an award, I think, for its detail. All of that information is already there. I think, perhaps, the Opposition are not aware of that. Do take a look. There is an annual requirement to report total emissions by pollutant and source sector in a similar way. We also remain signatory to the UN convention on long-range trans-boundary air pollution, because this is, of course, also a global issue, and we will continue to abide by that international agreement in full, including its reporting requirements.

The global work is really important. Back when we did the early assessment from the air quality expert group of what was happening during lockdown, we found that some of the pollutants did not reduce as we thought they might have done in the south of England. That was because we got some unexpected wind from Europe, and it brought all kinds of pollutants that were not even ours! It is very important that we remain part of that agreement.

Compliance with air pollution concentration limits and targets is reported in our annual air pollution in the UK report, which summarises measurements from the national air quality monitoring networks. I reassure the hon. Lady that we already work very closely with other Government Departments, and that we have robust mechanisms in place to report on progress. I hope that has provided more detail and clarity as to what is going on in air quality, and hope that the hon. Member might keep up with the trend—or maybe break it—and withdraw her new clause.

Fleur Anderson: I thank the Minister for the information about all the action being taken, and for the heartfelt—and I agree, sincere—desire to take action on this, and going over and above on air quality. We all welcome that. However, I have also read schedule 11 very thoroughly, as have the members of the all-party parliamentary group on air pollution. They have taken advice from scientific experts and feel that there is something missing in the reporting that would actually make a difference and ensure that we take the action we want to see on our air, and put that into practice. The missing parts are how public authorities are improving our air and how Government Departments are working together. I welcome the fact that the Minister is meeting with other Departments. She should welcome the opportunity to demonstrate what those meetings are resulting in with the annual report, and to demonstrate the appropriate targeting, achievements and progress we have discussed. As has been customary, we will be dividing on this, but we also want to work together to see a dramatic improvement in our air quality.

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

The Committee divided: Ayes 5, Noes 10.

Division No. 59]

AYES

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

NOES

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

Question accordingly negatived.

New Schedule 1

“USE OF FOREST RISK COMMODITIES IN COMMERCIAL
ACTIVITY

PART 1

REQUIREMENTS

Meaning of “forest risk commodity”

1 (1) In this Schedule “forest risk commodity” means a commodity specified in regulations made by the Secretary of State.

(2) The regulations may specify only a commodity that has been produced from a plant, animal or other living organism.

(3) The regulations may specify a commodity only if the Secretary of State considers that forest is being or may be converted to agricultural use for the purposes of producing the commodity.

(4) “Forest” means an area of land of more than 0.5 hectares with a tree canopy cover of at least 10% (excluding trees planted for the purpose of producing timber or other commodities).

(5) In sub-paragraph (4) the reference to land includes land that is wholly or partly submerged in water (whether temporarily or permanently).

(6) The regulations may not specify timber or timber products, within the meaning of Regulation (EU) No. 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market.

(7) Before making regulations under this paragraph the Secretary of State must consult such persons as the Secretary of State considers appropriate.

(8) The requirement to consult in sub-paragraph (7) may be met by consultation carried out before this paragraph comes into force.

Prohibition on using illegally produced commodities

2 (1) A regulated person in relation to a forest risk commodity must not use that commodity in their UK commercial activities unless relevant local laws were complied with in relation to that commodity.

(2) A regulated person in relation to a forest risk commodity must not use a product derived from that commodity in their UK commercial activities unless relevant local laws were complied with in relation to that commodity.

(3) In this Schedule “local law”, in relation to a forest risk commodity, means any law having effect in the country or territory where the source organism was grown, raised or cultivated.

(4) In this Schedule “relevant local law”, in relation to a forest risk commodity, means local law—

- (a) which relates to the ownership of the land on which the source organism was grown, raised or cultivated,

- (b) which relates to the use of that land, or

- (c) which otherwise relates to that land and is specified in regulations made by the Secretary of State.

(5) The regulations may specify a local law only if it relates to the prevention of forest being converted to agricultural use.

(6) The “source organism” means the plant, animal or other living organism from which the forest risk commodity was produced.

(7) Sub-paragraph (1) does not apply to the use of a forest risk commodity where—

- (a) the commodity is waste (within the meaning of article 2(1) of the Renewable Transport Fuel Obligations Order 2007 (S.I. 2007/3072)), and

- (b) the use of the commodity is for the purpose of making renewable transport fuel—

- (i) that qualifies for the issue of an RTF certificate under article 17 of that Order, and

- (ii) in respect of which an additional RTF certificate may be issued under article 17A(4) of that Order.

