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PARLIAMENTARY DEBATES  
(HANSARD)

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OFFICIAL REPORT

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<b>Abbreviation</b>	<b>Party/Group</b>
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
Lab Co-op	Labour and Co-operative Party
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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# House of Lords

Thursday 13 February 2020

11 am

Prayers—read by the Lord Bishop of Worcester.

## Islamophobia Question

11.06 am

Asked by **Lord Sheikh**

To ask Her Majesty's Government what progress they have made towards the adoption of a formal definition of Islamophobia.

**The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government (Viscount Younger of Leckie) (Con):** My Lords, the Government remain committed to stamping out anti-Muslim hatred and all forms of hate crime. It is unacceptable for anyone to feel unsafe while practising their religion. We continue to take a zero-tolerance approach to Islamophobia. The definition proposed by the APPG is not in line with the Equality Act 2010 and could have consequences for freedom of speech. We recognise the importance of this matter and will interrogate it in further detail.

**Lord Sheikh (Con):** My Lords, I thank my noble friend for his Answer. Islamophobia is of great concern to the Muslim community. I have raised this subject before in your Lordships' House. Can the Minister assure the House that the process to be undertaken will not involve any preconditions such as recognising Islamophobia as a form of racism? Does he agree that any definition proposed by the Government must have the support of the Muslim community and Muslim representative groups, without which it will have little value? If so, can he confirm that this will be done?

**Viscount Younger of Leckie:** I agree with my noble friend that Islamophobia, while a hate crime, is not a form of racism as defined by the Equality Act 2010. Section 9 of the Act defines race as comprising "colour, nationality" and "ethnic or national origins", none of which would encompass a Muslim or an Islamic practice, so conflating race and religion in conflict with any definition could cause confusion.

On the second question, it is important for the Government to listen to and engage with Muslim groups and communities, which we will continue to do.

**Lord Singh of Wimbledon (CB):** My Lords, emotive definitions such as Islamophobia are simply constraints on freedom of speech. A phobia is a fear, and the best way to combat irrational fear or prejudice suffered by all religions and beliefs is through healthy, open discussion. Will the Minister endorse the commitment given last week by Heather Wheeler, Under-Secretary of State for Foreign and Commonwealth Affairs, to protect all religions and beliefs without fear or favour?

**Viscount Younger of Leckie:** The noble Lord is right. As I said, it is unacceptable for anyone to feel unsafe while practising their religion and the Government will never allow prejudice and discrimination of any kind against the Muslim or any other community. We take a zero-tolerance approach and recognise the importance of this matter.

**Baroness Warsi (Con):** My Lords, the definition of Islamophobia proposed by the APPG, like the IHRA definition of anti-Semitism, is not a legally binding working definition, so there is no conflict with the Equality Act. My noble friend will recognise that the Government and the Conservative Party rightly criticised the party opposite when it felt that it could make the definition better and amend it, despite the Jewish community saying, "This is our definition"; that party was wrong for doing so. Does he further recognise the irony and hypocrisy of the Government's position on Islamophobia, as opposed to the position that we took on anti-Semitism?

**Viscount Younger of Leckie:** There are a couple of points there. The IHRA definition is widely accepted internationally and, by adopting this non-binding definition, we underline the UK Government's determination to tackle anti-Semitism wherever it occurs. On my noble friend's other point, as she will know, Islamophobia is a complex matter and there are different views in this House on the issue. There has been strong opposition to the adoption of the all-party definition from a wide range of organisations, including Civitas, Policy Exchange, the Barnabas Fund and the Henry Jackson Society. It is an ongoing issue and discussions are continuing.

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, there are some appalling examples of the Muslim community being harassed and suffering racial abuse. Why will the Government not adopt this definition when it has been adopted by hundreds of organisations, including many local authorities and police forces and, I think I am right in saying—perhaps the Minister can confirm it—by the Conservative Party in Scotland? We need to hear much more from the noble Lord and his party about how they will deal with this appalling abuse.

**Viscount Younger of Leckie:** The noble Lord has picked up on what I just said: it is a challenging issue. I can reassure him that we intend to move as quickly as possible to come to a definition. As I said, it is important to discuss this fully and make sure that we get it right.

**The Lord Bishop of St Albans:** My Lords, we on these Benches deplore all attacks on any religious groups and we note particularly the huge rise in the deeply concerning issue of attacks on Muslims. The Minister will be aware of the media reports on Imam Asim of Makkah mosque in Leeds and his comments on free speech. Does the Minister agree with me and the most reverend Primate the Archbishop of Canterbury that Muslims and all religious groups deserve better media? Does he further agree that, alongside law, we need to seriously address this through education?

**Viscount Younger of Leckie:** The right reverend Prelate is right. I had brief sight of the abhorrent hate crime addressed to Qari Asim and I condemn it utterly. He is also right that we need to work harder on the schools and education policy to be sure that young people are not ingrained in any of this despicable stuff.

**Baroness Hussein-Ece (LD):** My Lords, at a time when anti-Muslim and Islamophobic hate crime has spiked by over 500%, and given that the APPG definition was arrived at after widespread consultation with hundreds of academic organisations and now has the support of most mainstream political parties, chief police officers, councils, trade unions and the Scottish Conservatives, why have the Government decided to appoint two advisers to come up with a different definition? Can the Minister not see that doing that, and delaying coming to a non-binding position on this, leads to the community losing confidence in the Government even further because they appear to be kicking something as important as this into the long grass and not taking it seriously?

**Viscount Younger of Leckie:** Not at all—we take it very seriously. The question asked by the noble Baroness is very similar to that from the noble Lord, Lord Kennedy. I say again that the definition goes against not only the Equality Act 2010 but international human rights law, which treats race and religion separately. Criticising somebody because of their race is regarded in international law as unacceptable, but criticising religions or beliefs is permitted. This remains a challenging issue, and we want to move quickly to resolve it.

## Industrial and Mining Towns *Question*

11.14 am

*Asked by Lord Greaves*

To ask Her Majesty's Government what plans they have to enhance the economies of former industrial and mining towns and villages in the North of England.

**The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government (Viscount Younger of Leckie) (Con):** My Lords, this Government are committed to levelling up regions and supporting communities in former industrial and mining towns in the north of England through the continuation of our numerous devolution policies. Alongside the refreshed northern powerhouse strategy and building on considerable investment through the local growth fund, the Government are providing funding to towns through the £3.6 billion towns fund and the future high streets fund. The north will also benefit from an array of national funding pots.

**Lord Greaves (LD):** My Lords, the old industrial towns and villages are suddenly in the news following the general election. We are not the major regional centres, such as Newcastle, Leeds and Manchester, but across the north of England and the Midlands there

are hundreds of such places. They are the towns around, the areas on the edge, the places in between. We need the resources, powers and, often, new infrastructure to tackle problems such as transport and flooding, but our futures cannot be successfully micromanaged from Whitehall or even from the large cities. Do the Government understand that the local successful futures of these areas must be firmly in the hands of local councils, local people, local organisations and local businesses? The local communities themselves, with local democratic control, will let a thousand democratic local flowers bloom.

**Viscount Younger of Leckie:** I agree with much of what the noble Lord said. I am very pleased that we have commenced a grand tour of the north. On Monday we focused on Yorkshire, and here we are on Thursday focusing on Lancashire. The noble Lord has spoken about local communities, and that is exactly what we are aiming to do. We are committed to levelling up the economy across the UK, with a focus on the north. We have made huge strides in rebalancing the economy. Over the past few years, the Government have delivered on one of the most ambitious devolution agendas in more than 70 years. The noble Lord might also like to know that the details locally are coming through. He will know about the redevelopment of the Brierfield Mill, which will see the mill changed into a mixed-use leisure, learning and community destination, to be known as Northlight.

**Lord Beecham (Lab):** My Lords, on effective communities, will the Government restore a significant proportion of the moneys withdrawn from the support of local government in the past few years, which in Newcastle's case alone amounts to £330 million a year? I declare my interest as a member of Newcastle City Council.

**Viscount Younger of Leckie:** The noble Lord is right, and that is exactly what we are doing. We have announced the £3.6 billion towns fund, which will support an initial 100 town deals across England. We also have the future high streets fund, for which £1 billion of the towns fund has been made available. We are looking north and directing funding into the areas where it matters, directed by the wishes of local people.

**Lord Vinson (Con):** My Lords, 90% of the economy goes by road. The A1, the main road from London to Edinburgh, is not even dualled. The A69 over the Pennines is a constant brake on the movement of transport. If we want to get the north of England moving, we must improve the road system as well as the rail system.

**Viscount Younger of Leckie:** My noble friend is right. Again, there are several announcements coming out on transport. There was the announcement on HS2 this week, and we now have a new national bus strategy. On his point about roads, I remember answering a Question on the A1. It is very much on the radar, and I will write to my noble friend with the details of the A1 and the new road that is going to be built towards Carlisle.

**Lord Mann (Non-Afl):** My Lords, former mining towns that voted more for Brexit than anywhere else in the country do not want investment that goes round them; they want investment in them—that people can see inside them. Do the Government realise that their credibility in the next five years will be judged on this more than on any other issue?

**Viscount Younger of Leckie:** The noble Lord makes a good point to the extent that we are focusing in. It takes us back to the Question raised by the noble Lord, Lord Greaves, on coalfields, regeneration and steelworks. The Government have provided funding to the Coalfields Regeneration Trust—the CRT—which seeks to support former mining communities in England; in the last seven years, we have provided £22 million. On the steelworks, he will know that much funding has gone into the Redcar steelworks, to the tune of £46 million.

**Lord Shipley (LD):** My Lords, Governments cannot do everything, but if the Government are to re-engineer their criteria for investing in infrastructure to support the older industrial areas, might they encourage the private sector to do the same? The private sector has social obligations to places, as well as financial obligations to shareholders.

**Viscount Younger of Leckie:** Absolutely—that will definitely be looked at. I make the point that, as the noble Lord will know, we are publishing a White Paper and setting out our strategy to unleash the potential of our regions. This will look at further devolution across England and levelling up powers, and will also include liaising and engaging with local businesses and getting their buy-in to what we plan to do.

**Lord Flight (Con):** My Lords, are the Government aware that SMEs in the north of England are already doing better than those in the south? Exports are up something like 50% on average over the last two years; a whole lot of incredibly good statistics have been confirmed by the Office for National Statistics. So we are on the right track already.

**Viscount Younger of Leckie:** Yes, and, indeed, many SMEs have started up after the changes in some of the big industrial companies. The LEPs have also played their part; that informs investment decisions and drives economic growth. As I say, the White Paper will explore how we can align future local growth with further devolution and the institutional reforms entailed.

## Bereavement Services

### Question

11.22 am

Asked by **Baroness Ludford**

To ask Her Majesty's Government what recent assessment they have made of the services offered by public and private sector organisations to bereaved people.

### The Parliamentary Under-Secretary of State, Department for Work and Pensions (Baroness Stedman-Scott) (Con):

My Lords, I know that this issue is very close to the noble Baroness's heart, and I am pleased to have been able to meet with her to discuss it. It is absolutely right that we provide people with easily accessible support to help them through the difficult period following bereavement. The Tell Us Once service was introduced to develop effective partnerships and deliver linked services across local and central government. Noble Lords will be pleased and interested to hear that a survey showed that 98% of people who used the service were willing to recommend it to others, and that 98%, again, had an overall good experience.

**Baroness Ludford (LD):** I thank the Minister for that reply and for kindly meeting me beforehand, but I do press for real action. People who have lost loved ones—who are emotionally low and needing good, compassionate support—are too often faced with inefficient and slow services, increasing their stress at a time when many are prone to depression, as the charity Sue Ryder reports. The charities Cruse and Macmillan include in their reproaches financial firms with their disparate documentary demands, utilities firms and, I am afraid, the DWP. HMRC makes you fill out an inheritance tax form even when there is no such tax to pay. Should there not be one department or Minister to take responsibility, get a grip on all this, work with the campaigners I have cited, insist on slimming down and streamlining “bereavement bureaucracy” and deliver a much better deal for grieving people?

**Baroness Stedman-Scott:** I fully appreciate the impact of a bereavement on individuals; I am sure that all noble Lords have had that at some point in their lives. We have talked about the Tell Us Once service. The noble Baroness—I am saying this respectfully—in true spirit raises a challenge. It is not one that we should dismiss, although people are saying that it cannot be done. I talked to Cruse yesterday after our meeting. It has a campaign called Bereaved Customers First, and it is trying to get banks, building societies, utility companies and other organisations to collaborate and to have what my pension friends would call a dashboard. I would like to speak to Cruse further. I urge the noble Baroness to carry on with this thinking. If it would help, I would be very happy to meet with her to take that forward.

**Baroness Sherlock (Lab):** My Lords, in the Pensions Act 2014 the Government rather controversially reformed bereavement payments to families who had lost a parent. However, last Friday they lost a case in the High Court in which the court ruled against them, saying that the policy was in conflict with the Human Rights Act because it did not extend bereavement support payments to fathers who had been living with the mother of their children for many years but were not married. I am interested in what the Government are going to do about this. They lost an equivalent case on the old system, Widowed Parent's Allowance, 18 months ago and we have been waiting for a response

[BARONESS SHERLOCK]

to that court case ever since. Yesterday at PMQs, the Prime Minister had this case raised with him. He described the latest case as an injustice and said that

“we will do all we can to remedy it.”—[*Official Report, Commons, 12/02/20; col. 852.*]

When are we going to get a review both of the new bereavement support arrangements and, crucially, of the position of cohabiting couples?

**Baroness Stedman-Scott:** I am not one to contradict the Prime Minister, and I am not going to try to do that. [*Laughter.*] I was really trying hard not to make fun of today, given the subject matter, but noble Lords are spot on. We have the judgment on the Jackson case, and officials are considering it. The Prime Minister has said more than I have been allowed to, so let us just let what he has said stand. The McLaughlin case that the noble Baroness has referred to is a bit more complicated—this is not an excuse—and our officials are working with Northern Ireland officials to see what can be done.

**The Lord Bishop of Winchester:** My Lords, the number of pauper public health funerals has risen by 70% since 2015. Churches perform half of all funerals in the United Kingdom and offer ongoing bereavement support to all. Recognising that other faiths also offer bereavement support, will the Government commit to encouraging local public health departments to work with faith communities to improve bereavement support and ensure that every person receives adequate funeral provision that includes care for the bereaved, who are often excluded?

**Baroness Stedman-Scott:** We must pay tribute to the Church of England and faith organisations, which come into their own in these very difficult times and provide invaluable support. I will take the right reverend Prelate’s request to officials and write to him with a response.

**Baroness McIntosh of Pickering (Con):** My Lords, will the Minister use her good offices to ensure that the public are more aware of the bereavement support payment, which I do not think is widely understood at present?

**Baroness Stedman-Scott:** Again, it is important that people understand the support that is available to them. I will go back to the policy officials and see if we cannot do something a little more robust to up the ante on the campaign.

**Lord Foulkes of Cumnock (Lab Co-op):** My Lords, I congratulate the Minister on doing exactly what a Lords Minister should: listening to what Members of this House say and then taking it back to her department and asking it to consider that. Could she give some advice to those sitting around her?

**Baroness Stedman-Scott:** I learned everything that I do at this Dispatch Box from these colleagues.

**Baroness Janke (LD):** My Lords, the noble Baroness mentioned the charity Cruse Bereavement Care. Is she aware that in October 2019, Cruse commissioned research from YouGov about people’s experiences on being bereaved? Some 44% described their experiences as time-consuming, 39% stressful, 30% upsetting, 24% complicated and 16% traumatic. In the light of this and the experience of my noble friend Lady Ludford, will the Minister commit to taking a lead on addressing the needs of bereaved people? Will she provide some form of practical support for Cruse, a charity with very limited resources, in its campaign to treat bereaved customers first?

**Baroness Stedman-Scott:** I thank the noble Baroness for reminding us of those statistics, which should give us cause for concern. I have already pledged to go with the noble Baroness, Lady Ludford, to talk to Cruse; we will take up the points that the noble Baroness raised.

## Rohingya Refugees in Bangladesh

### Question

11.29 am

Asked by **Lord Collins of Highbury**

To ask Her Majesty’s Government, following the sinking of a boat carrying Rohingya refugees in the Bay of Bengal, what steps they are taking to assist Rohingya refugees in Bangladesh.

**The Minister of State, Department for International Development (Baroness Sugg) (Con):** My Lords, I was deeply saddened by the tragic loss of life following the recent capsizing of a boat in the Bay of Bengal. We are monitoring the situation closely. The UK is a leading donor to the Rohingya crisis response in both Bangladesh and Myanmar. In Bangladesh, our assistance includes the provision of food, healthcare, shelter, counselling and care for sexual violence survivors, and protection for vulnerable groups, including women and children. Our support has reached more than 1 million refugees and host community members.

**Lord Collins of Highbury (Lab):** I thank the Minister for that response. I certainly agree that DfID’s commitment to the Rohingya in Bangladesh has been tremendous. On Tuesday, along with the noble Lord, Lord Crisp, I met postgraduate students from Oxford who did a study on hepatitis C in Cox’s Bazar. The conditions they portrayed were stunning. How much of the Government’s £87 million funding package will be directed toward reproductive and sexual health services, as well as targeting high rates of hepatitis C among the refugees? Will the Government also commit to a whole-society approach to longer-term investment for not only refugees but the host community?

**Baroness Sugg:** My Lords, the long-term plan must be that the Rohingya are able to return home, but those returns must be voluntary, safe and dignified. In line with the UN, we do not believe that the conditions

are currently in place, not least because of the recent terrible fighting in Rakhine state. The noble Lord highlights the case of hep C; I look forward to reading the report that he referred to. We are supporting healthcare in the camps. More than 500,000 medical consultations have been provided for refugees and host community members, including on reproductive health for women and girls, but as the crisis becomes more protracted, we need to ensure that we remain one of the leading donors and work with the Government of Bangladesh to come up with longer-term planning for the whole of the Cox's Bazar district. The local communities have been very generous in hosting so many refugees; we must ensure that our help goes to those communities too.

**Lord Howell of Guildford (Con):** Does my noble friend appreciate that this tragedy—and, indeed, this Question—reminds us of the enormous burden falling on the nation of Bangladesh? Does she appreciate that it is now one of the most dynamic, fastest-growing and highest-technology economies in the world, rising from a very low base? Will she urge her colleagues to undertake to raise to a much higher level our co-operation with and support—of all kinds—for the nation of Bangladesh in its challenges and its efforts to advance?

**Baroness Sugg:** I agree completely with my noble friend on the importance of ensuring a strong relationship between the UK and Bangladesh. Extreme poverty has declined there from nearly 35% to less than 15%, and Bangladesh is graduating from least-developed country status. However, it is one of the most climate-vulnerable and densely populated countries in the world. We are the second-biggest donor to the Rohingya crisis. We are ensuring that we provide support and expertise to tackle poverty and climate shocks across the country.

**Lord Alton of Liverpool (CB):** My Lords, does the noble Baroness agree that, with an unprecedented and staggering 70 million people displaced or refugees globally, driven out by conflict or persecution—1 million of whom are Rohingya fleeing ethnic cleansing—this requires a systematic and long-term global campaign to hold those responsible to account? Following the International Court of Justice's recent preliminary ruling requiring Burma to protect Rohingya, what have we said to Burma's Government about implementing the steps required of them, ending impunity for crimes against humanity and reinstating the Rohingya's rights of citizenship?

**Baroness Sugg:** My Lords, we welcome the International Court of Justice's consideration of whether Myanmar has breached the genocide convention. We have consistently expressed our profound concern at the terrible events in Rakhine state. We welcome the ICJ's decision on provisional measures. The court was clear that Myanmar must do more to protect the Rohingya. We have urged Myanmar to comply with the measures in full and are exploring with partners how best to ensure that it implements the decision of the ICJ, including through our place at the UN Security Council.