(8) Sub-paragraph (2) does not apply to the use of a product derived from a forest risk commodity where—

- (a) the commodity is waste (within the meaning of article 2(1) of the Renewable Transport Fuel Obligations Order 2007 (S.I. 2007/3072)), and

- (b) the product is renewable transport fuel—

- (i) that qualifies for the issue of an RTF certificate under article 17 of that Order, and

- (ii) in respect of which an additional RTF certificate may be or has been issued under article 17A(4) of that Order.

Due diligence system

3 (1) A regulated person in relation to a forest risk commodity who uses that commodity or a product derived from that commodity in their UK commercial activities must establish and implement a due diligence system in relation to that commodity.

(2) In this Schedule a “due diligence system”, in relation to a forest risk commodity, means a system for—

- (a) identifying, and obtaining information about, that commodity,

- (b) assessing the risk that relevant local laws were not complied with in relation to that commodity, and

- (c) mitigating that risk.

(3) The Secretary of State may by regulations make further provision about the matters in sub-paragraph (2)(a) to (c), including in particular—

- (a) the information that should be obtained;

- (b) the criteria to be used in assessing risk;

- (c) the ways in which risk may be mitigated.

Annual report on due diligence system

4 (1) A regulated person in relation to a forest risk commodity who uses that commodity or a product derived from that commodity in their UK commercial activities must, for each reporting period, provide the relevant authority with a report on the actions taken by the person to establish and implement a due diligence system in relation to that commodity as required by paragraph 3.

(2) The report must be provided no later than 6 months after the end of the reporting period to which it relates.

(3) The Secretary of State may by regulations make provision—

- (a) about the content and form of reports under this paragraph;

- (b) about the manner in which reports under this paragraph are to be provided.

(4) The relevant authority must make reports under this paragraph available to the public in the way, and to the extent, specified in regulations made by the Secretary of State.

- (5) In this paragraph “relevant authority” means—
- (a) the Secretary of State, or
 - (b) if regulations made by the Secretary of State specify another person as the relevant authority for the purposes of this paragraph, that other person.
- (6) In this Schedule “reporting period” means—
- (a) the period beginning with the day on which this paragraph comes fully into force and ending with the following 31 March, and
 - (b) each successive period of 12 months.

Exemption

5 (1) A regulated person in relation to a forest risk commodity is exempt from the Part 1 requirements in respect of their use of that commodity, or a product derived from that commodity, in their UK commercial activities during a reporting period if they satisfy the following two conditions.

(2) Condition 1 is that before the start of the period, the person gives a notice to the relevant enforcement authority containing—

- (a) a declaration that the person is satisfied on reasonable grounds that the amount of the commodity used in their UK commercial activities during the period will not exceed the prescribed threshold, and
- (b) the prescribed information.

(3) Condition 2 is that the amount of the commodity used in the person’s UK commercial activities during the period does not exceed the prescribed threshold.

(4) Sub-paragraphs (5) and (6) apply where—

- (a) a regulated person gives a notice under sub-paragraph (2), but
- (b) the amount of the commodity used in the person’s UK commercial activities during the period exceeds the prescribed threshold.

(5) If, before the relevant date, the regulated person gives a notice to the relevant enforcement authority containing the prescribed information, the person is exempt from the Part 1 requirements in respect of their use of the commodity, or the product derived from the commodity, in their UK commercial activities during the part of the reporting period—

- (a) beginning with the start of the period, and
- (b) ending with the date the notice is given.

(6) If the regulated person does not give a notice under sub-paragraph (5), the person is not exempt from the Part 1 requirements in respect of their use of the commodity, or the product derived from the commodity, in their UK commercial activities during any part of the reporting period.

(7) In this paragraph—

“prescribed” means prescribed in regulations made by the Secretary of State;

“relevant date” means the date during the reporting period that the amount of the commodity used in the person’s UK commercial activities exceeds the prescribed threshold;

“relevant enforcement authority” means the enforcement authority on which the function of receiving notices under this paragraph has been conferred by Part 2 regulations.

(8) Regulations under this paragraph may in particular—

- (a) prescribe thresholds by reference to weight or volume;
- (b) make provision about how the amount of a forest risk commodity used in a regulated person’s UK commercial activities (including in relation to a forest risk commodity from which a product is derived) is to be determined,

and regulations under paragraph (b) may include provision for determining the amount by reference to matters determined or published by the Secretary of State or other persons.