**Baroness Sheehan (LD):** My Lords, my question is also about the case that the Gambia brought to the ICJ in The Hague and follows on neatly from that asked by the noble Lord, Lord Alton. It is to do with the response of the de facto ruler of Myanmar, the quite extraordinary insistence by Aung San Suu Kyi that efforts to bring stability and progress to Rakhine state have been hampered by international condemnation. Does the Minister agree with that statement and, if not, have we responded to her assertion in the strongest possible terms?

**Baroness Sugg:** My Lords, the UN fact-finding mission has concluded that ethnic cleansing has occurred against ethnic minorities, including the Rohingya in Rakhine state. I indeed saw Aung San Suu Kyi's evidence. We want a peaceful, democratic and prosperous Myanmar with the military under full civilian control. We will work with the civilian Government to help achieve this but, of course, we must continue to work with our international allies to see the Government of Myanmar deliver it.

**Baroness Uddin (Non-Aff):** My Lords, does the Minister agree that Bangladesh is to be not only commended but continuously supported for its sterling efforts to manage this global humanitarian crisis? The Minister may be aware that a large delegation of parliamentarians from both Houses recently went to the refugee camps to see the work going on, particularly the impact of the work of DfID, the International Rescue Committee and others on women and children. Will she meet some of us so that we might update her on the current situation, which is dire? Perhaps other Members of the House would be interested in attending with her and her officials.

**Baroness Sugg:** My Lords, I also visited the camps in October last year—I think it was just after the parliamentary delegation. The conditions there are indeed terrible. We have seen some welcome improvements. We have invested heavily in the camps. The Bangladesh Government have recently accepted that the Myanmar curriculum can be studied, which is a significant step forward. We are investing in shelter there as well as in women-friendly space. I would be delighted to meet the noble Baroness and others who have visited to understand what they have seen.

## **Terrorist Offenders (Restriction of Early Release) Bill**

*First Reading*

11.37 am

*The Bill was brought from the Commons, read a first time and ordered to be printed.*

## **Business of the House**

*Motion on Standing Orders*

11.37 am

*Moved by Lord Ashton of Hyde*

That, in the event of the Terrorist Offenders (Restriction of Early Release) Bill being brought from the House of Commons, Standing Order 46

[LORD ASHTON OF HYDE]

(*No two stages of a Bill to be taken on one day*) be dispensed with on Monday 24 February to allow that Bill to be taken through its remaining stages that day.

**Lord Ashton of Hyde (Con):** My Lords, in moving the Business of the House Motion on behalf of my noble friend the Leader of the House, I want to make a short business statement. As announced in yesterday's *Forthcoming Business*, this House will have its chance to debate and scrutinise the emergency Terrorist Offenders (Restriction of Early Release) Bill on Monday 24 February. We will take all the Bill's stages that day. As always, and while we may not always agree on everything, I am grateful to my colleagues in the usual channels for their co-operation in scheduling this important Bill. The Bill was debated in the House of Commons yesterday for five hours and passed unamended. On the practical arrangements, a speakers' list is already open for Second Reading and will close at 4 pm on Friday 21 February. If the House agrees to the Business of the House Motion, the Legislation Office is open and ready to receive amendments for Committee now that the Bill has been read a first time, and it will produce a Marshalled List on Friday 21 February after 4 pm. This will allow early discussions regarding the grouping of any amendments tabled by that point. On Monday 24 February, if necessary, a revised Marshalled List will be produced after 5 pm. Members will be able to table manuscript amendments until 30 minutes after the end of Second Reading. Further timings will be confirmed on the day. I beg to move.

**Lord Foulkes of Cumnock (Lab Co-op):** My Lords, the House deserves a greater explanation. I am not against what is proposed, but the Chief Whip has not explained why the Bill has to get through in a day. I think there are important reasons, which as it happens I support, but it ought to be explained to the House and the public why we are taking this exceptional action—not just the technicalities of it but the principle behind it.

**Lord Ashton of Hyde:** I am happy to do that. The critical date is Friday 28 February, when a particular prisoner may come up for release. That means that the Parole Board has to do its business with its new-found powers, if passed by this House, on the Thursday. That means that Royal Assent has to be on the Wednesday, which means that, if there were any amendment on the Monday, there would be ping-pong on the Tuesday. That is why the timetable is so critical.

**Baroness McIntosh of Hudnall (Lab):** Given that Monday 24 February is the first day back after a recess, has it been contemplated in the usual channels that it might be necessary to sit early that day? If so, when is that decision likely to be taken?

**Lord Ashton of Hyde:** It was not felt necessary, although there was the possibility of doing that; I accept that point. The usual channels did not feel that it was necessary at that time. Of course, it makes it particularly difficult on the first day back from recess,

when Members of this House have to travel, some of them many miles—including by rail and air travel—to get here.

*Motion agreed.*

## Business of the House

### *Motion on Standing Orders*

11.41 am

*Moved by Lord Ashton of Hyde*

That Standing Order 46 (*No two stages of a Bill to be taken on one day*) be dispensed with on Wednesday 26 February to allow the NHS Funding Bill to be taken through its remaining stages that day.

**Lord Foulkes of Cumnock (Lab Co-op):** I think the House deserves an explanation on this occasion as well. We put through too many things on the nod in this House—recommendations from committees and so on—and only afterwards do we realise the implications of it. Increasingly, the Government should explain exactly why Motions are being considered by this House, without them being put through on the nod. I hope that the Chief Whip can give us the courtesy of explaining why.

**Lord Ashton of Hyde (Con):** My Lords, the usual channels have of course had this explained to them, but I accept that I have not explained it to the noble Lord. The NHS Funding Bill has been certified by the Speaker of the House of Commons as a money Bill, and that is conclusive for all purposes. In the case of money Bills, it is the normal practice of this House to take all stages after Second Reading formally.

*Motion agreed.*

## Business of the House

### *Timing of Debates*

11.42 am

*Moved by Lord Ashton of Hyde*

That the debate on the motion in the name of Lord Hope of Craighead set down for today shall be limited to three and a half hours and that in the name of Lord Russell of Liverpool to one and a half hours.

*Motion agreed.*

## Consolidation etc. Bills Committee

### Public Services Committee

#### *Membership Motions*

11.43 am

*Moved by The Senior Deputy Speaker*

*Consolidation etc. Bills Committee*

In accordance with Standing Order 51, that, as proposed by the Committee of Selection, the following Lords be appointed to join with a Committee of the Commons as the Joint Committee on Consolidation etc. Bills:

Andrews, B, Bridgeman, V, D'Souza, B, Eames, L, Eccles, V, Hanworth, V, Mallalieu, B, Plant of Highfield, L, Razzall, L, Seccombe, B, Thomas of Cwmgiedd, L, Thomas of Winchester, B.

That the Committee have power to agree with the Committee appointed by the Commons in the appointment of a Chair;

That the Committee have power to send for persons, papers and records;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee be published, if the Committee so wishes.

#### *Public Services Committee*

That a Select Committee be appointed to consider public services, including health and education, and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Armstrong of Hill Top, B. (Chair), Bichard, L, Bourne of Aberystwyth, L, Davies of Gower, L, Filkin, L, Hogan-Howe, L, Hunt of Kings Heath, L, Pinnock, B, Pitkeathley, B, Tyler of Enfield, B, Wyld, B, Young of Cookham, L.

That the Committee have power to send for persons, papers and records;

That the Committee have power to appoint specialist advisers;

That the Committee have power to meet outside the Parliamentary Estate;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee be published, if the Committee so wishes.

*Motions agreed.*

## **Health: Maternity Care Provisions in East Kent**

### *Statement*

11.44 am

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Baroness Blackwood of North Oxford) (Con):** My Lords, with permission, I will now repeat in the form of a Statement the Answer given to an Urgent Question by my honourable friend the Minister for Mental Health earlier today. The Statement is as follows:

“Mr Speaker, I will be setting out the situation concerning East Kent Hospitals University NHS Foundation Trust in line with the Written Ministerial Statement that was laid in Parliament this morning. The fact that I took steps to inform Parliament of this matter reflects the importance I have placed on this issue.

Before I begin, I would like to express my deepest and most heartfelt sympathies for the patients and families who have been affected. I made a Statement on 28 January about concerns regarding maternity services in East Kent Hospitals University NHS Foundation Trust. I would now like to update the House based on the reports from the independent Healthcare Safety Investigation Branch, which I refer to as HSIB from now on, and the Care Quality Commission. I requested that both HSIB and the CQC report back to me within 14 days when I instructed them to go into East Kent Trust two weeks ago and they reported to me on Monday.

HSIB has already conducted a number of investigations at the trust as part of its national maternity investigation programme. These identified a number of safety concerns, including the availability of skilled staff, particularly out of hours; access to neonatal resuscitation equipment; the speed with which patient concerns are escalated up to senior clinicians and obstetricians; along with failings in leadership and governance. As requested, the CQC carried out an unannounced inspection of the trust's maternity service between 22 January and 5 February 2020. It has written to the trust with an overview of its findings and a full inspection report will be published in due course. The CQC received additional information from the trust this week, following its request for further assurance on triage, day care and medical staffing, and is considering this information. It is important that everyone is aware that the CQC is in regular contact with the trust and will continue to be so for the foreseeable future.

From the findings provided to me by HSIB and the CQC it is clear that the challenges at East Kent point to a range of issues—including having the right staff with the right skills in the right place; effective multidisciplinary working; clear collaborative working between midwives and doctors; good communication; and effective leadership support—but it would be wrong to speculate that there is one single cause. NHS England and NHS Improvement are working very closely with the trust and have taken some immediate actions.

First, the regional medical director and regional chief nurse are providing support to the trust. The medical director will address concerns surrounding appropriate senior medical oversight. Secondly, the regional chief nurse is providing support to the director of nursing and the head of midwifery to prioritise and focus their local maternity improvement plans to address identified safety concerns. They will also review the effectiveness of clinical governance and executive leadership support, and this will include ensuring that the trust is taking the learning from all historical cases and disseminating that learning through the trust.

The chief midwifery officer, Jacqueline Dunkley-Bent, has sent an independent clinical support team to the trust to provide assurance that all measures possible are being taken. This expert team includes a director of midwifery services from an outstanding trust, two consultant obstetricians, a consultant paediatrician and a neonatologist. She has placed the very best at the heart of the trust—on the wards, at the bedside of patients—with fresh eyes to oversee the care presently being delivered. The independent team is working

[BARONESS BLACKWOOD OF NORTH OXFORD] with trust staff to deliver immediate improvements to care and to put in place robust and comprehensive processes to support improvement in standards over the long term. I can offer reassurance that Jacqueline Dunkley-Bent personally visited the trust two weeks ago to assess changes being put in place and that improvements are moving at pace.

Jenny Hughes, chief midwife for the south-east region, is also working with the trust directly. NHS England and NHS Improvement regional and national teams will continue to work with the trust. The trust is taking the issues seriously, is working closely with NHS England and NHS Improvement, and has created and filled several specialist midwife posts. Safety huddles, where safety issues are regularly and frequently discussed, have been embedded on both sites to anticipate problems before they occur, and multidisciplinary teams are working collaboratively.

I would like to reiterate my condolences, particularly to Harry Richford's family and all those affected. I also thank the honourable Member for North Thanet for raising this important issue. The Government are fully committed to reducing patient harm and improving the safety of maternity services."

11.49 am

**Baroness Thornton (Lab):** I thank the Minister for that detailed Statement, which this issue definitely warrants. Given the measures that have been taken by NHS England and all the parties concerned, why has this trust not yet been put into special measures and at what point will it be? I agree with the Minister about the issue of leadership and culture in this hospital trust. I was horrified, as I am sure other noble Lords would have been, by the chief executive of this trust saying on the BBC that there had been "only" six or seven avoidable deaths since 2011. Actually, that is not true, and I think she said it because she had not read the report produced in 2015. What worries me is that there has clearly been a serious failure of leadership and culture across the whole of this trust, and that statement from the chief executive seems to symbolise that failure. How will the measures that the Government and NHS England are taking address the very serious leadership issues in this trust?

**Baroness Blackwood of North Oxford:** As I said, there has been an unannounced CQC inspection; there is also further engagement with the CQC and we await the findings of its report, which will come forward in due course. In addition, specialist teams have been sent in to ensure that there is robust leadership so that ongoing care is assured and patients can be reassured on that point. NHS England has announced that it will commission an independent review into East Kent so that there is a belt-and-braces approach to ensure the highest possible standards of care there. We can be reassured that the issues raised by the noble Baroness will be addressed and that no stone will be left unturned.

**Baroness Brinton (LD):** I also thank the Minister for the detailed Statement, which is much appreciated, and echo the sentiments of sympathy and support to the parents of Harry Richford and the other children

who have died or had their health severely impaired by the trust. It does not start just two years ago. In 2010 there was a review by NHS Eastern and Coastal Kent on maternity care; safety and quality are mentioned three times in the statement of that review. In 2012 the services were reconfigured despite many concerns of local people. In 2014 the trust was rated inadequate and put in special measures by the CQC—it left special measures in 2017. In 2015 there was an expert report by the Royal College of Obstetricians and Gynaecologists warning about many of the problems that emerged in the subsequent tragic deaths of Harry Richford and at least six other babies. And so on and so on.

The expert review said that action needed to be taken quickly. This report was not passed to the CQC. Why, given that the hospital was in special measures, was the report not handed to the CQC and why on earth was the hospital allowed to continue out of special measures after that when there were clearly still major problems? Following on from the comments of the noble Baroness, Lady Thornton, why did the chief exec and, I presume, the board not read, implement and monitor this expert review?

**Baroness Blackwood of North Oxford:** The noble Baroness raises an important question, which I am sure will be considered as part of NHS England's independent review and the CQC's questions around quality of leadership, but I will make a wider point for those who may be listening about the safety of maternity care in the UK. We are rightly focusing on the questions of East Kent, but for those who may be considering giving birth at the moment it is important to state that the NHS is one of the safest places in the world to give birth. Some 0.7% of births result in a stillbirth or neonatal birth. We have stated that our ambition is to halve this rate of stillbirths, neonatal and maternal deaths, and brain injuries by 2025. We have already achieved our ambition of a 20% reduction by 2020. A message of reassurance, alongside the firm actions we are taking to address the concerns raised by the noble Baroness, is appropriate and important.

**Lord Ribeiro (Con):** My Lords, I echo the comments of the noble Baronesses, Lady Thornton and Lady Brinton, about the role of the chief executive. I watched the news last night and was horrified to hear her say that she had no knowledge of the review until 2018, yet that review was requested by the medical director of the trust in 2015. If she is unaware of what is happening in her own trust, serious questions need to be asked. In view of what the noble Baroness just said about maternity services, it is important that we send a very clear message to our midwives on the front line. They need to be supported and we need to send the message, not just to the ones in East Kent but to those throughout the UK, that they have our support.

**Baroness Blackwood of North Oxford:** My noble friend is, as ever, very wise on this. A key plank of the maternity safety strategy, launched in 2016, is a number of initiatives to improve not only clinical care but culture in maternity services. They have been designed to improve leadership and to ensure that in every trust

there is a midwife, an obstetrician and a board-level maternity safety champion to spearhead improvement. It is critical that we ensure that this is delivered so that incidents such as this do not occur.

**Baroness Buscombe (Con):** My Lords, there is no question but that our maternity services across the piece are under enormous pressure. We know that in 2017, somewhere between 30% and 40% of all babies born in the UK were born to foreign nationals. Will the Minister tell me, in broad terms, do foreign nationals, when they have babies in this country, make a financial contribution?

**Baroness Blackwood of North Oxford:** People are entitled to free NHS care if they are ordinarily resident in the UK. However, my noble friend's wider point about the pressure on maternity services was absolutely right. That is why, in February 2018, the Government announced an additional 3,650 training places for midwives. I am pleased to say that the first 650 began their training in September 2019 to ease the pressure, and there will be 1,000 training places for each of the next three years. This should ease the pressure and address some of the concerns my noble friend raised.

**Baroness Uddin (Non-Aff):** My Lords, I draw the Minister's attention to one of the first advocacy schemes for maternity care, which still operates in Tower Hamlets 35 or 38 years onwards. When I was working there, I dealt with a number of cases where there were complaints from parents. Will she commend the efforts of the parents, who persisted in taking their complaints so far up? Without their knowledge, persistence and dedication, we would not have come to this point where we are seriously questioning the competence of the staff.

**Baroness Blackwood of North Oxford:** We are obviously very grateful to all those brave enough to bring their stories forward in the midst of extreme tragedy and pain. We know that it is not easy and that within the culture of the NHS, it can sometimes be extremely hard to break through the barriers of not denial, but resistance. We should pay tribute to all those who have campaigned for maternity safety. In particular, I pay tribute to my right honourable friend Jeremy Hunt, who began a lot of the work to improve maternity services when he was Health Secretary, and to James Titcombe, who led a lot of the work relating to Morecambe Bay.

**Baroness Manzoor (Con):** Does the Minister agree that the NHS is overregulated, with lots of overlapping responsibilities between different regulators? Does she agree that we need much greater clarity so that issues such as this, with devastating impacts on people's lives, are dealt with much more quickly and picked up much sooner, rather than individuals having to make formal complaints?

**Baroness Blackwood of North Oxford:** My noble friend makes the core point that when an issue arises, there should not be conflict between patients, the NHS and clinicians; it should be possible to resolve

the situation in a straightforward way, within a culture not of blame culture but of learning. That is at the core of setting up HSIB, but this culture should go all the way from the grass roots of the NHS up to the very top. That is absolutely a part of the patient safety agenda we are trying to instil.

## Tree Pests and Diseases

### *Motion to Take Note*

Noon

*Moved by Lord Hope of Craighead*

That this House takes note of the threats posed by pests and diseases to native trees in the United Kingdom.

**Lord Hope of Craighead (CB):** My Lords, it is a real privilege for me to have been asked to open this debate. Before I go any further, I should explain that I am doing so on behalf of the noble Earl, Lord Kinnoull, who I am glad to see in his place. It was his idea, and he secured the debate just before his appointment as chairman of the EU Committee made it impossible for him to open it himself. That is why I am speaking now. I can only hope that I can do justice to this crucially important subject in the time available. Of course, I look forward very much indeed to hear what he will have to say when his turn comes to speak, and I know that it is largely due to his initiative that so many noble Lords have put their names down to speak—and many noble Lords have told me that they were unable to do so because of time constraints. So it is a very important subject, which has been well recognised.

The issue to which the Motion draws attention is sadly all too familiar to those of us who care about the countryside and the creatures, including the plants and trees, that are to be found there. The threats posed by non-native animals which become pests is not a new issue. As long ago as 1935, Evelyn Baxter and Leonora Rintoul, in their book *A Vertebrate Fauna of Forth*, noted that the spread of the grey squirrel in their part of Scotland was likely to be troublesome, and that a good many complaints had already been made about the damage done to trees by that animal. It is now recognised that the grey squirrel is at the top of the list of the introduced species which are regarded as pests that are damaging, especially to trees.

The damage done to ground-nesting birds by another species imported from North America, the mink, has caused great concern. It is only now being brought under control by eliminating that animal from places where it has caused the most damage, particularly the Outer Hebrides. The devastating effect on native species in our rivers by the introduction of signal crayfish from North America to combat European crayfish disease is another example. Then there is the threat to trees caused by tree pests and tree diseases.

There is of course an aesthetic aspect to this problem. No one likes to see dead or dying trees. I think the elms were the first to go; their sad and empty corpses still stand along the edges of fields, as there is no profit to be made from cutting them down. About 35 years

[LORD HOPE OF CRAIGHEAD]

ago, acute oak decline made its appearance, and more recently the oak processionary moth, which causes rashes and breathing difficulties for some people and animals, arrived here in 2005. We have also seen the devastating effects of the fungus that causes ash dieback, especially among young trees, which have been planted to improve the contribution that deciduous woodlands make to our environment.

These pests and diseases have wider effects, too. Trees, after all, are part of a much larger ecosystem that includes the birds, animals and insects that inhabit them. When the trees die, the adverse effects extend well beyond the trees themselves. We are fortunate at Craighead, at 1,100 feet in the hills of north-east Perthshire. About 150 years ago, five trees were planted beside the shepherd's moorland cottage that we now own. They consist of two sycamores, two ash trees and one elm. I hope that I am not tempting fate when I say that they all remain in good health. Indeed, the elm recently seeded a baby elm, which too is doing well. We have planted numerous other trees ourselves—alder, rowan and birch. They provide shelter for a variety of warblers and finches, which we did not have around us before they were planted, but it is the old trees that are the most important for our ecology.

Many birds and numerous insects inhabit them. Most entertaining are the crossbills, which bring their recently fledged young in early spring—just about now in February—to nibble the buds of our ash trees. The young ones do not have cross bills, so nibbling ash trees is much easier than trying to grapple with a pine cone. A pair of starlings nests each year in a hole in one of the ash trees, and swallows circle around all five trees in the summer, picking up the many insects that they attract. The trees are a place of refuge for a variety of ground-feeding birds, which are at risk of being picked off, when out in the open, by a passing merlin or sparrowhawk. So much of that activity would be lost to us if our old trees were to die. This is just a tiny glimpse of a very much larger problem spread throughout the United Kingdom.

It is possible to attribute the arrival of such pests and diseases into the UK to two causes. One is the force of nature itself. By that I mean that they are carried to these shores by birds and insects blown across the sea from continental Europe. There is not much we can do about that, other than to keep our eyes open and seek to eliminate the risk of their spreading by careful management and research into how to tackle them, as much as we can. Birds move around, after all, and the migration of insect species, such as the painted lady butterfly, shows that insects move around too.

The origin of the spread of alien diseases to our native trees, such as the non-native fungus that causes ash dieback and acute oak decline, is not easy to determine. It seems likely that the force of nature had something to do with it, but we must accept part of the blame too, as too little attention was given, in the past, to keeping our eyes open and preventing them gaining a foothold here.

The other cause we must face is misguided or careless human activity. Importing sapling trees from abroad risks bringing alien diseases with them, as well as pests. We have something to learn from the way that

controls are imposed by the authorities in New Zealand on the importation into that country of any plant, seed or other vegetable material. The biosecurity controls at their airports far exceed those in operation in the United Kingdom, as I once discovered when I arrived in that country having in my bag a rather attractive and innocent-looking pine cone. I had picked it up on holiday in southern California. I was warned by a form, which I had to complete, to declare any such items on arrival. I duly did so, only to find that I was being treated almost as if I were a criminal. I was escorted on arrival to an office, where the pine cone was impounded. It was sealed inside a plastic bag by an officer wearing rubber gloves, who was distinctly unfriendly, and placed in quarantine. Moreover, I was ordered to sign a form giving my flight details and undertaking to collect it on my way out. Doing that took a lot of time and I nearly missed my flight home. They assumed of course that I would declare my pine cone to the authorities on my return to the United Kingdom, but, on my arrival, I could not see anyone to whom I could declare it—so, I am ashamed to say, I never did.

Now we are about to embark on a major expansion of our woodlands in this country, as part of our contribution to combating climate change. Some idea of the scale of this project can be gathered from a recommendation of the Woodland Trust, which is such a force for good in this context, that 30 new trees should be planted to replace every single tree that has to be taken down for the development of HS2. I believe that this massive drive to plant new trees, however laudable on climate change grounds, carries with it real dangers. Let us hope that we can boost our native nursery production to keep pace with demand, and that the young stock that is used for this expansion is carefully chosen to see that it is free from alien diseases.

Leaving trees aside, we are all too familiar with the way the introduction of non-native species can affect the survival of those that are native to these islands. The grey squirrel is one example that I have given; American mink and signal crayfish are two more. Some of the worst examples of misguided human activity can be found in New Zealand and Australia, where serious damage has been caused by the uncontrolled spread of rabbits. The sad fact is that the introduction of a non-native species to control another can make matters worse—we have the example of the signal crayfish. In New Zealand, stoats were introduced to control the rabbits, but they soon devastated that country's unique ground-nesting wildlife, which had evolved in the absence of any predatory land mammals.

Man's introduction of non-native birds can be just as damaging. The common myna was introduced to control insect pests in Australia, but it has caused widespread damage to native birds in the competition for nesting sites. I do not think that the European blackbirds, song thrushes and yellowhammers, which seem to flourish in New Zealand, do any harm there, but the European starling is a real pest, as it is in some parts of North America. The cactus wren, which nests in holes in the tall saguaro cactus trees in Arizona, finds it hard to maintain its numbers in the face of competition for these holes from starlings. There are

lessons for us in these examples: there are dangers in trying to control non-native pests by the introduction of non-native predators. This applies not just to animals and birds; the introduction of non-native insects to do the same thing can be just as damaging, unless care is taken to assess the effects before it is too late.

I worry about the recent introduction of the white-tailed sea eagle to Mull and other parts of the west Highlands. The return of the osprey, which is not man-assisted, is very welcome and I am not aware of any adverse consequences. One could say the same thing about the collared dove, which extended its range from eastern Europe with remarkable speed and reached us in the 1960s; but the sea eagle, whose return was man-assisted, preys extensively on lambs and is at risk of driving some sheep farmers out of business. Rewilding of this kind by the introduction of species that used to breed here is a romantic idea that seems unlikely to cause undue damage to our native wildlife, but it does have its dangers too.

Against that sad background, I very much welcome Defra's tree health resilience strategy, which was published in May 2018. It was set up to reduce the risk of pest and disease threats to trees and increase their resilience to such threats. Among other things, the strategy is designed to establish common UK-wide approaches, along with the devolved Administrations, to plant health policy. Given that, I will seek four assurances from the Minister.

First, can we be assured that the action plan really is being put into practice and that the funding it needs to implement common rules and ways of working will be maintained well into the future, notwithstanding the effects of Brexit? Secondly, can we be assured that the budget for combating the importation of invasive species, which at present is a minute part of the total spend on biosecurity, will be increased to keep pace with the increasing challenges that we face, including the importation, if it continues, of new trees?

Thirdly, can we be assured that, now that we have left the EU, we will keep closely in touch with EU environmental law and that common approaches to retained EU law will be maintained with the devolved Administrations so that there will be no loopholes through which pests and diseases might creep? Fourthly, can the greatest care be taken to see that, when new woodlands are being planted here by private individuals, local bodies and other organisations, the trees that are chosen are taken from stock that has been grown in the British Isles, not imported from overseas, and that it is truly disease free? I beg to move.

12.14 pm

**Lord Colgrain (Con):** My Lords, it is sobering to consider that not many of us alive today remember what the English countryside looked like before the ravages of Dutch elm disease. It is for those of us who do remember to draw a parallel between that cataclysm and the one we are told is about to descend on us with ash dieback, which I think will alter the countryside to a far greater degree than most can appreciate. It is timely that we are having this debate, and I congratulate my noble and learned friend Lord Hope and the noble Earl, Lord Kinnoull, on securing it.

I served recently on your Lordships' ad hoc Rural Economy Committee. In our report we laid emphasis on the importance of a place-based approach. This is particularly true of any discussion about woodland tree pests and diseases, where my personal experience and observations relate specifically to Kent. We have two tree types most at risk from disease: the native oak, and the sweet chestnut, historically an import but which has now become part of our woodland vernacular.

With the Chatham dockyard nearby and the oaks of England providing the crucial first line of defence in the construction of ships of the line for the Royal Navy from Elizabethan to Napoleonic times, oaks and Kent come naturally in the same sentence. Oak dieback and acute oak decline have been evident for a number of years. We have an ongoing monitoring programme, and in many instances it seems difficult to distinguish dieback from the other diseases from which the oak suffers, such as defoliation by the oak processionary moth. Certain gradual and sudden deaths are problematic to diagnose, with some people maintaining that perhaps certain individual trees have been weakened by the effects of global warming—on which I have my doubts. Oak and ash trees dying across our landscape would make it nigh on unrecognisable, and any science that can be funded to help arrest such a tragedy should be hugely encouraged.

Kent has many tens of thousands of acres of sweet chestnut, a versatile wood used historically for pit props in east Kent coalfields, hop poles when we had a vibrant beer industry, charcoal when London depended on that fuel source, and fencing materials. It is still valued for the last and is an excellent biomass fuel source, given the intensity of its burn. The arrival of sweet chestnut blight has given us cause for huge concern. While it seems to be contained currently, it has brought home the need for the proper monitoring of imports and for endless in-field or in-wood vigilance.

Those who lived through the great storm of 1987 remember its immediate effects, but those who were in the eye of it continue to live with its consequences. For us in west Kent, the obliteration of the deer fences at the National Trust's Knole Park resulted in the introduction to the locality of a fallow deer herd population that has been impossible to control. The effect on natural regeneration of native woodland has been devastating and catastrophic, as has the effect on ground-nesting birds when all natural cover has been grazed away. There are said to be more deer in England now than at any time in our history, which will have a severely detrimental effect on self-sown and self-selecting species. Advocates of rewilding who want to include the introduction of deer in that process should realise the disadvantages this can produce.

However, the foreign invader that has taken most advantage of the devastation wrought by the storm is the rhododendron ponticum, another persistent and vigorous invader that leaves a barren undercanopy that is hostile to all our native fauna and flora. Along with other plants introduced originally for Victorian gardens, such as Japanese knotweed, it is expensive and time-consuming to deal with and should be in the bull's-eye for any new forestry grant programme that emanates from the Agriculture Bill.

[LORD COLGRAIN]

Last but by no means least is the destroyer of much new tree growth, the grey squirrel—evidenced by brown strips of barked saplings and dead new growth in plantation and coppice—another pest introduced for aesthetic reasons with no appreciation of the damage it could do if left unchecked, not least to our native red squirrel, birds' eggs and unfledged chicks. It seems we are unable to control it—a view that probably has much in common with the prevailing wisdom of our grandparents' generation about the rabbit, which in its millions was devastating field and woodland crops. That was controlled in the end by the advent of myxomatosis. Let us hope that scientists can come up with a more humane solution for the grey squirrel, but a solution there must be if we are to encourage a vibrant commercial woodland industry.

We can expect to have to deal with natural and weather-related disasters, and we are at the mercy of windborne spores and pests, such as ash cholera and the box moth, but what we can prevent we must guard against, such as the import of disease on young plants and the release into the wild of animals that will upset our wonderful, historic, native ecosystem. We should also guard against our own ill-thought-out measures such as plastic tree guards, which blight our woodland for decades and leave permanent pollution.

12.20 pm

**The Lord Bishop of St Albans:** My Lords, I too thank the noble Earl, Lord Kinnoull, for obtaining the debate and the noble and learned Lord, Lord Cope of Craighead, for his excellent introduction. For these Benches, and indeed for many Members of your Lordships' House, trees have a special significance. They feature in the first chapter of the holy scriptures in Genesis and they reappear in the final chapter of the Bible in the Book of Revelation chapter 22, where we find that enigmatic phrase

“the leaves of the tree are for the healing of the nations.”

The ancients certainly knew some of the medicinal properties of leaves. Perhaps what they did not quite realise in the way we do today, due to scientific research, is the extraordinarily vital role trees play in modern life by absorbing carbon dioxide and other chemicals, and trapping airborne dust. Strategically planted trees, along with appropriate hedging, can make a material difference by reducing pollution alongside busy roads. In urban areas they regulate temperature, helping to reduce heat in the summer and, if planted in the right places, acting as windbreaks and even providing energy savings in the winter.

We have yet again been facing more flooding and revisiting its causes, part of which is to do with the removal of important areas of trees, which have the ability to slow down the run-off when there are heavy rains and which themselves absorb massive amounts of water. As well as providing habitats for wildlife, they have many wider benefits. Indeed, some research suggests that when people recuperate in hospitals they do so at a faster rate if they have windows looking out over the countryside, particularly where there are trees.

Three miles north of St Albans where I live is the newish Heartwood Forest, on the edge of the village of Sandridge. It is a wonderful project that has been

developed by the Woodland Trust. It has 850 acres—340 hectares—of woodland, with more than half a million native trees. Half a million is a lot of trees to get planted, yet the Committee on Climate Change recommends that we will need to plant about 30,000 hectares—74,000 acres—of woodland annually if we are to address issues of climate change. So far we are planting fewer than that. Indeed, some voices claim that we ought to be planting more like a billion trees, which may seem beyond our reach and an impossible target.

However, we can learn a lot from Heartwood Forest. It has been the most extraordinary initiative, bringing together local people to work voluntarily on the project. It is increasing wildlife and involving many groups and schools from every part of society. Above all it has produced a wonderful local amenity that is drawing people from a wide area to enjoy the walks. It is good for the physical and mental health of the local community.

Tree planting is crucial for much wider issues, as is trying to work out how we can prevent the death of those trees that are dying. It is notable that, as Defra put it, since 2010, some 15 million trees have been planted, and there is a 25-year environmental plan to grow woodland cover further.

In the dioceses of the Church of England we are playing our part. The Diocese of Lincoln is planning to use small areas of underproductive glebe for tree planting. The Bishop of Norwich has taken to presenting all confirmation candidates with a hazel sapling, so that they can plant a tree and one day hold a hazelnut. Those who know the spiritual works of Julian of Norwich will understand the hazelnut's significance. The plans for the Lambeth Conference taking place in Canterbury this summer include planting the “Lambeth Grove” on four acres of diocesan land near the village of Shepherdswell.

I am glad to have planted more than 40 trees in my garden in the last few years. However, turning to the focus of today's debate—the increase in diseases and pests affecting our native trees—the close connection with climate change makes this important not only for those of us who love and plant trees. How do we get this virtuous cycle going? There is evidence that some diseases are surviving in this country because our temperature is edging up. The danger is that as diseases take hold because the new climate is more attractive for them, it will be even harder to get the extra trees in, not least our native trees. Native trees are less likely to need lots of fertilisers, and are more likely to grow healthily, because this is where they have developed.

How do we address this downward spiral, when, with increasing temperatures, more diseases are coming? There is the danger that we are fighting a losing battle. Therefore, I ask the Minister, first, about the general commitment of the Government to tree planting for rural landowners. Is that going to continue? Can it be increased? To what extent is it dependent on planting native trees?

Secondly, what are Her Majesty's Government doing to reduce dramatically the numbers of trees being imported? Can we follow the good example of the Woodland Trust, which now only plants trees propagated in this country? What representations are the Government making to the largest landowners in the country to

encourage them to get on board with the prevention of native tree diseases and pests? Finally, what assessment is being made of Defra's tree health resilience strategy? How do we know what impact it is making and how can we build on it in the years to come?

12.27 pm

**Lord Harries of Pentregarth (CB):** My Lords, I too thank the noble Earl, Lord Kinnoull, and the noble and learned Lord, Lord Hope, for introducing this very important subject at such a crucial time.

I will concentrate almost entirely on ash dieback. We were slow in waking up to this terrible threat to our ash, and I am not sure that, even now, we are fully aware of the scale of the devastation upon us. Writing in 2012, George Monbiot pointed out that there had been clear signs of the disease for the previous three years and nothing had been done about it. Since then, the Government have taken a number of valuable initiatives, as outlined in the Answer to my Oral Question on 25 June last year. However, the rapidity of the spread has taken everyone by surprise. There is now hardly any part of the country unaffected. I spent last summer in west Wales, on the edge of Cardigan Bay. Normally, I look out over a field lined with the most glorious green ash on either side.

In the Bible there is a little-known form of poetic literature called a lament. The sight of those devastated ash trees provoked in me nothing less than such a lament:

"Thin branches stripped bare, stark against the sky,  
Dry sticks prodding the air  
Through leaves once fair,  
Now drooping. O why?  
Dying back. Dying back.  
Fresh leaves once so green and fresh  
Sagging in defeat,  
Once you rose so high above the fern.  
Great green Wales in slow retreat.  
Dying back. dying back".

What is happening to our trees is indeed an occasion for lament. I have mentioned ash, others have mentioned chestnut and oak, and I am sure we shall hear more about that.

We are waking up to this, but I am not sure that we have even now ascertained the scale of it. At the moment the ash is a major feature of our landscape. There are 123,000 hectares of ash in stocked woodlands, second only to oak in extent. Outside woodlands, the UK has an estimated 60 million ash trees, which represent 12% of our broadleaf. However, the ash is important not only for itself but for the species associated with it. There are 955 species associated with ash and 45 of these are thought to have only ever been found on ash trees.

This disease will be devastating not only for the look of the countryside but for all the ecological and environmental benefit trees bring. As we know, trees are fundamental to the ecosystem and play a major role in counteracting the effects of global warming and climate change by absorbing and storing carbon.

There is also the effect on human health. Trees are not only good to look at but are good for our health. Recent studies in medical journals show a correlation between the spread of ash dieback and the increase of

respiratory diseases in a given area. In all, Defra has estimated that ash has a social and environmental value of £230 million per year.

One lesson to be learned from what has happened to ash dieback is the need for stricter controls on all imports of seeds and saplings. Ash dieback entered the UK from East Anglia only a few years ago and, as I mentioned earlier, spread with extraordinary rapidity. One question for the Government is whether import controls are stricter now than they were then. I am sure other noble Lords are better qualified than I am to judge whether the steps the Government have so far taken are adequate in this area.

My major concern is, first, with research. It is vital that we identify, develop and plant strains of ash which are resistant to the disease. The Government say that they have put £6 million into this but I wonder whether this is adequate for the scale of the crisis. What success has there so far been in identifying types of ash that are tolerant of the fungus *Hymenoscyphus fraxineus*, which blocks water getting to the leaves and causes the ash gradually to die back from the branches. When a strain of ash that is tolerant to the disease is found, a replanting programme must begin. This should be on a massive scale.

Like the noble Lord, Lord Colgrain, some noble Lords will remember—as I do—when our fields and hedgerows were resplendent with the English elm. As a result of Dutch elm disease, 60 million trees were lost in the UK in two epidemics. Only 100 were left after the last one. Now, a variety that is resistant to the disease has been identified. What is the Government's policy on replanting elm, and what success have they had in replacing those millions of destroyed trees? It was good to hear from the noble and learned Lord, Lord Hope, about the success he has been having in Scotland not only with ash but with elm.

I hope the Government might be spurred by the example of Ethiopia, where there is a programme to plant 4 billion trees in a single year; last year, 330 million were planted in one day alone.

At the moment it is the policy in some areas—for instance, the Ministry of Defence—to fell these trees when they are diseased. Is this really the best policy? It could be argued that if they are left standing—or, at least, if they are left on the ground—all the insects we need in this country could be saved. We are now hearing about an insect apocalypse: 80% of them are about to be lost. We need to retain insect life, on which the whole of the ecosystem depends, in this country in any way we can.

Ash dieback is devastating our countryside, causing significant damage to our ecosystem, to our health—spiritual, mental and physical—and to the economy. There needs to be a sense of urgency, both in research and replanting, which we can but hope will spring from this.

12.35 pm

**The Earl of Kinnoull (Non-Affl):** My Lords, it is a pleasure to follow the noble and right reverend Lord, Lord Harries, and his compelling contribution. Ash is a key part of our garden, and the dieback disease is one glen away from us in Scotland. I also thank and

[THE EARL OF KINNOULL]

congratulate my noble and learned friend Lord Hope. He volunteered to lead the debate, and did so in a far better and more adept way than I could ever have done. Every time we go to New Zealand, we will all remember his story about the pine cone. I fear that I have been a bit guilty of that as well—also from southern California.