(9) Before making regulations under this paragraph (except under sub-paragraph (2)(b) or (5)) the Secretary of State must consult such persons as the Secretary of State considers appropriate.

(10) The requirement to consult in sub-paragraph (9) may be met by consultation carried out before this paragraph comes into force.

Guidance

6 (1) The Secretary of State may issue guidance to an enforcement authority about the Part 1 requirements.

(2) An enforcement authority must have regard to guidance issued under sub-paragraph (1) when exercising its functions under Part 2 of this Schedule.

Meaning of “regulated person”

7 (1) In this Schedule “regulated person”, in relation to a forest risk commodity, means a person (other than an individual) who carries on commercial activities in the United Kingdom, and—

- (a) meets such conditions in relation to turnover as may be specified in regulations made by the Secretary of State for the purposes of defining who is a regulated person in relation to that forest risk commodity, or
- (b) is an undertaking which is a subsidiary of another undertaking which meets those conditions.

(2) Regulations under sub-paragraph (1) may make provision about how turnover is to be determined.

(3) Before making regulations under sub-paragraph (1) the Secretary of State must consult such persons as the Secretary of State considers appropriate.

(4) The requirement to consult in sub-paragraph (3) may be met by consultation carried out before this paragraph comes into force.

(5) The Secretary of State may by regulations make provision for the Part 1 requirements not to apply, or to apply with modifications, in relation to a person who becomes a regulated person for such transitional period, after they become a regulated person, as may be specified in the regulations.

(6) The Secretary of State may by regulations make provision for a group of undertakings to be treated as a regulated person, in such circumstances, for such purposes and to such extent as may be provided (and may modify the application of the Schedule accordingly).

(7) In this paragraph—

“group” has the meaning given by section 474 of the Companies Act 2006;

“undertaking” has the meaning given by section 1161 of that Act,

and whether an undertaking is a subsidiary of another undertaking is to be determined in accordance with section 1162 of that Act.

PART 2

ENFORCEMENT

General power

8 The Secretary of State may by regulations (“Part 2 regulations”) make provision about the enforcement of requirements imposed by or under Part 1 of this Schedule (“Part 1 requirements”).

Powers to confer functions

9 (1) Part 2 regulations may include provision conferring functions on one or more persons specified in the regulations (each of whom is an “enforcement authority” for the purposes of this Schedule).

(2) Part 2 regulations may include provision—

- (a) conferring functions involving the exercise of discretion;
- (b) for the functions of an enforcement authority to be exercised on its behalf by persons authorised in accordance with the regulations.

(3) Part 2 regulations may include provision requiring an enforcement authority—

- (a) to issue guidance about the exercise of its functions;
- (b) to consult with specified persons before issuing such guidance.

Monitoring compliance

10 Part 2 regulations may include provision conferring on an enforcement authority the function of monitoring compliance with Part 1 requirements.

Records and information

11 Part 2 regulations may include provision—

- (a) requiring persons on whom Part 1 requirements are imposed to keep records;
- (b) requiring persons on whom Part 1 requirements are imposed to provide records or other information to an enforcement authority;
- (c) requiring an enforcement authority to make reports or provide information to the Secretary of State.

Powers of entry etc

12 (1) Part 2 regulations may include provision conferring on an enforcement authority powers of entry, inspection, examination, search and seizure.

(2) Part 2 regulations may include provision—

- (a) for powers to be exercisable only under the authority of a warrant issued by a justice of the peace, sheriff, summary sheriff or lay magistrate;
- (b) about applications for, and the execution of, warrants.

(3) Part 2 regulations must secure that the authority of a warrant is required for the exercise of any powers conferred by the regulations to—

- (a) enter premises by force;
- (b) enter a private dwelling without the consent of the occupier;
- (c) search and seize material.

Sanctions

13 (1) Part 2 regulations may include provision—

- (a) for, about or connected with the imposition of civil sanctions in respect of—
 - (i) failures to comply with Part 1 requirements or Part 2 regulations, or
 - (ii) the obstruction of or failure to assist an enforcement authority;
- (b) for appeals against such sanctions.

(2) Part 2 regulations must include provision to ensure that in a case where—

- (a) a regulated person fails to comply with a requirement in paragraph 2(1) or (2) in relation to their use of a forest risk commodity or a product derived from a forest risk commodity, but
- (b) an enforcement authority is satisfied that the regulated person took all reasonable steps to implement a due diligence system in relation to the commodity used by the person in that particular case,

a civil sanction may not be imposed on the regulated person in respect of the failure to comply.