We are the stewards of our islands' environment, and that environment is fragile. The very essence of that environment, and the diversity of flora and fauna it supports, is our native trees. There are today about two oaks for every member of the population. Without the oak, Nelson would have had no ships and this palace would have no panelling and very little furniture. Ash provided the shafts for the arrows at Agincourt, beech gave us the stocks for the muskets at Waterloo, and birch plywood made the wings of the "Wooden Wonder", the Mosquito.

We enjoy fantastic forestry conditions in these islands. Mild winters, plentiful rainfall, fertile soil and hill-sheltered topography all interact for the good, and growth rates exceed those of mainland Europe. At the end of the First World War less than 5% of Britain's land surface was wooded. Although this has now risen to 13%, we have far to go. Across the EU, woodland coverage averages 38% of the landscape. I note that France, Germany, Spain and Italy have more than 30% of their landscape covered. All of us in the Chamber are aware of the positive contribution to climate change problems that forestry could make.

Some 44,000 people are employed in UK forestry and primary wood processing, with a GVA of £2.1 billion. How those figures could rise if we were able purposefully to increase our acreage of well-managed woodland—but our native trees have never faced a more formidable spectre of threat than they do today from disease and pests. There are many diseases, and I regret that I do not have time to go into any of them, but, like other noble Lords, I note the absolute necessity for excellent biosecurity and good research.

So I turn to pests. The disease battle is interconnected with pests, as they can be vectors for disease, as both direct carriers and as weakeners of trees, either by opening up wounds that allow secondary attack or simply by stressing the plant. The worst and most destructive of all pests is the grey squirrel. Here, I declare my interests as set out in the register as chairman of the Red Squirrel Survival Trust and of the UK Squirrel Accord. Grey squirrels were first introduced into this country in 1876 in Cheshire. Between 1876 and 1930, around 500 animals are recorded as having been released into the wild. By 1930 or so, awareness had risen sharply of the damage that grey squirrels do to broadleaf trees and to red squirrel numbers, and that was the genesis of anti-grey squirrel feeling. The 500 grey squirrels introduced up to 1930 have grown into a grey squirrel population that 90 years later is estimated at 2.7 million.

The problem where broadleaf trees are concerned is that the grey squirrel ring-barks younger trees to get at the sap. This ring-barking causes terrible wounds to the tree, killing up to 70% of them and making the timber quality of the remainder poor. It is no wonder that grey squirrels and the threat that they pose are,

alone, responsible for the dearth of new broadleaf commercial planting in the south-east of England, with all the biodiversity, wildlife and climate advantages that it would bring.

The challenge posed by grey squirrels as the leading threat to trees has given rise to the UK Squirrel Accord with its 37 signatories, comprising the four Governments, their nature agencies, the principal voluntary sector interested parties and the principal private sector representative entities. The Squirrel Accord has commissioned a fertility control project at the Animal and Plant Health Agency which, it is hoped, will perfect a suitable active substance and hopper delivery method to allow simple fertility control to shrink grey squirrel numbers significantly, in turn allowing forestry a chance. We are entering the third of five years of research involving scientists in the UK, the USA and France. Significant progress has been made; I pay a warm tribute to the Minister for his support and encouragement, for APHA reports to him. I look forward to hearing what he will say on this element of the battle against the multiple threats.

The grey squirrel and, indeed, the deer problem—to which the noble Lord, Lord Colgrain, referred—are today well managed by some landowners but not at all by others. In the future, the co-operation of all land managers will be vital. This necessity for land-manager engagement applies across all the major environmental and climate challenges that we face.

Before I close, I will make one further point. The oak processionary moth—to which the noble and learned Lord, Lord Hope, referred—was accidentally introduced into Britain in 2005. The oak processionary moth strips trees bare, leaving them weakened and vulnerable to other threats. By the start of 2019, all 33 London boroughs had had outbreaks. While £37 million has been spent by government on control, I regret that the problem seems to have spread to Bracknell and Virginia Water. While this large expenditure is necessary, I note that the research expenditure requests for pests and squirrels are for far lesser sums. I do hope that this balance—between expenditure on control and expenditure on research to try to combat the problem—is carefully considered by the Government.

I close by asking the Minister whether he believes that he has sufficient powers and resources for the battle against the many threats that we are discussing today.

12.42 pm

**Baroness Fookes (Con):** I first declare my interest as co-chairman of the All-Party Parliamentary Gardening and Horticulture Group which, interestingly, produced a report about 18 months ago. We had a kind of mini Select Committee, but without all the resources. We saw and had written submissions from a number of key people in the horticultural and arboricultural worlds; this was very helpful to us.

What is germane to today's discussion is that we looked at the problem of pests and diseases, which is of enormous concern in relation not only to trees but to all other plants. We concluded that one key way forward would be to try to home-grow plants as import substitution. We realised that this would not be

undertaken overnight, although I must say that Kew botanical gardens gave us a wonderful example by reducing to the absolute minimum any imported trees. Those they do have to import are placed in quarantine for at least 12 months. Maybe others cannot quite match that example, but it is something to which we should aspire as a country, particularly those of us involved in planting trees.

We discovered to our horror that oaks were imported—I imagine they still are. We had details from 2013 to 2015, whereby oaks were imported to the tune of 1.6 million trees. Oaks, the signature tree of the British Isles, are being imported on that scale. There is much to be done regarding oaks and other imports that carry these risks. In that connection, we suggested that there should be a far more robust health assurance scheme for all plants. I hope the Minister will be able to give us more details of what the Government may have in mind because that is key in establishing a healthy population of trees and other plants.

We also looked at how we might help with the issue of imports, which are extremely worrying. One thought that occurred to us was that there should be some tax incentives—something along the lines of the film industry, which has a tax relief on the making of films, subject to various conditions. That would surely help both commercial nurseries trying to grow trees and organisations such as the Woodland Trust and all the other bodies that have an interest in native trees and, above all, in not importing trees. I hope the Minister will look at that very closely.

In addition, we would be anxious to see very different arrangements made for procurements for major government projects. For example, and this is a good example, the Olympic Park got orders well in advance of the needs. As a result, no fewer than 4,000 trees were procured for the park, together with innumerable other plants. All the people in the industry say, “If we are going to grow trees we need a fairly long time lead, so if we are going to do it for commercial purposes we need to be sure that we have that before the capital cost of all this is embarked upon.” I imagine, for example—though this is much contested—that the new high-speed railway will need innumerable trees. Surely we should be getting on with orders for those early, to give our native growers a chance to contribute.

I turn to another matter touched on by others in this debate: research. It is extremely important that research should be dedicated to dealing with pests and diseases in all their various forms; others have given indications of that. Earlier this week I met a gentleman closely concerned with Woodland Heritage. He told me—I think he knew that the Minister was interested in this—that among its other objectives, it has contributed to research funds for acute oak decline. I understand that other bodies, including the City of London, have also contributed and I was told that £2 million has already been raised. However, money does not go too far in these expensive projects, and I hope the Minister can give a clear indication of how much research funding will be available for these purposes in the next few years.

Others have touched on being much more severe about import controls. I should like to add a small, though not particularly technical, point: people import

in other countries, as the noble and learned Lord, Lord Hope, found when he came across very severe measures. I think we could do with severe measures such as those he had to endure to deal with that pine cone. Notices at all airports and ports of entry should not merely say “Imports of these things are forbidden”; they should explain, in a short manner, why that is important. To the average person, bringing the odd bulb or two in does not seem important. What is involved needs to be spelled out in very clear language. I hope we take that on board. It is not particularly scientific; it simply needs to be drawn to the attention of people who otherwise, quite innocently, would not know what they were doing.

Mention has been made of the importance of growing trees and adding to our list of trees, so the last thing in the world we want is to lose the ones we already have. I look forward to the tree planting that will go on. Like somebody else here, I have done my own small bit by planting some in my garden; I will certainly continue to do so. It would be well advised, in addition to the major schemes, to encourage others individually to do the same.

12.50 pm

**Lord Carrington (CB):** My Lords, I add my thanks to the noble and learned Lord, Lord Hope of Craighead, and the noble Earl, Lord Kinnoull, for bringing this important debate forward. I declare my interests as a farmer and landowner with woodland under active management.

Last summer, the importance of this debate came home to me when I received a call from the Animal and Plant Health Agency, acting on behalf of the Forestry Commission. It wished to inspect two oak trees for the oak processionary moth. I had bought those two trees earlier that year from a well-known nursery. Happily, neither was infected, but it was a wake-up call. Sadly, it had never occurred to me to ask whether these trees were imported; there was certainly no label to indicate that they were imports. The Forestry Commission was able to track the trees to the nursery, and hence to me, but why is there no requirement for nurseries to inform the purchaser of the country of origin? The Woodland Trust has developed an accreditation scheme for domestically produced trees. Surely this should be widened to include foreign-sourced trees. Also, when purchases are made, it is an ideal opportunity to hand over a leaflet on potential threats to trees. Even as the owner of woodland, I have received no such information. Surely this information should be circulated to all registered woodland owners, together with amenity and countryside groups, schools and universities.

The Forestry Commission's *Public Opinion of Forestry* 2019 survey confirmed the public's high regard for trees and woods and their awareness of pests and diseases, which 65% were willing to report if they had the necessary information. The Government's 2018 tree health resilience strategy says all the right things and calls for 11 actions in its action plan but, again, how will this be delivered and with what resources? The Woodland Trust's Observatree volunteer scheme is brilliant but needs to be massively expanded to be truly effective.

[LORD CARRINGTON]

Moving on to the trees themselves, although native trees are the subject of this debate, the distinction between native and non-native is no longer helpful in the light of a number of factors, including climate change, Chalara in the native ash and the horse chestnut being placed on the red list. Woodland managers are governed by the Forestry Commission's practice guide, *Managing Ancient and Native Woodland in England*, which was published in 2010 and covers the species that may be planted in our ancient woodland. Outcome A from page 27, concerning the species composition of native woodland, states:

"The presumption is that the proportion of the canopy occupied by native species is being maintained or increased. In most native woodland at least 80% of the canopy is comprised of native species."

I believe this proportion to be restrictive and counterproductive. It also fails to take into account the fact that many existing native woodlands were established using a conifer nurse crop. A more enlightened view of species choice is required and forest service area teams need to be allowed more flexibility in the use of non-native and honorary native species such as black walnut, alder and sycamore, particularly when we cannot replant ash, which accounts for more than 10% of our so-called native species. Climate change needs to be taken into account, as the right reverend Prelate the Bishop of St Albans said. It affects what species we plant and how well they do.

Many years ago, a former chairman of the Forestry Commission told me that it was the best job in the world, as your mistakes never became apparent till you were long dead. I hope we can move on from this depressing statement.

Then there are the pests, in particular the squirrel. This is what the boss of one of the major woodland management companies said to me last week:

"I myself will no longer fell and restock beech in the Chilterns until we have a more certain future for the trees we are planting. Currently we are often simply planting squirrel food."

Much has been said and will be said about the grey squirrel. We have heard from the noble Earl, Lord Kinnoull, about the work of the Red Squirrel Survival Trust, UK Squirrel Accord and the European Squirrel Initiative, so I can usefully add little, but I would be interested to hear from the Minister about the funding and likely timing of any sterilisation or oral contraceptive plans. Similarly, there is a directly inherited genetic bias initiative for concentrating on squirrel control through encouraging male offspring rather than female offspring, which helps reduce the population. Once again, I believe that funding is a problem and government support would be appreciated. We cannot and should not eliminate the grey squirrel, but the balance needs to be addressed and every option, including the reintroduction of the pine marten, looked at.

The other major pest, of course, is deer. Progress was being made in this area by the work of the Deer Initiative Ltd, which was set up to deliver the outcomes of the Deer Initiative Partnership. It has had a huge impact on creating best practice in deer control and educating people and institutions in the industry. It has also been involved in the Government's new scheme for environmental land management, which is a crucial

part of the Agriculture Bill. Now it is to be wound up at the end of March due to lack of funding. Please could the Minister look at reviving and resourcing the Deer Initiative, which is crucial in the work of protecting trees, flora and fauna.

These points are but some of the challenges we face. Dealing with them is easier in commercial woodland that is professionally managed than in amenity woodlands in the south of England. For such amenity woods, I urge the Government to look at directing Section 106 money resulting from development into their care and maintenance, and to investigate conditions of increased public access, which would potentially result in more local voluntary help in the preservation of our woodlands.

12.58 pm

**Baroness Byford (Con):** My Lords, I am grateful to the noble and learned Lord, Lord Hope of Craighead, for introducing this debate. Woodlands, forest areas, parks, gardens and private dwellings bring benefits to those who visit and enjoy them but, as the noble and learned Lord said, they are under constant threat from pests and diseases. I have three points to make: on individual responsibility, on woodland management and on government responsibilities.

I should declare an interest as patron of the Leicestershire end of the National Forest, which was created from redundant coal mines, wasteland areas and other farmland. For the past 25 years, the National Forest Company has worked with partners and landowners to create a new forest across 200 square miles in the heart of the Midlands. Some 80% of these sites have public access, around 10,000 volunteers help in the management of woodlands each year and over 50% of primary schools undertake regular outdoor learning in woodland settings. This is a great achievement in a comparatively short space of time but, like other woodlands, it faces the constant threat of pests and diseases to its native trees.

Currently for the National Forest, grey squirrels and ash dieback are having the greatest impact. Recent figures released by the European Squirrel Initiative—which other noble Lords have spoken about—show that grey squirrels cost English forestry in excess of £40 million per annum. In trying to reduce the spread of diseases, the National Forest Company trains and upskills local volunteers in woodland management and educates the public on a range of preventive measures, from controlling the plant stock that enters the country through to warning dog walkers about keeping their boots clean—simple steps that we can all take.

The Woodland Trust states that there are some 20 non-native pests and diseases affecting native UK trees, six of which have reached epidemic levels. In its briefing, the trust reminds us that it is the landowner who bears the cost when unsafe trees are felled. Clearly prevention is the best and most cost-effective way to manage pests and disease, but what additional biosecurity measures are being considered? I mentioned earlier the damage done by grey squirrels, but deer and muntjac also cause extreme damage to young trees. Do the Government have a wildlife management plan in place and, if so, will they review it?

The European Union Committee, in its report published on 24 October 2018, *Brexit: Plant and Animal Biosecurity*, noted that the UK currently follows EU legislation on biosecurity, with decisions on implementation made predominately at EU level. On leaving the EU, the UK has opportunity to strengthen and improve our biosecurity, including the checks at ports and airports that have already been mentioned. If the plant passport scheme has failed, what measures will be put in place?

In May 2018, the Government published their *Tree Health Resilience Strategy*, to which other noble Lords have referred. I hope the Minister will update us on its progress, though I know it has not been a very long period of time. Can he also update us on the new imports notification system which was being developed and was due to be ready for end-to-end testing in January 2019?

The City of London Corporation manages 11,000 acres, including Epping Forest, which protects more ancient trees than any other site in the UK. Monitoring and managing the threats of pest and diseases come at a significant cost. Ramorum disease, commonly known as sudden oak death, also threatens beech trees, and some 80% of the UK's ancient beech pollards are within Epping Forest. In controlling the disease, the corporation has removed hundreds of rhododendrons, which were referred to by my noble friend Lord Colgrain earlier, and felled over 600 larch trees on the edge of the forest to prevent further spreading. Drastic actions have been taken to preserve the trees. The corporation recognises that prevention is better than cure and has called for the regulations relating to plant and tree nurseries and the movement of vegetation to be reviewed.

I turn to what the Government should be doing—I know my noble friend the Minister is very keen to do all that he can. The Conservative Party manifesto commits the Government to planting many thousands of trees over the coming years. Clearly these trees planted should be disease free but, with trade becoming increasingly global, I believe there is an urgent need for stricter controls to be put in place on imported plants and trees. We should know where these trees are coming from. If disease is imported, then surely the rule that the polluter pays—to which we pay great credit—should be considered back through the supplier to the nursery that produced the trees in the first place.

Trees bring enormous benefits, as we have heard from other speakers. I thank the noble Earl, Lord Kinnoull, for reminding us that we are stewards for future generations. As a hazel nut, I have a great interest in and love of trees. I cannot think why my parents called me Hazel—though I am not a nut. This debate is crucial not only for us now but the many generations that will follow us.

1.05 pm

**Lord Chartres (CB):** My Lords, many noble Lords have already spoken with great practical experience—I think of the noble Lord, Lord Carrington—and my education has been vastly improved by membership of your Lordships' Secondary Legislation Scrutiny Committee. It was on that committee, with a regulation relating to two woods in Kent, that I very first heard of the eight-toothed spruce bark beetle, which is a truly

fearsome beast. It is of course only one of the wave after wave of pests and diseases—noble Lords have already made this point very eloquently—but they are all comparatively recent introductions. We are not talking about great historic scourges, but things that have cropped up in the very recent past.

The excellent *Tree Health Resilience Strategy*, which has been instanced on a number of occasions, describes the

“social, cultural and environmental value”

of trees. It states that it is a value not easily captured by traditional accounting methods but is nevertheless very real. The symbolic value of trees was brought home to me in a very dramatic way. I was trying to establish a centre for preventing and transforming conflict, especially that with a religious dimension. It was an interfaith centre and a Muslim friend offered to build me a Bedouin tent for encounters, meetings and mediation. It was made of goat's hair and Gore-Tex, so when it rained it exuded the most marvellous fragrance which rolled down Bishopsgate. It was a very unusual tent in that we decided it needed to have stained glass windows with symbols for all the great wisdom traditions of the world. As we consulted and deliberated, we discovered that the tree is a profound symbol in every single one of the great wisdom traditions. Our stained glass windows feature trees appropriate to each of the major world religions.

Of course, as the right reverend Prelate the Bishop of St Albans has remarked, right at the beginning of the Hebrew scriptures we have the myth of the two trees in the paradise garden: the tree of life and the tree of knowledge. The tree of knowledge is fatal because it is exploitative knowledge; it is knowledge torn from its connections with human health and flourishing, and knowledge that treats trees simply as an economic factor, a commodity. Our problems come, very often, from choosing the wrong tree. That myth in the paradise garden of the two trees is one that still has resonance. I will not repeat what the noble Baroness, Lady Byford, said very eloquently about Epping Forest, which I know, and the extraordinary importance of the work being done by the City of London Corporation to protect a very large number of some of the most ancient trees in the entire UK.

Clearly, Brexit gives an opportunity for the overhaul of biosecurity regulations at our borders. I know that the Government already placed additional restrictions, last July, on the importation of oak trees to help reduce the spread of OPM, but I echo other noble Lords in asking the Minister whether there are plans to incentivise the creation of nurseries for native tree stocks to reduce the need for imports. As they look at the very welcome pledges on tree planting, all my friends where I now live, in south Wiltshire, are asking where all these trees are going to come from.

In the many ancient woods that surround us in south Wiltshire, ash dieback, which was described in a very moving way by the noble and right reverend Lord, Lord Harries, is a particular problem. Landowners face issues of public safety and financial considerations, given the current oversupply of timber in the market. There are major financial implications for landowners in trying to fight this disease. The Conservative manifesto

[LORD CHARTRES]

included a welcome commitment to plant 11 million trees, but some of those responsible for managing woodlands are asking where this new stock is going to come from. The Woodland Trust's UK assurance initiative and the Grown in Britain scheme are very welcome developments, but we are still, as other noble Lords have said, too dependent on imports. Landowners are also saying that the policy of public money for public goods will have to recognise that putting agricultural land to forestry can reduce capital value and future potential for other uses. There are also substantial areas of existing woodland currently not managed at all, and landowners need incentives to manage what is already there, in addition to new planting initiatives.

That brings us to the problem, which I do not think has been mentioned yet, and which is especially acute in England, of skills shortages among staff in the various aspects of arboriculture. This has obvious implications for policy on apprenticeships and the like. I believe that the Government can rightly point to investment and commitment in this area. A sense of urgency is clearly right. The heart-breaking photographs of rows of uprooted olive trees in some of the poorest regions of Italy are testimony to the devastating effects of *Xylella fastidiosa*. We have so far avoided that invader and that scourge, but it could very well cause havoc in the trees of this country.

Just as the scriptures begin with the myth of the two trees, at the end, as the right reverend Prelate has said, there is a vision of healthy trees planted by the riverside. Let us hope that that will be the picture of the UK in years to come.

1.13 pm

**The Earl of Caithness (Con):** My Lords, in the last two decades alone, there have been 14 new diseases and five new major pest outbreaks that threaten our woodlands. All these pests and diseases have been aided and abetted by the single most dangerous pest to woodlands in the UK: we humans. Not only have we imported many of the pests and dispersed them around the country, but despite having an excellent climate for growing trees in this country we are, in general, bad at forestry and silviculture. The statistics make dismal reading. Despite the fact that the amount of land under woodland has tripled in the last century, the UK is the world's second largest net importer of timber. Some 77% of our broadleaf woodlands are still represented by only five species, and disease is currently wiping one of them, ash, out.

Some 15% of our broadleaf woodland, including our best beech trees, are damaged by grey squirrels. It is almost impossible to grow commercial broadleaf timber in the UK. Importantly, and I stress this, 58% of our woodlands and 80% of our broadleaf woodlands are unmanaged or badly managed. We are woefully ill equipped for the further challenges of rapid man-made climate change. Unmanaged woodlands are a result of years of Governments virtually ignoring the needs of private sector forestry and receiving poor advice. The Forestry Commission is no longer fit for purpose. Its structure is flawed and it remains, in good communist fashion, the regulator, prosecutor, judge and jury of forestry in this country. The noble Lord, Lord Carrington,

reminded us that as a large landowner it has got away unchallenged with its own mistakes while costing the taxpayer a great deal of money.

Poor or no management occurs primarily because it is uneconomic to manage woodland as a timber crop. It is a well-established fact that trees get stressed and when they do, they, just like us humans, are much more susceptible to diseases and pests. The condition of individual trees and the structure of stands are important determinants of the extent of such damage, but the degree to which this is true, and the mechanisms, vary. Where most trees have vigorous, healthy crowns and a suitably large growing space for their position in the structure, they are much more resilient than where excessive lateral competition produces stands with poor crowns. Unfortunately, our planting system of even-aged, single species grown in straight rows, as preferred by the Forestry Commission, leads to dense stands with quiet, humid conditions. Trees in this situation are under severe stress and species such as ash and oak, which are particularly intolerant of lateral competition, become highly susceptible. Conditions in dense stands of ash lead to increased spore production and greater damage from ash dieback, while in oak stands, the beetle causing acute oak decline is attracted to the stressed individuals. Unmanaged woodland—more than half our woodlands is in this condition—becomes a haven for pests and diseases.

Owners are also implementing non-intervention management because of a misguided intention to help wildlife. However, there is strong evidence from studies of plants, insects and birds that some of our best-loved woodland wildlife is in crisis. The richness of woodland plant species has declined by 19%, woodland butterfly populations by 74% and birds by 32%. Poor or no management is putting at risk not only our biosecurity but our biodiversity. To mitigate these threats, it is long overdue that we move to a more sustainable tree management system that avoids large concentrations of young, dense, pole-staged stands with low air movement and potential for high build-up of fungal spores and pests.

We should aim for woodlands of mixed and uneven aged species. These more open stands have better airflow and can develop under-storeys which are beneficial in deflecting spore movement. I have advocated this for more than 50 years and I am delighted that there is growing support for it from companies such as SelectFor Ltd. Sadly, there are still far too many flat-earthers in positions of control and influence in the forestry world who are protecting their established ways. Ideally, such a system as I recommend should include self-sown trees, but that is unlikely now, given our inability to control the deer population explosion. Lovely as they are, excessive numbers mean they become a pest and are a threat not only to young trees but to biodiversity, the environment and humans.

My noble friend Lady Byford was right to say that good management is expensive. I shall give one example. Richmond and Bushy Parks have an annual budget of £200,000 to manage the problem of oak processionary moth, and last year 9,000 nests were removed. How many landowners and farmers, whom the Government are encouraging to plant trees, does the Minister know who have budgets to control the moth in the same way as the Royal Parks?

The new enthusiasm to plant trees is welcome, but that is the easy bit. On its own, the Forestry Commission's mantra of "the right tree in the right place for the right reason" is just fatuous claptrap. As the Royal Forestry Society accurately states in its latest report, *Forestry and Climate Change*, planting more trees is fine but managing them and our existing woods is a long-term commitment requiring considerable skill and perseverance. There are exceptions but generally, as the noble and right reverend Lord, Lord Chartres, has just told us, we are woefully lacking in those skills in the UK and there is no structure or funding to redress that. If forestry is not profitable, the taxpayer needs to help those who plant and manage trees, just as we do with those who plant crops. If we do not do this, our grandchildren will end up with empty plastic tubes and distorted, valueless timber.

I will finish with a quote from Tony Kirkham, the head of the arboretum at the Royal Botanic Gardens, Kew. Although it is contrary to our current forestry practice, I commend it to the Government and all who plant trees. When referring to the great storm of 1987, he said:

"The golden rule that I got from the storm was that you've got to copy nature and run with her and you'll succeed."

### 1.20 pm

**The Earl of Cork and Orrery (CB):** My Lords, I echo the thanks to my noble and learned friend Lord Hope and my noble friend Lord Kinnoull for procuring this valuable debate. I declare an interest as a trustee of the International Dendrology Society. It is an honour to follow so many knowledgeable noble Lords, but it must be said that at this point in the debate, 10 speakers in, we are all likely to be crossing similar paths in various areas, so please forgive me when I cross ground that has already been touched on.

Trees are such an integral part of our landscape, both urban and rural. They support biodiversity by housing a wide range of animals and providing them with food. They help make towns and cities attractive places to live and boost mental health. Imagine cities without the plane, *platanus hispanica*, or the common sycamore, *acer pseudoplatanus*—note the relationship—or even the flowering cherries and magnolias, silver birches and horse chestnuts which line our streets, fill our parks and keep us cool in summer, while also marking the passing of the seasons.

Imagine, too, the countryside of Britain without those crowning glories among our common trees: ash, oak, beech, chestnuts—both horse and sweet—birch and alder. The list goes on, but one is missing: the English elm. Much reference has already been made to this wonderful tree, and the fact that many of us in this House are old enough to remember the majestic columns of *ulmus procera* dominating the countryside. There are now only a few thousand healthy specimens of this variety left in the UK, mainly in urban environments and, surprisingly, most in Brighton, after the ravages of Dutch elm disease killed an estimated 25 million trees. This pest, a beetle, was first identified in 1918 in Holland by some very well resourced and clever microbiologists; that epidemic died out and a second and more virulent attack hit the whole of northern Europe in the 1960s. This appears to have originated

in Canada on imported logs, so it is not fair to blame the poor Dutch. However, this pest showed us in sobering fashion what could happen if insufficient measures were taken to control it. We do not seem to have learned that lesson.

This brings me to the disaster facing one of our best loved and most numerous native trees: *Fraxinus excelsior*, the European ash. In this case, the problem is a fungus rather than a beetle, although the Americans are facing a similar disaster caused by a beetle, the emerald ash borer, which has not yet made an appearance in this country. Our ash dieback is caused by the fungus *Chalara fraxinea*, which originated in Asia. Recent estimates suggest that this disease will kill around 70% of our native ash, which will amount to something in the order of 70 million trees. Some surveys put the total number of mature trees in the country as high as 130 million. When you consider the size and visual impact of this species, that will leave an even bigger hole in our landscapes than the elm.

The fungus arrived here by various means, including wind spread, but one of those routes was undoubtedly the major trade in young plants imported from Holland. The Dutch nursery trade is hugely successful, and I have no problem with that, but it flies in the face of common sense to import ash whips and saplings from a known disease-ridden environment to plant in our gardens and parks. Ash both seeds and grows prolifically in this country, as anyone who has had to pull up ash seedlings around ash trees knows only too well. Why then do we need to allow the import of such plant material? However, unreported so far by other commentators, I am told that Queen Mary University has managed to isolate the genome of disease-resistant ash trees they have found. This gives us hope that maybe we can go forward with a method of planting ash that will remain resistant.

On a related point, a great many of these ash trees we will lose are in hedgerows and parks around the country. When they die, as they assuredly will, it is a known fact that they become brittle and if left standing are likely to drop limbs or even fall over altogether. The idea of leaving them, as elms were left, simply does not stand up—sorry for the bad pun. This makes them dangerous and those responsible for them, be they in public or private ownership, will be liable. This will entail felling and removal of any tree within 60 to 70 feet of a road or footpath.

This process will be very costly; the cost to the economy has already been estimated at £15 billion. Will the Government be prepared to assist local authorities and landowners in the removal of this vast stock of dead wood? Some form of grant linked to the number of trees to be dealt with and a specific timescale would be a good starting point. The silver lining is that ash is an excellent firewood and can be turned into woodchips for biomass fuel plants. Perhaps the Government could go further and incentivise the building or conversion of such plants to ensure that this unfortunate source of energy is not wasted.

In my own small patch of west Sussex, surrounded by unmanaged woodland, I have in the region of 50 ash trees in a patch of less than three acres. All are affected to a greater or lesser extent. Extraction will

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involve heavy machinery and, with the Wealden clay underfoot, it would be impossible for about nine months of the year. With no road close by, it will be extremely difficult, not to mention messy and unsightly. Scale that up to the size of the ash woods prevalent in the south of England and you can see the problem.

In the current wave of enthusiasm for planting trees to offset our carbon emissions, some words of caution should be voiced. Politicians like big numbers; Jeremy Corbyn promised to plant 2 billion trees over the next 20 years. This would be the equivalent of 100 million a year. That is the equivalent of 270,000 for every day of the year, or nearly 200 per minute. This is, however, only about twice the estimated requirement for carbon neutrality by 2050 to be achieved. This would require UK woodland cover to increase from about 13% of total land area to about 20%, but much of that increase would have to be on land currently used for farming purposes. The conflicts of interest are obvious. These trees should be UK native species and not so-called non-natives. A native species arrived here before or during the last ice age; non-natives, by definition, arrived over the last 8,000 years. This should not include exotics, such as the fast-growing conifer types which have been imported, largely from North America, to provide the so-called battery hens of the arboreal world.

With Brexit, we have an ideal opportunity to strengthen our phytosanitary regulations. We have talked about invasive plant and animal species; these regimes must be strengthened and enforced, and we should certainly stop the import of plant varieties which have a history of disease and can be grown from seed or cutting successfully within our own industry. Further appropriate funding for the Animal and Plant Health Agency would be a start.

Sadly, it is too late for the ash, but it may still be possible to save and protect other species such as oak and chestnut. The Government's tree health resilience strategy of 2018 was a good start, but can the Minister outline the measures being taken to improve our protective shield in the wake of Brexit and inform us of progress made in achieving the aims of that strategy in the two years since publication?

1.29 pm

**Earl of Devon (CB):** My Lords, I, too, am grateful both to the noble Earl, Lord Kinnoull, and to the noble and learned Lord, Lord Hope, for first pursuing, and then persevering with, this crucial debate. I am pleased that it has survived both the pest of Prorogation and the Disease of dissolution to make its way to the Floor of your Lordships' House.

The delay does not make the debate any less urgent: it is more important now than ever. The past six months have seen an escalation in the epidemic of disease impacting our woods. We have also endured a brutal winter of floods, followed by violent storms that destroyed many mature trees weakened by illness. Meanwhile, we have been glibly promised by every major party manifesto an unprecedented level of tree planting in support of net-zero ambitions, but without commitments to undertake the complex research and investment necessary to deliver on such promises.

We hear much about sustainability, but hear no practical plan of what trees to plant, where to plant them, or how to protect them from an early, disease-ridden death. It is sad that more than 300 years after Hans Carl von Carlowitz first coined the term "sustainability" in preserving Germany's forests, we hear the term bandied about by politicians to greenwash campaigns, but without appreciation of what sustainability costs.

I declare my interests as steward of a family-owned SME that has depended on and nurtured trees since the Middle Ages. I am also, regrettably, subject to statutory plant health notices due to chestnut blight in our ancient woods. Chestnut blight is a pernicious fungal disease that is fatal to sweet chestnuts—a naturalised, not native species. Since its introduction by the Romans, or possibly earlier, the tree has been prized for its nuts, its versatile timber, and its beautiful twisted bark. One of Powderham's oldest inhabitants is a squat, stag-headed sweet chestnut, planted shortly after the Civil War. It may not live much longer.

Chestnut blight originated in Asia and, after accidental introduction to North America, killed 3.5 billion trees last century, decimating the species on that continent; it has been present in Europe for at least the last half-century. It was first discovered in England in 2011 and was first found within a mature woodland setting at Powderham in 2017. Since then, I have learned more than I would ever wish to know about *Cryphonectria parasitica*.

It was introduced under a well-intentioned, government-supported planting campaign back in the 1990s. My father was a keen forester and, after felling a block of mature oaks, he replanted chestnut purchased from a reputable nursery. That nursery had sourced its stock from Belgium, which is how the disease entered the country. One of the more impressive aspects of this sad story is the speed with which the Forestry Commission was able to track other chestnuts from the same stock; within weeks, the disease was confirmed across southern England. Served with an SPHN, we worked with the commission to determine a course of action. Our first plan was eradication, and all the 1990s chestnuts were removed and burned. It soon became apparent that the disease was in the wider woodland and therefore, in spring 2019, we felled over 100 mature chestnuts, each over 100 years old: that is more than 10,000 years of tree growth.

The heartwood was cut into sleepers; the rest of each tree was burned on site. A little revenue was thus generated which, together with a restocking grant, meant that the process was marginally cost-negative. To lose money like this felling centuries-old timber was heart-breaking and nonsensical, both for my pocket and for national tree health. While Powderham is able to absorb the loss, other landholders would be severely financially distressed in such circumstances, through no fault of their own. Without better emergency funding, land managers will be discouraged from reporting suspected disease for fear of the punitive costs of eradication.

Recently, blight has been identified in yet more trees. In fact, the experts are on site today to determine the extent; we must assume it is everywhere. Recommendations have changed: given the extent of the disease, we are

no longer seeking eradication, preferring to pray for genetic resilience or a viral counterinsurgency. The remaining chestnuts might thus be given a reprieve to live out their days diseased but at least upright.

I am grateful for the hard work of the Forestry Commission and its tireless team of foresters and scientists, but they are hopelessly overstretched and underresourced for the war they are waging. I described it previously as “a losing game of whack-a-mole”, as every time I have seen people from the commission—and it has been all too rare over the last two years—they have been rushed off their feet dealing with yet another disease outbreak. If the Government are really serious about planting more than 30 million trees each year, they simply have to invest more in border biosecurity, in the commission itself, and in the development of healthy nursery stock. They might also have to restrict public access to woodland to prevent the further spread of disease. Will they do so?

To plant that many trees, we will have to import seedlings and saplings in vast numbers, as we simply cannot generate such stock on this island. That will only increase the likelihood of disease if we do not proactively manage it. We must also decide what to plant. My daughter is here today, and one thing I am determined to avoid is leaving her with either diseased and dying broadleaves of no commercial value, or a barren coniferous monoculture of no ecological value. I am searching for a suitable broadleaf species to replace the chestnut, but simply cannot find anything suitable that can grow in a warming climate that is not at risk from disease or pestilence, particularly squirrels.

In finishing, I would like to offer some warning words from the past on squirrels, as I know it is a favoured subject. Much demonisation is rightly directed to the grey squirrel, but, in their partial defence, I would like to quote a letter we recently unearthed. Written in 1825 by John Wilkinson, it is an agent’s report to the gay, and thus exiled, 3rd Viscount Courtenay:

“The noble range of new plantation at Mellands must be pronounced by everyone who sees it ... as a most striking improvement ... with the exception of the upper part which ... partly from the depredations of our old friends the rabbits is not in so thriving a state ... I was much grieved however to remark the very serious injury done to the Scotch firs by another description of marauders than the rabbits viz the squirrels. There are scores and I may also say hundreds of those firs completely destroyed by these animals which I saw running about in every direction. I did not hesitate to giving the strictest injunctions I could to Wilcox and his brother gamekeeper to destroy them or at least to diminish their numbers.”

Given that this was written 50 years before the introduction of the grey squirrel, these marauders are clearly our native red squirrel. The letter thus reveals that whatever species of squirrel is present requires proactive and determined management to avoid serious pestilence to our native trees. Are the Government prepared for this?

1.37 pm

**The Earl of Home (Con):** My Lords, I thank the noble and learned Lord, Lord Hope, and the noble Earl, Lord Kinnoull, for introducing this debate. It is very timely indeed. I declare an interest in that I am a director of a farming company and a founder member of the National Forest Company, which was set up by that wonderful man Derek Barber.

It was only when I started to look at the various types of diseases that I realised how much Defra was involved in. Is it, perhaps, too widely spread? Should there be a bit more concentration? Or perhaps an easier way would be just to have more money.

I will concentrate on the prevention rather than the cure of these diseases. Several speakers here are much more experienced than I am in looking at these diseases. Yes, we can blame deer for quite a lot of damage in my part of the world; it is only the red deer, and if you get the right red deer and kill that, the trees will not be damaged. People exaggerate the amount of damage that deer do, and by more than one of them.

It is also popular to blame squirrels for a lot of damage that they do to oaks. I saw it myself when the oak trees became about 15 years old and the squirrels ring-barked them very effectively, which eventually killed them. It is, however, possible—but expensive—to eradicate almost all grey squirrels. In fact, it was done in my part of the world, in the south of Scotland, where we got rid of almost all the grey squirrels through a Scottish Government scheme of giving traps and monetary incentives to a group of landowners in the south-east of the country. That did not work, for three reasons. First, there were no reds within easy reach to get to and populate the place, so there was a vacuum. Secondly, it was not possible to import reds from elsewhere, because there was no surplus of reds anywhere. Thirdly, the scheme did not last long enough, so the greys came back in, as the Scottish Government had run out of money. But it can be done. After it finished, it took four years for the middle of the scheme to be reinfected by grey squirrels. So, at some expense, it can work.

The British public on the whole do not realise quite how destructive grey squirrels can be, and it would be helpful if the Government could in some way sponsor programmes and information to educate the person in the street on the harm that they do. Making it illegal to feed squirrels in the same way as was done for pigeons in Trafalgar Square might be considered, although I am not sure that it is practical. It might also be helpful if people knew that grey squirrels are extremely good to eat. I have eaten them but, to my mind, the best place for a grey squirrel is in one cage in London Zoo and nowhere else.

We are never going to stop completely the impact of disease-bearing organisms, so it is essential that we develop trees that are resistant to whatever problem is affecting them. The programme to breed hybrid elms has on the whole been quite successful; there is an avenue of such trees near Windsor racecourse that are so far very healthy. They are only about 10 years old, so we wait with some trepidation to see what happens as they get a bit older. Many splendid organisations are involved as well. Action Oak is supported by both Defra and the Scottish, Northern Ireland and Welsh Governments, while the Future Trees Trust is doing sterling work on ash dieback, as has already been mentioned, and on whether, through grafting or other methods, some ash trees may be saved, as they have very different DNA themselves.

The noble Earl, Lord Devon, mentioned chestnuts. Briefly, on chestnut tree canker, from which I have suffered, there is currently no chemical cure. Work is

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being done in America, but unfortunately it is not receiving either state or federal support. We ought to consider how we can do that research ourselves here. At home, we have looked at some ways of alleviating the problem of horse chestnut disease. You can do it by cutting out the clumps and leaving only individual trees, and so far it does not seem to have spread more than about 300 yards to any individual trees. That may be worth thinking about.

However, all these are temporary measures and, as other noble Lords have said, I hope that the Government will continue to give great support to those people working on all tree diseases.