(3) Part 2 regulations may include provision—

- (a) creating criminal offences punishable with a fine in respect of—
 - (i) failures to comply with civil sanctions imposed under Part 2 regulations, or
 - (ii) the obstruction of or failure to assist an enforcement authority;
- (b) about such offences.

(4) In this paragraph “civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings).

14 Part 2 regulations may include provision for the imposition of sanctions of that kind whether or not—

- (a) the conduct in respect of which the sanction is imposed constitutes an offence, or
- (b) the enforcement authority is a regulator for the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008.

Charges

15 Part 2 regulations may include provision—

- (a) requiring persons on whom Part 1 requirements are imposed to pay to an enforcement authority charges, as a means of recovering costs incurred by that enforcement authority in performing its functions;
- (b) authorising a court or tribunal dealing with any matter relating to Part 1 requirements or Part 2 regulations to award to an enforcement authority costs incurred by it in performing its functions in relation to that matter.

Consultation requirement

16 (1) Before making Part 2 regulations the Secretary of State must consult any persons the Secretary of State considers appropriate.

(2) The requirement to consult in sub-paragraph (1) may be met by consultation carried out before this paragraph comes into force.

PART 3

GENERAL PROVISIONS

Review

17 (1) The Secretary of State must review the effectiveness of the Part 1 requirements and any Part 2 regulations (“relevant provisions”) in accordance with this paragraph.

(2) A review must consider in particular—

- (a) the amount of forest being converted to agricultural use for the purposes of producing commodities;
- (b) the impact of the relevant provisions on the amount of forest being converted to agricultural use for the purposes of producing forest risk commodities;
- (c) the impact of the relevant provisions on the use of forest risk commodities, or products derived from forest risk commodities, in UK commercial activities where relevant local laws were not complied with in relation to those commodities;
- (d) any changes to relevant local laws in relation to forest risk commodities.

(3) Having carried out a review the Secretary of State must lay before Parliament, and publish, a report stating—

- (a) the conclusions of the review, and
- (b) the steps, if any, the Secretary of State intends to take to improve the effectiveness of the relevant provisions (including whether the Secretary of State intends to make any regulations under this Schedule).

(4) The first review must be completed during the period—

- (a) beginning with the second anniversary of the first date on which paragraphs 2 to 4 are fully in force, and
- (b) ending with the third anniversary of the first date on which paragraphs 2 to 4 are fully in force.

(5) Subsequent reviews must be completed before the end of the 2 year period beginning with the day on which the previous review was completed.

(6) A review is completed when the Secretary of State has laid and published the report.

Interpretation

18 (1) In this Schedule—

“agricultural use” includes use for horticulture and aquaculture;

“commercial activity” includes—

- (a) producing, manufacturing and processing;
- (b) distributing, selling, or supplying;
- (c) purchasing for a purpose within paragraph (a) or (b) (but not purchasing as a consumer);

“due diligence system”, in relation to a forest risk commodity, has the meaning given by paragraph 3;

- “enforcement authority” has the meaning given by paragraph 9;
- “forest” has the meaning given by paragraph 1;
- “forest risk commodity” has the meaning given by paragraph 1;
- “local law”, in relation to a forest risk commodity, has the meaning given by paragraph 2;
- “Part 1 requirements” has the meaning given by paragraph 8;
- “Part 2 regulations” has the meaning given by paragraph 8;
- “regulated person”, in relation to a forest risk commodity, has the meaning given by paragraph 7;
- “relevant local law”, in relation to a forest risk commodity, has the meaning given by paragraph 2;
- “reporting period” has the meaning given by paragraph 4;
- “UK commercial activity” means commercial activity carried on in the United Kingdom.

(2) References in this Schedule to a product derived from a forest risk commodity are to a product derived from a forest risk commodity in whole or in part (and include any product of an animal fed on a forest risk commodity or a product derived from a forest risk commodity).—(*Rebecca Pow.*)

This new schedule contains provisions relating to the use of forest risk commodities by regulated persons in their UK commercial activities. Part 1 of the Schedule contains restrictions on the use of commodities and requirements relating to due diligence and reporting. Part 2 contains enforcement provisions. Part 3 contains a requirement for the Secretary of State to review the effectiveness of the Schedule.

Brought up, read the First and Second time, and added to the Bill.

The Chair: May I congratulate the Committee on the briskness of our discussions this morning. The people of North Wiltshire—and of all our constituencies—are grateful to us for it. I must now report the Bill, as amended, to the House.