1.43 pm

**The Earl of Lytton (CB):** My Lords, I congratulate the noble and learned Lord, Lord Hope, and the noble Earl, Lord Kinnoull, on securing this debate. I give due credit to the Library briefing that has been produced. I have learned a great deal already from the contributions that have already been made during the course of this debate, as we have some real experts in this field, unlike me.

Like many of your Lordships, I am a woodland owner, with some acres of mainly broadleaf woodland in Sussex and a little in west Somerset, much of it, I am afraid, bypassed by any sort of modern, post-war management. That causes me a small amount of regret but also in some respects relief at not having had to deal with the changing policies that have occasioned what we have had to deal with.

My early education in trees was, needless to say, at the hands of my father, who was a lifelong military man. He said that there were two sorts of trees in the military vocabulary: one was called a fir and the other a bushy top. As a cheeky youngster, I pointed to a mature Scots pine and said, "What's that?" and was told to shut up.

I will devote my comments to ash dieback—*Chalara fraxinea*. It is a substantial component of my own woodlands, and that, along with grey squirrels and the predation of at least three species of deer, are the chief problems we face. Trying to spot the early signs of infection is a real art, and I have consulted a number of experts on this. Every tree tells its own tale of the habitat it occupies, the availability of nutrients, the consistency of water supply, competition through overcrowding, the beneficial fungi and detrimental ones, not to mention the birds and bugs. So, spotting an ash tree where crown growth is starting to die back and become what my tree surgeon refers to as "clumpy", and distinguishing that from a natural style of growth because of the circumstances in which the tree is growing is a difficult task. I therefore welcome the developments in identifying resistant specimens, wish that a speedy rollout, and hope that that can be readily used in a cost-effective manner in the field.

I note that various estimates have been made of the number of ash trees at risk. When I asked the forestry consultant for the Exmoor National Park, he said, "Our working assumption is 95% of the ash population lost", and I have heard that elsewhere. However, the immediate existential danger posed by this disease is

the biggest worry: as the noble Earl, Lord Cork and Orrery, pointed out, the increased brittleness of the tree structure as the disease progresses, the dangers of sudden limb fall and the propensity to spontaneous fracture during felling lead to a form of Venn-diagram approach in which intersecting circles of risk link the trees not only to public rights of way and highways but to railways, power lines, buildings, homes, watercourses, fences and livestock. On steep and fragile slopes such as those I used to encounter on Exmoor, tree work may involve other risks, one recent instance tragically taking the life of a young man close to where I used to farm. I do not see massive harvesting machines as the answer either, let alone on steep slopes. I have seen the results of their use in damage to soils and the sheer wreckage that accompanies what is left behind. I could not bear to see my bluebell woods suffer that fate. Therefore, time-consuming and expensive selective felling remains the only option.

Such considerations also affect charities, public and local authorities as well as private owners. In areas where public access is tolerated, even if it is not exercised as of right, these risks are highly relevant. My involvement with the Rights of Way Review Committee tells me that the public expect their rural leisure walks to be risk free. However, increasingly, that cannot always be guaranteed, and seemingly to erect warning notices is knowingly to admit to an identifiable danger. To let trees fall down on their own, even where it is ostensibly safe to do so, presents its own hazards, as those who had to deal with the outcomes of the 1987 storm and the higgledy-piggledy, dangerous heaps of tangled trees would well understand. So it is not surprising that removing risks wherever possible may involve felling trees that might survive the disease. I hope that the Government have that in focus.

Although the loss of so many fine trees is a sadness, I also see it as an opportunity, in my case for creating a more species-diverse woodland. I echo the points made by other noble Lords about the need for a degree of flexibility and inventiveness on this. I am no climate scientist, but I understand that planting more trees is one way of fixing CO<sub>2</sub>. I hope that, for non-durable timber such as ash, we can do slightly better than leaving the butts to lie and rot or be burnt in biomass generators, and find long-term uses, such as in construction. However, I acknowledge the benefit of ash logs as a fuel in my domestic wood-burner.

My final point has been made by other noble Lords and it is this. Woodland management and regeneration as a result of disease and pests are very costly and long-term exercises. As others have said, I too am at an age where I am, more than ever, aware that what I do to woodland is for future generations and not for my purposes. But there needs to be a stable, long-term public and fiscal policy towards woodland ownership and management, so that investment works and future owners do not face the conundrum that caused my forebears to fell some of the best and largest trees to defray estate duty or to raise working capital depleted by taxation. Here I am with the noble Baroness, Lady Fookes, in thinking that there needs to be a better look at how taxation works. We need smarter ways of working.

I have one comment on grey squirrels to pass to the noble Earl, Lord Kinnoull: they seem to like sycamores. They love the sugars in their bark. I wonder whether one could plant them as a sort of natural bait to try to round up the little pesky blighters. I look forward to what the Minister says with great interest.

1.51 pm

**Lord Framlingham (Con):** My Lords, after the wonderful introduction by the noble and learned Lord, Lord Hope, and all the excellent contributions since then, covering the range of problems we are facing, there is not a great deal more for me to say, but I will do my best. Trees are at last getting the recognition they deserve, and money to plant many more is being promised. It is vital that this money is spent wisely and that urgent consideration is given to how we plant, how we look after our existing tree stock and—the subject of today’s debate—how we keep out of our country those pests and diseases that threaten to devastate our present tree population.

When planting, it is important to plant the right species, at the right height, in the right place, bearing in mind such things as soil type, location, et cetera. It is crucial to allow money for proper aftercare and to make sure it is carried out. All too often, money, time and effort are wasted by well-meaning planters thinking planted trees will look after themselves, leading to widespread failure and expensive replanting. It is important too that we appreciate the huge value of the mature trees we already have. They contribute enormously to our lives and well-being, are hard, take many years to replace, and in some cases are irreplaceable. Sadly, HS2 will do great damage, not least to our 108 truly irreplaceable ancient woodlands.

It is important to recognise and make full use of the expertise in tree care provided by organisations such as the Arboricultural Association. It trains and sets standards for tree surgeons, is involved in every aspect of tree planting and maintenance, and has its finger on the pulse of tree health in this country like no other organisation. But nothing is more important or calls for more urgent action than the topic of today’s debate.

For a long time, I have been urging the Government to be much tougher on the importation of trees and to do more to raise public awareness of the dangers of bringing in plant material from abroad—including, I am afraid, fir-cones. We have not done enough. The average holidaymaker would still not think twice about bringing home a plant from a continental holiday. We must seriously crank up the awareness campaign, not just at ports of entry but nationally. Most important of all, we must urgently crack down on the importation of trees. I am grateful to the Woodland Trust, not just for its excellent briefing for today’s debate but for all the work it is putting in to protect our trees and for being the first organisation to commit to planting only homegrown stock.

The situation is dire. The list of tree diseases we have queuing up to invade is frightening. The Government themselves identify 127 high-risk pests and diseases that could have a major impact on our woodlands. I cannot and will not attempt to list all the pests and

diseases that are trying to get into this country, but will name one or two. The bacterium *Xylella fastidiosa* is marching towards us from Italy and can infect a whole range of our trees. The fungal disease plane wilt is devastating plane trees in France. Can we imagine London and other cities without their plane trees? Emerald ash borer is doing much damage in the United States, and is a real and frightening threat to us.

Then we have the sad saga of the oak processionary moth. Have we learned nothing from Dutch elm disease and ash dieback, both imported from abroad? I had understood that oak processionary moth was present in London boroughs and perhaps nearby counties, but was not yet a major problem and was probably controllable. I will read out two Questions I tabled last July and the Answers I received. The first Question was “what instances of the importation of oak processionary moth on oak trees have occurred in the last 12 months”?

The Answer was this:

“The unprecedented expansion of oak processionary moth (OPM) on the continent has led to intercepts of OPM on oak trees imported from ten nurseries in the Netherlands and one nursery in Germany”.

The other Question I asked was

“in how many locations, and on what dates, oak processionary moths have been identified in the UK”.

This was the Answer:

“The Plant Health Service has intercepted oak processionary moth on oak trees at 58 sites within the UK Protected Zone ... The infested oak trees have all been recently imported from the continent. The intercept sites are in the counties and regions of Bedfordshire, Birmingham, Cambridgeshire, County Durham, Devon, Dorset, Essex, Fife, Flintshire, Glamorgan, Gloucestershire, Greater Manchester, Hampshire, Invernesshire, Kent, Lancashire, Leicestershire, Lincolnshire, Merseyside, Nottinghamshire, Oxfordshire, Staffordshire, Suffolk, Warwickshire, West Midlands, Wiltshire and Yorkshire.”

This is unforgivable. We have done the moth’s job for it. It does not have to spread its wings and fly to infect our trees; we do it for it.

Our system is not working. At best, it could be described as alert and reactive. I call it a sitting duck. Our watchwords should be: aggressively protective. We are an island and we should take advantage of it. Leaving the EU is a golden opportunity to make our own rules and better protect our trees. We must place a total ban on all oak imports regardless of their size. We should look urgently at the possibility of banning other dangerous species, such as olive, lavender and prunus. We should consider introducing a quarantine system for all imported trees. An urgent meeting should be held with everyone involved in growing trees in the UK to see how, and how quickly, we can become more self-sufficient. Everyone in the tree business knows the problems and is keen to help. The Royal Horticultural Society is holding a major garden exhibit at this year’s Chelsea show to mark the International Year of Plant Health.

Finally, the measures I have suggested may sound draconian, but I really believe that nothing less will do. We cannot afford to delay and we cannot afford not to be tough enough. The ash trees dying by our roadsides are a constant reminder of the price of failure.

1.59 pm

**Baroness Bennett of Manor Castle (GP):** My Lords, I thank the noble and learned Lord, Lord Hope, for his lyrical introduction to this debate and for the initiative shown by him and the noble Earl, Lord Kinnoull, in securing it.

I will begin with a sentence from the Royal Horticultural Society website:

“Importing plants poses potential risks of introducing new pests and diseases.”

Much of the debate has focused on the actions of individuals. The noble and learned Lord began by referring to his pine cone. Perhaps he missed the Government’s Don’t Risk It! campaign, which involved posters at ports and airports. But as the noble Lord, Lord Framlingham, has just outlined, the real risk is actually from commercial imports. Individual actions form a tiny part of the problem and there is a risk that if we focus on those actions we will engage in displacement activity rather than focusing on the real problem.

Forestry Commission figures show that the plant trade has doubled over the last 10 years. In the past decade, the number of diseases brought in is the same as the number brought in over the previous 50 years, so it is rising five times as quickly. The UK Plant Health Risk Register lists five to 10 new pests and diseases every month. Any scientist will tell you that correlation is not causation, but the links are clear and well evidenced. This is globalisation in action: a change in our systems embarked upon with scant consideration for the impacts. A few people have made very large profits while the rest of us have paid.

We are inevitably going to see an increase in plant and tree pests and diseases because we are in a climate emergency. The changing weather conditions will enable pests and diseases to flourish which could not get a hold before. As the noble and learned Lord, Lord Hope, said, birds will fly around and that is the sort of thing we cannot do anything about except to be vigilant, but we can act by changing the system of how we secure our plant supplies. I say plants rather than simply trees because many noble Lords have talked about *Xylella*, which poses a risk across a wide variety of plants. We are also seeing huge imports of indoor plants and even cut flowers which present a risk to our native ecosystems. In 2017, those imports were worth £975 million a year. I have a direct question for the Minister: we will soon see the Government’s food strategy, so surely it is time for a horticulture strategy. We have been talking about tree nurseries, but the issue goes more broadly in terms of fruit and vegetable production. Should that not be tied in with the food strategy as well?

The fact is that a lot of the imports of trees and other plants are from the Netherlands. It set up a co-ordinated government strategy to develop its horticulture industry. I too have met some horticultural food producers in the UK who also focused on the fact that they are finding it very difficult to get finance from our banks, while banks on the continent are prepared to fund horticultural industries, which is something else to look at in the policy area.

If I were to offer the Minister some thoughts about what a horticultural strategy might look like, I would point him to the Government’s own words about their

agriculture strategy and agroecology. That means working with nature and not relying on giant industrial monocultures. If we are thinking about a British tree nursery industry, what we will need is diverse small-scale holdings made up of independent businesses and co-operatives that are scattered around the country, which will help produce a more diverse stock. When I tweeted about this debate before it began, the Bristol Tree Forum came back to me asking me to stress the importance for their health of the genetic diversity of the stocks that we plant, and I am very pleased to do that. It is what we need to ensure healthy woodlands and trees.

How do we create those small, independent businesses? There is perhaps a model in the One Wales: One Planet development strategy, which allows small businesses access to land. I suggest to noble Lords that we also need to look at land reform in England to enable people to access land in order to set up small, independent tree nurseries. Another way in which the Government might act was referred to by the noble Baroness, Lady Fookes: government procurement. We have seen progress on this already, but not far from where I am standing now, the Florida fig trees in Portcullis House are an example of how government procurement traditionally has not done what it should have done to support local industry.

A number of noble Lords have referred to the need to protect woodlands from pests which are already here. Again, we should think about the agroecological approach. Reference has been made to grey squirrels. We know that supporting the spread of pine martens will help red squirrels compete against grey squirrels. Also—dare I say?—if we are thinking about deer, perhaps we should also be thinking about reintroducing the lynx as a natural control mechanism. I am talking, of course, about the rewilding of the UK. The noble Earl, Lord Caithness, said, “Copy nature and you will succeed”, and that is essentially the agroecological approach.

The noble Earl, Lord Devon, referred to the heavily overstretched Forestry Commission staff and the amount of work they have to do. At the end of last year, Friends of the Earth produced a report showing that overall, the UK Government were spending less than £1 per person per year on trees, including the work of the Forestry Commission. We hear much talk of the end of austerity, so I ask the Minister whether we can expect to see a significant boost to the budget of the Forestry Commission to deal with all the threats that have been so clearly outlined today.

The Library briefing, which other noble Lords have cited, refers to the need for common frameworks for working with the devolved Administrations. We also need to see close co-operation with our European neighbours on tackling many of these pests and diseases: a co-operative approach to ensure that they are held back. I hope very much that we will see the kind of diplomatic environment which allows that to continue.

2.07 pm

**Lord Thurlow (CB):** My Lords, I would like to add my compliments to the noble Earl, Lord Kinnoull, and the noble and learned Lord, Lord Hope, for

securing the debate and for its excellent introduction. I declare myself the owner of a forestry among farming operations, as set out in the register. After almost 20 speeches, there is probably not much left to be said, so my speech is considerably shorter than it was, particularly as I am not an expert on tree diseases. However, I feel strongly that the system of controls and intervention where disease is known is not working in the area I know, which is Scotland. I appreciate that it falls within the area of the devolved Administration, but there is a lesson here.

We are being encouraged to plant more trees both in our towns and in the countryside for amenity and for commerce. Self-sufficiency in commercial timber is good and sound. Help from the Woodland Trust and through tax reliefs is welcome and probably essential if the private sector, many voluntary organisations are others are to continue their good work. However, costs are rising. Planting the trees, fencing, road building for commercial forestry, attempts at immunisation of new tree whips—which is hugely controversial—and fighting tree diseases and pests by treating every single tree are terribly expensive. Harvesting costs are rising; there are weight restrictions on roads for haulage from remote locations. Of course, a commercial forestry sells the timber and prices rise too, but—as we have already heard today—a glut can happen quickly and unexpectedly, and market fluctuations affect the price of the timber. Many of the costs do not go down.

My point—the one I want us in England to learn from—is really one of fairness. One of the main diseases in Scotland is phytophthora ramorum, which affects the European larch population. From the helpful Library briefing I discovered that it is not native but has become naturalised; that is my claim to refer to it. There was little briefing or explanation before the dramatic enforcement controls were introduced to take on and try to prevent the spread of phytophthora. The enforcing authority was Forestry Commission Scotland. It had legal powers to enforce felling, together with unaffected trees, with limited compensation. Yet some two years ago—in Galloway, I believe—a large Forestry Commission Scotland block of affected larch was exempted. I never received a satisfactory explanation for this. I tried; I spoke to the Forestry Commission.

That exclusion block is the entry point of the prevailing south-westerly winds into Scotland. This seems inexplicable to me, as phytophthora is recognised as probably an airborne disease. The Forestry Commission has the ability to instigate criminal proceedings, yet exempts itself. Is this fair? Is this how a government agency should behave? The Forestry Commission must spend hundreds of thousands of pounds flying helicopters to identify single trees to thereafter issue enforcement notices, yet it bypasses its own large block of infected trees. Those I know and the countless others similarly affected deserve an explanation and more help. Surely in this case it would be more productive if the policing authority worked with the private sector in a dialogue, together addressing the challenges, towards a solution.

I am not taking part in this debate to moan but asking for fairness. I hope the mistakes there can be avoided here in England. There should be more financial help to off-set the cost of compliance, with measures to control the spread of the terrible diseases we have

heard about. As the noble Baroness, Lady Fookes, said, financial support for nurseries is an excellent idea, to continue to grow and develop our own home-sourced stock and reduce the dependence on imported young trees.

Finally, I ask the Minister for an assurance that co-operation between all stakeholders in this area will occur as the nation addresses solutions to the growing list of tree diseases—not a repeat of the heavy-handed approach in the north that I have described.

2.13 pm

**Lord Mann (Non-Afl):** My Lords, I still have my PG Tips book of British trees—50 cards painstakingly plucked from individual tea packets and glued into my album. Sadly, I no longer have my *I-Spy* books to use with my grandchildren but, if I did, I warrant that it would take longer to spot the individual varieties of British trees than it took me, begging family and neighbours, to put together my PG Tips book of trees in the first place.

Part of our post-war history is how bad we have been on trees. I cite as reference the comments of Alfred Wainwright in relation to Ennerdale on the western fells of the Lake District, where one can sit on the bench outside Black Sail youth hostel—the most spectacular view in all of England, but for many decades blighted by monolithic planting of just one type of tree, with no thought to the rest of the consequential environment.

On former coalfield sites, the same error has been made in more recent times: cheap and cheerful, monolithic planting attempting purely to cover the spoil rather than to fertilise the environment. I have heard and learned great wisdom today in this Chamber. As the Government go forward with their objective of huge and wide-scale tree planting, I hope they use variety and move away from the monolithic, combining the varieties available—perhaps using that PG Tips book as a good barometer—and enhancing the landscape.

I declare something of an interest, for I have lived for many years on the fringes of what is, in reality, still Sherwood Forest. There is no finer place. There is a model there, one I have promoted before, of recreating Sherwood Forest, not as a bureaucracy with big, new buildings and lots of state employees managing some kind of body, but as a planning entity. It is creating a boundary—a border defining Sherwood Forest. It would create a model of how we can designate certain areas as favoured areas for investment, with the expectation of high-quality tree planting. I recommend that to government, but it needs something even more revolutionary, which government already has.

Neighbourhood planning, first envisaged in 2003, has taken off greatly in the last decade. I hear that the district of Bassetlaw has a higher percentage of its land acreage under neighbourhood plans than anywhere else in the country. From listening to neighbours and others—and once, in a former life, constituents—I can say that what that means is that local people have control over the planning process. The local authority is required to work to the locally micro-defined needs. The weakness in the strategy is not how it is generally applied by government, for it is a brilliant strategy. However, the guidance and expertise provided in a

[LORD MANN]

village such as mine have gone into the nth degree about what kind of bricks should be used, what combination of looks there should be, what kind of tiles should be on the roofs and how road and path layouts should be—very important issues, to my mind. The more advanced might include cycleways. But lacking within it is the question not of green space but of what kind of green.