Rebecca Pow: On a point of order, Mr Gray, I wanted to do a quick round-up. The hon. Member for Putney mentioned that this Committee has gone on for 261 days. We started back in March, then the Committee was adjourned and all the rest, but the whole process of this Bill has been even longer than that. We have done two Second Readings, so it has been a long time in the process and even longer than that behind the scenes.

I give my heartfelt thanks to absolutely everyone, starting with the Chair. Thank you, Mr Gray, for keeping us in great order and managing to have a grandchild during the process. Thank you to the Clerks, particularly the new Clerk, who really got the hang of the role very fast. I must thank the entire Committee, because it is a long old haul, and we are all obviously handpicked. I must also thank all the shadow Ministers for the spirit in which we have conducted this—the hon. Members for Southampton, Test, for Cambridge South and for Newport West—as well as the hon. Member for Putney and indeed, the Whip. We all have the shared desire to improve the environment, and I do not think that is ever going to change. We will all be driving the endeavour forward, and it must be said that it is good to have a bit of probing.

I want to thank the members of my private office, who have been phenomenal at keeping me up to speed, which is not always easy. I thank the Bill team: Amira, who is sitting in the room, as well as Brendan and Lucy, and four others in the main team. I thank them all, because they do a phenomenal job. Hon. Members do not see it, but I do. We have about 100 policy officials

behind them, so it is a massive effort. I thank them all from the bottom of my heart, because their work has been phenomenal. Some of it is pretty detailed and tricky, and I ask a lot of questions about legislative things, because I do not have a legal background. I thank them for all their work. This is not over yet; onwards and upwards to Report.

Dr Whitehead: Further to that point of order, Mr Gray. At the risk of straining the point of order, I would like to add my thanks at the conclusion of our Bill Committee proceedings. They have been immensely long, as my hon. Friend the Member for Putney has enumerated, with 230 amendments and 35 new clauses. I thank you, Mr Gray, for your purposeful, elegant and impartial chairing of our proceedings, and I hope you will pass on our thanks to Sir George for his part in proceedings. I thank the Minister for her immense optimism and terrific jackets, and for the courteous and good-hearted way she has conducted proceedings throughout. I appreciate that undertaking a Bill of this length is a tremendous burden, and I appreciate her fortitude and perseverance in carrying through that job.

I want to single out the Committee Clerks for thanks. They have been a wonderful source of assistance, help and wise guidance, and they have enabled us to do our part as well as we have been able to. Finally, I thank other Opposition Members. I think it will be agreed that they are not a team of journeymen and women; they are a team of Galácticos in their own right, and I thank them for their contributions to scrutinising this Bill so well.

We are, naturally, very disappointed that we have not been able to strengthen the Bill as we had hoped to do, but we will continue with that task on Report and in the other place. We hope that our doing so will help to make it a Bill that we can all be proud of, when it comes to strengthening our country’s natural environment resources and providing the protections that must flow from that; we all agree that we want the Bill to do those things. I welcome the end of this Committee, for obvious reasons, but we can all be proud of our contribution to getting the Bill to this point, and I thank everybody on the Committee for their part in proceedings.

Deidre Brock: Further to that point of order, Mr Gray. On behalf of my hon. Friend the Member for Gordon and myself, and with a slightly nervous eye on the clock, I thank all Members of the Committee for their good-humoured and thorough approach to the Bill. I have certainly appreciated that. I thank you, Mr Gray, and Sir George for your chairship. I thank the Clerks for their assistance, which has been much appreciated, and I thank the various representatives from *Hansard* who have sat through lengthy hours of this Committee. Although much of what we have debated has not covered Scotland, it has been instructive to hear from Members from all parts of the Committee about the approaches that are being taken. I wish England very well in all its efforts to create a much healthier and more vibrant, biodiverse and attractive environment for all its citizens.

The Chair: Those are all entirely bogus points of order, but we are grateful for them none the less.

Bill, as amended, to be reported.

1 pm

Committee rose.

Written evidence reported to the House

EB83 Letter from Rebecca Pow to Daniel Zeichner
re: Species Conservation Strategies, Protected Site Strategies
and Wildlife Conservation: Licences (NC25-27)

EB84 UKELA (UK Environmental Law Association)
(further submission) (New Clause 24 & amendment 30)

EB85 Letter from Rebecca Pow to Daniel Zeichner
re: Species Conservation Strategies, Protected Site Strategies
and Wildlife Conservation: Licences (NC25-27)