The Government could write and issue effective guidance to be used by local authorities and taken at the neighbourhood planning level to give ownership at the local level, where people want to see that variety. It could allow, for example, a planning authority to say, “If you want to build an extension, build an extension, but you should plant a number of trees as well alongside it. Here’s the spec of trees that should be planted.” If someone is going to build a warehouse, which seem to get larger, taller and wider by the minute, there should be not some nasty, cheap, cheerful, minuscule set of trees alongside it that mask it and contribute to nothing but an excuse factor for the developer and the owner of the site, but trees that have been properly thought out. It should not stop development, but complement it. That is a power not only to designate areas such as Sherwood Forest, in co-operation with local authorities and without costing the state and the taxpayer money or employing bureaucracy, but to shift that power, as is already happening in a widespread and successful way with neighbourhood planning, and building it into the green environment.

What I predict will happen from there is that communities would say that they would rather have the traditional varieties—the colour, shape, feel, and the noise of birds and decent wildlife that we wish to see. That could be done for free for the taxpayer in most cases, simply by using the planning system coherently. Plenty of new Ministers seem to be being appointed around the place today—I hope no problems have or will come to the Front Bench—and if the Government want a slogan, the people will go with “British trees for British woodlands”, “British trees for British villages” or “British trees for British towns and cities”. The powers are there. I hope that will be taken forward with other government departments.

2.21 pm

**Lord Vaux of Harrowden (CB):** My Lords, it is privilege to follow so many experts on this subject. I cannot claim to have the sort of level of expertise that we have heard. It is also difficult, at this stage of the debate, to say anything new, but there are points that bear reinforcement. I hope your Lordships will bear with me.

I start by declaring my interest as a farmer in south-west Scotland, very close to the block of forestry that my noble friend Lord Thurlow referred to. The farm includes woodland, ranging from native trees to commercial conifers. I am currently experiencing the heartbreaking sight of most of the many ash trees on the farm slowly dying. The smaller ones have almost all gone already and the larger ones mostly show signs of sickness. We have already lost the few larches that we had and, rather depressingly, we saw our first grey squirrel two years ago.

My children have never seen an elm; they are only a very distant memory for me. But we are now in danger of losing many of the other iconic species of native trees: the oak, the ash, the Scots pine, the juniper and the slightly less native horse and sweet chestnuts all face threats, as we have heard. That we failed to learn the lessons from Dutch elm disease and allowed ourselves to get into the situation we now find ourselves in is an entirely foreseeable and avoidable tragedy. We live on an island, with all the natural biosecurity advantages that gives. Yet despite this, virtually every threat our trees face has come from abroad, generally through the import of contaminated plants, saplings or wood products, including packaging. Even ash dieback, which, as we have heard, is partly windblown, might well have come in through imported trees. We had huge imports of ash up to 2012.

Other horrors, such as the Asian long-horned beetle and the rather beautiful sounding emerald ash borer beetle, are imminent threats. The Asian long-horned beetle was caught just in time in Kent a few years back after being imported from China on wood packaging for roof slates. *Xylella* has jumped across from the Americas and has so far been detected in France, Spain, Italy and Portugal. It has been caught in Germany for the time being, but it is still there. It threatens a whole range of trees, as we have heard.

The sad truth is that, like the elm, it is probably too late for the ash. Even if small numbers prove immune, it will take generations to replant and replace the trees we have lost. Surely it really is now time to learn the lessons and tighten up biosecurity before we lose any more trees. As my noble and learned friend Lord Hope pointed out so eloquently, we should follow the example of Australia and New Zealand.

I am sure the Minister will point out that we already have processes around the import of plant products, but it is clear that they have not worked. This is especially important given the Government’s desire to plant billions of trees to counteract climate change. Where will they come from? Can we ensure that they are grown here and not contaminated with yet further diseases or pests? It would be a terrible irony if the laudable aim of planting more trees resulted in the loss of yet more species.

We have had references to Scotland. Forestry is a devolved matter. Here I am making a new point, which is quite good for 18 speakers in. There is a risk that divergent practices between the nations of the UK might increase biosecurity risks, so it is critical that the various devolved authorities and the UK Government work closely together and that a framework around phytosanitary and biosecurity arrangements is agreed and followed.

I add my voice to those of noble Lords who have asked how the Government propose to help woodland owners afflicted by these diseases and pests. The loss of the trees, with all the attendant financial costs, not just loss of commercial woodland but the incredible cost of dealing with dead trees—we have heard about the issues with ash trees—is not the fault of the owners. The fault lies clearly at the door of those who allowed these diseases and pests into the country through lax biosecurity: Governments of all colours over many

decades. Will the Government help to compensate owners for these losses? There is help for replanting, but that is a minor part of it.

With all these new diseases and pests taking hold, it is extraordinary that Forest Research charges fees for its diagnostic and identification services. Will the Minister consider removing these charges? Charging fees must act as a disincentive for people to provide samples for investigation.

We have lost the elm and we are losing the ash. I would hate for the next generation never to see an oak or a Scots pine. It really is high time that we took real action to prevent the loss of future species.

2.27 pm

**Baroness McIntosh of Pickering (Con):** I want to take this opportunity to make two points. First, I do not think any noble Lord has mentioned Fera Science Ltd, the national agri-food innovation campus at Sand Hutton, which played a very special role in the scenario when ash dieback broke out. It is trying to find, first and foremost, a formula to prevent the spread of ash dieback, but also some way to immunise trees, as has been the case in Denmark. I am particularly concerned that we are exporting ash seeds to reimport them from countries such as Denmark, Poland and others that already had ash dieback in the trees. I hope that we can learn from that.

The only other thing that I would like to say is that many have spoken on the range of pests and diseases, and on rodents such as squirrels, muntjacs and others. Rather than protecting these species for ever, is there not a case for bringing in a review every five, 10 or 15 years?

2.29 pm

**Baroness Bakewell of Hardington Mandeville (LD):** My Lords, we have had a very wide-ranging debate, in preparation for which extensive briefings were circulated on the threats posed to our native woodlands. By the time I had read my way through to the briefing from the Woodland Trust, I was completely depressed at the scale of the problem, and at the lack of action to alleviate and tackle it.

The noble Earl, Lord Devon, eloquently gave us a scenario of the effects of the disease on large estates. The number of species of true native trees is quite small; only nine, with another 10 being non-native but brought to the UK by humans over an 8,000-year period. We are all used to these species. They are not rare or exotic, but form part of the everyday landscape we see in cities, ornamental gardens and parks throughout the country: the ash, blackthorn, beech, oak, scots pine and yew, alongside the field elm, horse chestnut, larch and sycamore. We take their presence for granted, and the noble Earl, Lord Kinnoull, reminded us of the historic use of wood from these trees.

All our trees are under attack from a variety of sources. Some will show signs of attack early on, others will take four to six years before it is obvious that something is seriously wrong and the tree is in decline and dying. As the noble Lord, Lord Framlingham, said, the Government's own risk register contains some 127 different pests and diseases which could

wreak havoc in our woodlands. Easily identified pests are the grey squirrel and the muntjac deer. Both creatures have devastating effects, stripping bark, especially from immature trees. Their numbers have reached proportions where they appear to be totally out of control, but this should not deter the Government and forestry managers from taking action to control and reduce their numbers. Given the recent demise of the deer initiative, mentioned by the noble Lord, Lord Carrington, what new strategy do the Government propose to lead the wildlife management sector in England and Wales?

Other pests come in the form of insects and beetles, which lay their eggs in trees. Their larvae then feed on the wood of living trees and can eventually kill the host tree. My noble friend Lady Kramer, who is unable to be here today, has pressed me to mention the oak processionary moth. I feel that I do not need to, given the number of noble Lords who have raised it, but I promised her I would. This moth was the subject of debate in the Kew Gardens Bill and in statutory instruments last year. The moths make large nests for their caterpillars which then defoliate the tree. The caterpillar's hairs cause breathing difficulties and skin irritations to anyone touching them. Removing nests by hand is challenging and expensive for landowners with large oak trees in open parklands and a high number of visitors. As with many introduced pests, the management cost is borne by the landowner rather than the nursery or importer who introduced the infested trees.

My noble friend Lady Kramer tells me that Richmond Park spends more than £100,000 a year eliminating moth pests to keep the public safe. This is a considerable cost which landowners of parkland must bear, to protect and preserve their ancient trees, which are held in such high regard by the public.

The third category of pest and disease is spore-based fungi, pathogens and viruses. Into this category come powdery mildew, red-band needle blight, sweet-chestnut blight and the massaria disease of plane trees. Many but not all these pests and diseases are notifiable. Nevertheless, the cumulative effect is devastating. As we have heard, the figures are stark. We have lost 60 million trees to Dutch elm disease. Up to 95% of ash trees may be lost to ash dieback, as so eloquently mentioned by the noble and right reverend Lord, Lord Harris of Pentregarth, and 13% of the UK's total land area comprises woodland. The total monetised value of UK trees is estimated at over £4.9 billion a year and the total asset value of UK trees at over £175 billion.

The right reverend Prelate the Bishop of St Albans reminded us of the important benefits of planting new forests. Many noble Lords have mentioned the Government's *Tree Health Resilience Strategy 2018*, which sets out an assessment of the importance of the UK's trees, woods and forests. It includes benefits to health and well-being that are important to us all, opportunities for recreation and the ability to sequester carbon. This last point is crucial as we struggle with air pollution in our cities.

Despite this resilience strategy, government figures for the year to March 2019 show that tree planting in England fell 71% short of targets, which questions how committed the Government are to fulfilling their

[BARONESS BAKEWELL OF HARDINGTON MANDEVILLE] own targets. Alongside this, the Government have committed to planting 30 million trees a year to help redress the loss of mature trees. Can the Minister update us on how the Government and the sector are progressing with their objectives from May 2018?

There are a number of serious pathogens present in Europe which could make their way to the UK. We heard about the bacteria *xylella fastidiosa*, which could affect many native broadleaf trees and ornamental plant species. One simple precaution to lower the risk of disease introduction would be to ban the importation of the high-risk hosts, including olive, lavender and prunus species. Are the Government considering such a ban?

All contributions across the House appear to be in agreement. Clearly, the most cost-effective way to manage pests, diseases and invasive species is to prevent their introduction in the first instance by dramatically improving biosecurity at our borders. For this reason, the Woodland Trust operates a UK-sourced and grown assurance scheme which ensures that none of the trees it plants or sells are imported, as the noble Baroness, Lady Fookes, mentioned. Will the Government commit to increasing the proportion of UK and Ireland-sourced and grown trees that they plant? I was very interested in the contribution of the noble Lord, Lord Mann, on how this might be tied in with neighbourhood planning.

I turn now to some of the solutions that are available to alleviate the loss of our trees. It is not right, morally or financially, for landowners alone to pay the cost. If stock brought from nurseries proves to be infected, the nursery or supplier should pay the cost of dealing with eradicating the pests that they have passed on. During our debates last year, the Minister was adamant that all poinsettias sold in this country would come from pest-free environments and have a plant health passport attached. This was indeed the case; I checked. While a poinsettia is not an oak sapling, there are ways to transfer such a plant health passport to our precious native trees; the noble Lord, Lord Carrington, referred to that.

Globalisation has negatively impacted many of our native trees. If sufficient resources are not invested in plant health and monitoring of imported timbers, catastrophic pest and disease events may follow. This would affect the carbon sequestration of UK forests, with serious consequences. I urge the Government to tackle this issue.

The grey squirrel damage affects many tree species, reducing the economic functionality of forests to zero and reducing CO<sub>2</sub> sequestration. Many noble Lords have referred to the grey squirrel. Focusing on grey squirrel population control will allow a greater variety and resilience of forests and woodlands, and having better intelligence on what is being imported means that we can take steps to prevent disease arriving here.

There are technological solutions to diseases of trees, most notably the oak. Are the Government considering investing in such solutions? We know from our debates on Kew Gardens that long-term scientific research is invaluable. Investing in science and research will reap future benefits, as referred to by the noble Baroness, Lady Fookes.

Lastly, there needs to be much stronger support for tree breeding for resilience. This will enable our native species to withstand attack from the myriad pests and diseases invading our shores. I look forward to the Minister's response.

2.39 pm

**Baroness Jones of Whitchurch (Lab):** My Lords, I am grateful to the noble and learned Lord for tabling this debate; for setting out so eloquently the challenges facing our prized and loved native woodlands; and for sharing his salutary lesson about the travelling pine cone, which we all took to heart. Noble Lords have contributed a wealth of knowledge to the debate and the Minister has done more than most to raise awareness of the dangers of invasive pests and diseases. The challenge is whether we should be doing more.

I declare an interest as the chair of Rothamsted Enterprises—a part of the world-renowned agriculture research institute—which is working on these issues, including the medicinal benefit of trees, to which the right reverend Prelate referred.

During the course of the debate, all noble Lords have given vivid descriptions of the problems we face. More tree pests and diseases have arrived in Britain in the past 40 years than at any time before then. Noble Lords have spoken passionately about the impact of ash dieback and chestnut blight on their localities and landscape, and species of oak, Scots pine, beech and birch are all at risk from invasive bugs, fungi and bacteria, some of which are already here while others are expected at any time soon.

Noble Lords have also highlighted the particular impact of grey squirrels and have described some novel proposals for their eradication. However, one thing is clear—we need a scientific and humane initiative if we are to control their spread.

There is a concern that our native forests could suffer a similar fate to woodlands in the US, where vast swathes of woodland have been wiped out by invasive species. It comes months after the damaging fires which raged in the Amazon rainforest and in parts of Australia, reminding us all too starkly of the vital role trees play in offsetting global warming and supporting biodiversity. We cannot afford to continue losing vast sections of the Amazon rainforest and the crucial role it plays as a carbon sink; and we cannot afford to lose the UK woodlands and their own contribution to achieving our carbon budgets, a point made by a number of noble Lords.

This is why we support the Government's ambition to plant 11 million trees, even if it fell—pun intended—short of the commitment in my own party's recent manifesto, to which noble Lords referred. For every tree that dies as a result of invasive pests and diseases, the challenge to meet that planting target—which is already behind schedule—becomes even harder. The cost of dealing with the clear-up of diseased and dying trees adds further economic burdens, with estimates of the impact of ash dieback alone as high as £15 billion.

We are all familiar with the causes of the problem which your Lordships have highlighted today. Global warming is having a huge impact because insects which previously have been killed in harsh winter

months are now breeding more than once a year, and our warmer climate is becoming a magnet for new pests which had previously been unable to thrive in the UK. At the same time, the rise in globalised trade of live plants, combined with the impact of travellers often unwittingly hosting pests which hitch a free ride on to our shores, remains a huge challenge.

As noble Lords have made clear, humans bear a major responsibility in this. International travel fuels a taste for exotic plants, and the commercial pressures to feed that demand often outweigh the wider concerns about the impact on our native species. Sometimes the causes can be more mundane but deadly: for example, the use of wooden crates—a perfect vehicle for hungry pests looking for a new home—to transport goods all round the world.

So, what is being done about this challenge? I said at the outset that Defra seems to have a sensible strategy and I am sure the Minister will tell us more about it. The tree health resilience strategy sets out a helpful action plan for combining international collaboration, awareness raising and training with tighter surveillance and controls. However, arguably it lacks the urgency, targets and funding that many noble Lords are demanding today.

I was interested to read an interview with Nicola Spence, the UK's Chief Plant Health Officer, last year. She described the sterling work by inspectors at the ports and airports—often assisted by sniffer dogs—who are trying to ensure that any wood being imported has been treated and is free from invasive pests and diseases. She emphasised the points that noble Lords have made about the need for better communication and vigilance to ensure that citizens take these issues seriously when travelling abroad. She also outlined the campaign taking place to educate travellers about the threats. However, she also rightly stressed the need for more research into prevention and cure. This could enable us—as we are seeing with the planting project in Hampshire—to develop genetically modified pest-resistant trees, as well as the natural microbes which could be enlisted to fight the diseases. Science is key. Can the Minister give an update on how much extra funding is being provided for this critical research and what are the timeframes for the outcomes to be implemented?

At the same time, it was clear that planting more diverse native woodlands with mixed stands of trees rather than relying on a commercial monoculture of tree planting is crucial, again a point made by a number of noble Lords. Can the Minister clarify what steps are being taken to ensure that commercial growers abandon single-species forests and focus on developing more native and resilient habitats instead?

I agree with many noble Lords that we need to focus on planting home-grown saplings and—a noble Baroness made this point—that we need to get on with placing those orders now because, if we are to meet the target of the number of trees we are planning to grow, it will take time to ensure that those orders come online.

I agree that we need better labelling of the country of origin, backed up by proper and respected assurance schemes. I am taken by the suggestion that we could do more to hold nurseries to account. A number of

noble Lords referred to ordering from respected and respectable nurseries but then finding that the stock that arrived was not fit for purpose.

I have reached this point without raising the most urgent issue—the impact on our biosecurity of leaving the EU. This issue was dealt with in the debate last May on the excellent EU Committee paper on plant and animal biosecurity. We have now ceased to be a member state and the Prime Minister has taken every opportunity to restate his determination for the implementation period to end in December even if agreements have not been struck. However, the tree health resilience strategy has at its heart the need for international collaboration and the sharing of research data. We cannot afford to fight this threat alone.

When we have debated these issues before, the Minister has responded that continued involvement in the key EU agencies remains a goal. It is now crunch time: we are out and the clock is ticking. We need to know what will be in place on 1 January 2021. Can the Minister confirm whether the UK wants to continue fully participating in the EU pest and disease notifications systems beyond the implementation period? For example, will David Frost and his team be requesting access to the European alien species notification list beyond December? What contingency plans will be in place if this is not resolved?

Can the Minister confirm that the UK replacement of the EU TRACES system and that IPAFFS will be fully functioning next January? Can he clarify for how long UK laboratories and research institutes will continue to have their EU-derived funding guaranteed? What is the longer-term planning in relation to UK participation in Horizon Europe and other funding sources? Can he give a guarantee that biosecurity inspectors at the ports and airports will continue to carry out their crucial functions unhindered by the need for a new raft of other inspections of goods being imported?

These are huge challenges but we have these issues within our grasp. I look forward to the Minister's response and what he has to say.

2.49 pm

**The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con):** My Lords, I declare my membership of the International Dendrology Society and my farming interests. I have planted a few trees and have seen them, particularly the jubilee copse I planted in 2012, suffer from grey squirrel damage.

I am most grateful to the noble and learned Lord, Lord Hope of Craighead, for securing, at last, this important debate, and to all noble Lords who have contributed. I can say with assurance after reviewing the speakers' list that the expertise your Lordships bring to this debate can surely not be surpassed in any other legislative Chamber in the world.

While it is a privilege to be Biosecurity Minister, I am constantly concerned about the matter. I cannot stress enough the importance I place on keeping our country safe from all invasive species, pests and diseases which present a threat to our trees and plants.

The noble Baroness, Lady Jones of Whitchurch, asked whether we should be doing more. My answer is a resounding yes, which I shall expand on during this

[LORD GARDINER OF KIMBLE]

debate. Whatever our view on leaving the European Union, I see it as an opportunity for us to heighten our biosecurity. It is an issue that we discussed when I gave evidence. One of the opportunities is that we are going to be able to act faster than we have during our membership.

There are so many ways in which our plants and trees are vital natural capital. The noble and learned Lord, Lord Hope of Craighead, spoke about our ecosystem, and other noble Lords spoke about the history of our country. The right reverend Prelate the Bishop of St Albans spoke about healing powers and green prescriptions, and my noble friend Lady Byford spoke of inspirational work in the national forest.

Tree planting is fundamental to reducing net emissions and responding to climate change. We are committed to increasing planting across the UK to 30,000 hectares per year by 2025. Supported by our nature for climate fund, we will overhaul our approach to tree planting and in the spring we will launch our consultation on the English tree strategy. Our proposals for environmental land management will be one of the most important environmental reforms for 40 years. I congratulate the noble Lord, Lord Mann, on his speech, in particular his reference to the net gain in having development that communities choose, in working with developers and in those developments enhancing the environment rather than detracting from it.

Biosecurity needs to be at the heart of all our plans for environmental improvement, so we can do all we can to protect our trees. I agree with the noble Lords, Lord Carrington and Lord Mann, and my noble friend Lord Caithness that there have been mistakes in the past. We must address them. We also need to improve variety and the quality of woodland management. Indeed, it is important that we think of our responsibility for the management of the countryside.

My noble friend Lady Byford and the noble Lord, Lord Carrington, spoke of deer management. It is right that the responsibility for deer on private land lies with individual landowners, who are encouraged to participate in local deer management groups where deer are causing damage. There is also support for deer management under the countryside stewardship scheme, which provides funding for deer management plans and capital items, such as high seats. Forestry England has a programme for deer management across the entire public forest estate. I think we all recognise that more needs to be done.

This year is an incredibly commanding year for plant health as it is designated the United Nations International Year of Plant Health. This is a major opportunity to raise awareness and strengthen biosecurity further. Defra's Chief Plant Health Officer and I will be playing a full role in the UK's contribution.

On the sourcing of trees, we support the Grown in Britain agenda. Indeed, 90% of trees planted in a forestry setting by Forestry England are UK grown, and that has been the position for the past three years. Initiatives which increase domestic production to grow ever more trees and plants in this country are warmly to be welcomed. Tree planting and UK production will be supported by the nature for climate fund and our forthcoming tree strategy.

The noble Baroness, Lady Bakewell, mentioned trade. Easier global travel and trade mean there is now greater diversity of plants and plant products entering the UK than ever before. We trade 22 million tonnes of plant products every year, worth around £14 billion. I hear the calls to prohibit this trade, but we have to recognise—the noble and learned Lord, Lord Hope of Craighead, raised this—that that would not always be the silver bullet. The biogeography of the British Isles means that some invasive pests and diseases cross the channel unassisted in the air, as happened with ash dieback, particularly in the eastern counties, although I do not deny that we have made some grave errors which we are now having to cope with.

I agree with a number of noble Lords, including my noble friends Lord Framlingham and Lady Fookes, and the right reverend Prelate the Bishop of St Albans, that we need to work on increasing capacity and capability in our nurseries to meet demand. Increasing domestic production and growing ever more trees and plants in this country is essential. I agree with the noble Baroness, Lady Bennett, that we need to think about this in the whole system of plants as well as trees. They go together.

Wherever trees are sourced, be it at home or abroad, we must place the strongest emphasis on biosecurity, a point made by my noble friend Lady Byford. At border entry points and nurseries, our officials are on the front line and are targeting their inspections on the highest risk plants and plant products. The Government invest more than £30 million per year in our plant health service. Our inspectors conduct more than 46,600 physical checks per year of high-risk consignments imported from across the world, and they are highly effective. Indeed, I have been to Heathrow and seen that for myself. The UK currently has 24 protected zones for non-native plant pests and diseases. They ban the import of any host plants, unless they meet prescribed requirements to ensure freedom from the relevant pest or disease and are accompanied by a plant passport certifying that. In the UK, we have augmented these measures with national notification schemes for imports of oak, pine, sweet chestnut, plane, prunus and elm and for consignments of solid-fuel wood. These schemes provide intelligence and enable targeted checks. On the point my noble friend Lady Fookes made, later this year we will launch a consultation on quarantine arrangements for those plants deemed to be the highest risk. I should not say this, but I am rather keen on that.

We have introduced new registration requirements for all those who produce, store, move or sell plants and plant products. We have increased the number of goods which require a phytosanitary certificate, so that all plants and living parts of plants, except for five tropical fruits, now require certification upon import to the UK from outside Europe; and 38 high-risk plants, including native trees, are now provisionally prohibited from being imported into the UK from outside of Europe until a full assessment has been carried out.

A number of noble Lords asked what has been done with the tree health resilience strategy. Considerable progress has been made with the establishment of the UK plant biosecurity alliance, the launch of the HTA plant healthy management standard and self-assessment,

the recruitment of more plant health inspectors at the border, the launch of Action Oak, the publication of our oak and ash research strategy and the planting of 3,000 tolerant trees in the UK's first tolerant ash archive. Later this year, we will launch a formal consultation measure on quarantine.

On dealing with outbreaks, unfortunately we cannot eliminate all risks, but when outbreaks occur, the government plant health service, led by our Chief Plant Health Officer, has stringent, tested contingency plans. Last year, following six years' surveillance, we announced the eradication of the Asian longhorn beetle from Kent. I am very pleased that the noble and right reverend Lord, Lord Chartres, mentioned the isolated outbreak of *Ips typographus* in Kent. It too is now under eradication. Last summer, we responded swiftly with emergency legislation to stop the trade in oaks from Europe taller than 1.2 metres—that is the height from which they are susceptible to oak processionary moth. Furthermore, all oaks from outside Europe are now prohibited.

I say emphatically to my noble friend Lord Framlingham that I was furious about this issue, but I can assure him that all the oak trees in the counties that he outlined in his question were located and destroyed. In London and Surrey, where we are seeking to contain oak processionary moth—an issue raised by my noble friend Lord Caithness—the Forestry Commission, local authorities and land managers are working on a programme of treatment and surveillance. I attended a day at the Royal Parks, where trees with 60 nests were being removed. The highly toxic nature of these pests means that we need to work on this.

*Xylella* was raised by the noble and right reverend Lord, Lord Chartres, and the noble Baroness, Lady Bakewell. We are playing a leading role in monitoring the risks from *Xylella*, ensuring that we have the most robust protections in place. We already have stringent import restrictions on the highest-risk hosts, such as olive trees, and we are reviewing what additional requirements are needed. I assure your Lordships that we will not hold back from introducing further measures; the Chief Plant Health Officer knows of my appetite on that.

Ash dieback was raised by the noble and right reverend Lord, Lord Harries of Pentregarth, as well as the noble Lord, Lord Vaux, and the noble Earl, Lord Cork and Orrery. I remember from my childhood the loss of elm in the Vale of Aylesbury, and in the farm at Kimble where we lost great friends in those trees. I want to offer some hope amid this gloom. We have published our research strategy, and indeed invested money, with renowned institutions such as Kew, Cambridge, York, the James Hutton Institute and the John Innes Centre, to assemble the genome of the pathogen, estimate the ecological impacts of the disease and conduct the world's largest genetic screening trials for disease tolerance. I mentioned the archive of 3,000 tolerant ash trees; this tolerance is heritable. We are looking to use those trees in—I emphasise the words—an escalated and accelerated breeding programme to repopulate our landscapes. This is not only for the trees themselves but because of the ecosystem consequences.

I say to the noble and right reverend Lord, Lord Harries, that we recommend felling only if it becomes a safety issue. I say also, to the noble Earl,

Lord Lytton, that we are supporting landowners to manage diseased ash, establishing an ash dieback health and safety task force, and providing guidance and grants to replace trees. We are also working with local authorities because, clearly, that is extremely important. As far as private landowners are concerned, government grants are provided to support the felling of infected ash under the Countryside Stewardship scheme and grants for restocking are also available.

My noble friend Lord Home spoke about resistant elm cultivars. The most recent report of the trials—one of which has been initiated in Hampshire—was produced in 2019. Our research shows that the prospect for ash is far more favourable than for elm over the long term. Part of what we know is that the genome of the ash is much wider than the elm.

I turn to the grey squirrel. How could I not acknowledge the noble Earl, Lord Kinnoull, and all that he and the UK Squirrel Accord are undertaking? With support from Defra, the accord's research to develop an oral contraceptive as an effective method for controlling grey squirrel populations is delivering promising initial results. Fertility control has the potential to reduce grey squirrel populations and the spread of the squirrel pox virus. I am very much aware of our responsibilities—a point raised by my noble friends Lady McIntosh and Lord Colgrain. Our commitments under the Invasive Alien Species (Enforcement and Permitting) Order 2019 are hugely important. We recognise that we need greater resources for prevention and response to invasive species, and this will be under consideration.

On scientific expertise, the UK has been at the forefront of plant science for many years. Kew is a global and unparalleled resource for plant and fungal knowledge and collections. The Forest Research agency is the largest employer of forest scientists in the UK. I say to my noble friend Lord Framlingham that our UK Plant Health Risk Register contains details of more than 1,000 plant pests and pathogens. We are investing in research and evidence to understand pests and diseases and find new ways to tackle them; we invested more than £37 million between 2012 and 2019.

Last year, the Biotechnology and Biological Sciences Research Council and Defra announced a new £13 million research fund to address threats to plant health from bacterial pathogens. I acknowledge the work of the noble Earl, Lord Devon, and all at Powderham for their co-operation in the ongoing work on sweet chestnut blight. Research is under way to inform long-term management and investigate whether an effective biocontrol can be developed in the United Kingdom. I say to my noble friend Lord Colgrain that Action Oak is a pioneering, collaborative partnership, raising funds for ambitious research. Under this umbrella, we are funding seven new PhDs on oak, and the University of Birmingham is investigating the natural resistance of native oaks in the arms race with pathogens.

I say also, to the noble Earl, Lord Devon, and the noble Baroness, Lady Jones of Whitchurch, that we are advising diversifying species and provenance to help woodlands become more resilient to pests, diseases and climate change. I have a list before me—aspens, beech, birch, cherry, field maple, hornbeam, oak, lime,

[LORD GARDINER OF KIMBLE]  
rowan, sycamore, willow—and then the words “et cetera”. The importance in biosecurity is to make sure we have variety and range.

The noble Lord, Lord Thurlow, raised phytophthora. This is clearly an issue of great concern. The Government have had a comprehensive programme of disease control in England since 2012; over £30 million has been provided to fund surveillance, detection, disease management, and so forth. I agree with the noble Baroness, Lady Bennett, and the noble Lord, Lord Carrington, about the choice of tree species. The point again is that diversity in our woodland species, and genetics within species, in adapting to climate change is hugely important.

Any future changes to plant health and official controls legislation will continue to be based on principles of providing high levels of biosecurity. I say to the noble and learned Lord, Lord Hope of Craighead, that my ambitions are to raise biosecurity. On tax incentives, this is way above my pay grade and something for the Chancellor, but we are preparing to consult on an English tree strategy, which will explore what policies are needed to support our domestic nursery sector.

Nurseries, foresters, landowners, landscapers, charities, trade bodies, gardeners and scientists all have a major role to play. Defra has worked with industry to establish a senior UK plant biosecurity committee of representatives from across these professions—indeed, we will be meeting in Kew next week—with the aim of constantly raising biosecurity standards in the UK. The Plant Healthy assurance scheme is an initiative of this new alliance and will be launched by the Horticultural Trades Association, in collaboration with Grown in Britain, this year. Across the country, consumers will be able to recognise the Plant Healthy brand—I am so relieved that the noble Baroness, Lady Bakewell, was able to provide assurances about poinsettias—and buy with greater biosecurity confidence, which is so important. Raising awareness of good biosecurity is essential. The Government promote the Keep It Clean and Don't Risk It! campaigns.

We are all united in our determination to protect our trees. We must invest and use the scientific expertise we have in this country, while also—I emphasise—working closely with other countries across the world as well as with the devolved Administrations. We all have an interest in enhancing our abilities to counter threats and diseases. In this battle—it is a battle—I am in no doubt that the noble and learned Lord, Lord Hope of Craighead, and all your Lordships, will be in the vanguard of these vital endeavours.

3.09 pm

**Lord Hope of Craighead:** My Lords, on both my behalf and that of the noble Earl, Lord Kinnoull, I thank all noble Lords who have taken part in this fascinating and very important debate. I thank the Minister for a very detailed and helpful reply, which I am sure we will all want to study with some care when it appears in *Hansard*.

The debate has drawn attention in the most powerful way possible to the scale of the problem that we face. We have covered many parts of the country, from

Devon, east Kent and Wiltshire to South Yorkshire, Wales and Scotland. We have heard detailed descriptions from people who really know what they are talking about of the problems that they face. Of course it is right to say that landowners bear a responsibility for looking after the trees that they have on their land, but the Government have a major part to play too because of the resources and powers that are available and the initiatives that they can take. I hope that what has come through the debate is the message that we look to the Government for initiatives, particularly in the realm of biodiversity, which will seek to address the problem.

There is a curious paradox here. Someone said, although I cannot remember who it was, that a person working in woodlands had said it was the safest job he had ever had because you do not see the results. It is a long-term process; trees take many years to develop. But the problems we face are the complete reverse; they are not long-term problems at all but urgent. It is very dangerous to think of planting wide areas of woodland when we face issues that could destroy them before they even have a chance to get going. So this is a major problem and an urgent one, but we can feel encouraged that the Minister will do his very best to respond to it.

I was very taken with the tribute paid by the noble Baroness, Lady Jones of Whitchurch, when she said that the Minister had done more than most to raise awareness of the impact of these diseases. I believe that is true. He is very well placed, because of his knowledge and experience, to carry forward the message that has come from this debate. We very much look forward to the results of that, which, as I say, are short-term, so many of us are young enough to see the results of that although we may not see the trees grow to their full potential. I beg to move.

*Motion agreed.*

## Online Harms Legislation

### Statement

3.12 pm

**The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con):** My Lords, with permission, I would like to repeat a response to an Urgent Question. The response was made earlier today by my honourable friend the Minister for Digital and Broadband in the other place on the Government's response to the consultation on online harms. The response is as follows.

“This Government are taking significant action to tackle the issue of harm taking place online. There is widespread consensus that online platforms must do more to make sure their services are safe for all users, particularly children, while also promoting freedom of expression online. Strikingly, far fewer parents now believe that the benefits of their child being online outweigh the risks, falling from 65% of parents in 2015 to 55% last year. This is a worrying trend that we must address. We can keep the benefits of the digital economy only if we can improve trust and confidence in technology and tackle what erodes it.

The online harms White Paper published last April proposed a statutory duty of care enforced by an independent regulator. Since its publication, we have consulted on our proposals and announced our intention to legislate in the Queen's Speech. The evidence given during the consultation will help us get the balance right between an open and vibrant internet and one where users are protected from harm. Yesterday, as set out in a Written Ministerial Statement, the Government published our initial consultation response on GOV.UK. The response set out our proposed direction of travel following the consultation process. We will publish a full response in the spring before bringing forward legislation.

There are four specific points raised during the consultation that I would like to bring to the attention of the House. First, we must ensure that in aiming to make the internet safer we do not inadvertently stifle legitimate debate. We will place safeguards in legislation, giving companies and the regulator the responsibility to protect users' rights online, including to freedom of expression. We will also introduce greater transparency about content removal so that users can appeal if their content is taken down.

Secondly, we know that greater protections are needed to keep young people safe online. The new regulatory framework will require companies to take steps to prevent children from accessing age-inappropriate content and to protect them from other harms.

Thirdly, some consultation responses raised concerns that the regulation would place undue burdens on sites where opportunities for harm to occur are limited. Our legislation will be proportionate and risk-based, affecting only those companies where there is risk of harm. The duty of care will apply only to businesses facilitating the sharing of user-generated content—for example, through comments or video sharing. Only around 5% of UK businesses provide such functions.

Fourthly, the regulator will ensure that in-scope companies have appropriate systems and processes in place to protect users from harm, especially children and the most vulnerable.

We are minded to appoint Ofcom to regulate online harms, building on its experience and expertise to make further progress on this important issue. We also yesterday appointed Ofcom to regulate video-sharing platforms under the audio-visual media service directive, which aims to reduce harmful content on these sites. This will provide quicker protections for some harms and activities and will act as a stepping stone to the full online harms regulatory framework.

We will publish a full consultation response in the spring, setting out further details of our plans ahead of legislation. Alongside this, the Home Office will publish voluntary interim codes of practice to set out what companies should do to prevent terrorist use of the internet or child sexual exploitation and abuse on their platforms. We are confident that this publication, and the other plans we are driving forward, will help to make Britain the safest place to be online and the best digital economy in the world."

3.17 pm

**Lord Griffiths of Burry Port (Lab):** My Lords, I am grateful to hear that repeat of the reply in the other place. We have been building a narrative around these

questions since April last year, when the online harms White Paper was published. Many of the themes adumbrated there continue to be repeated because we can now see clearly where the main focus of action will take place.

I have a couple of questions. The first is about the regulatory framework and regulation in general. The balance between freedom and constraint will always be what we debate as the actual measures come before us. We hear on the news this morning that the technology companies will be fighting hard to keep their corner. We have decided to come out of the European Union but the EU is framing its own regulatory responses to this same question, so my first question is: at this critical time, are we in touch with others who are forming responses to these questions so that, as far as humanly possible, we can have across-the-board harmony between those seeking the safeguards we are talking about?

My second question concerns the suggestion that we might give this responsibility for oversight to Ofcom. Of course, it comes with its own plaudits and track record—nobody has any doubt about that—but it continues to accrue to itself more and more areas of responsibility. I must say that in the preliminary discussions I have been party to, I heard more than once the suggestion that using another regulator—perhaps one doing an apprenticeship with Ofcom—might be a more appropriate way forward, with an eventual separation of bodies, as it were. We would not want, through this accumulation of responsibility, to diminish Ofcom's capacity and insight. Can we expect any gratification from our anxieties in this area?

**Baroness Barran:** I thank the noble Lord for his questions. On what is happening in this area internationally, including in the EU, we are watching and liaising closely with other countries. This is a global issue by its very nature. We do not want that liaison to hold us up—we are keen to make progress as quickly as possible—but we are co-ordinating.

No final decision has been taken on Ofcom, although the former Secretary of State was clear when she said that she was "minded to appoint Ofcom" as the regulator. There is now a programme of work to look at how this would work in practice. We will be able to confirm more on that later in the spring, but there is a clear commitment to make sure that the resources are available to make this work well.

**Lord McNally (LD):** My Lords, I understand that when my noble friend Lord Clement-Jones raised this matter during Questions, there was harrumphing from the Neanderthals on the Minister's Back Benches about such impudence. It is worth reminding ourselves that this is not a gentlemen's club; it is a House of Parliament where government is held to account. I therefore welcome the Government's quick response in supplying this Statement.

I welcome the responsibilities being given to Ofcom. What worries me is that in three or six months' time, the Minister will be at the Dispatch Box saying, "Unfortunately, Ofcom has not been able to do the preparatory work needed", because it has neither the

[LORD McNALLY]

funds nor the mandate under present legislation. That is why I urge her again to consider adopting my paving Bill, which was drafted in co-operation with the Carnegie Trust and which any Government might have brought forward anyway. It gives a chance for action this day on the preparations needed, which Ofcom could get on with.

There is also the matter of the Minister referring this morning to a Cabinet Office committee looking at some of the issues covered by the committee of the noble Lord, Lord Puttnam, concerning damages to democracy. Who does that committee report to? Is a Minister responsible for its work? When we will have a report on its work?

Also, there was pressure in the Commons this morning for pre-legislative scrutiny. That would waste time but I urge the Minister to consider giving both the DCMS Committee and the Communications Committee in this House the job of taking the first look at Ofcom's work.

Finally, I want to put on record that last night, the Minister, Matt Warman—it is no use the Whip glaring at me, I have not taken as long as the noble Lord, Lord Griffiths. I will not be bullied by the Whip; she should go out if she does not want to listen to me. Last night, Matt Warman spoke at a round table and was brilliant. I hope that praise from my quarter does not damage his future political career. Perhaps I can avoid that by putting on record that I think Dominic Cummings is doing a wonderful job.

**Baroness Barran:** I thank the noble Lord for his kind comments about my honourable friend. As he knows, we share many of the same objectives. I know that officials in the department have found liaising with the noble Lord very helpful; I hope that work can continue.

On the Cabinet Office committee, the Government set up the Defending Democracy programme to pull together existing work and expertise from a number of departments. It is led by the Cabinet Office. I will write to the noble Lord with more detail on that.

**Baroness Finlay of Llandaff (CB):** My Lords, I also thank the Minister for updating us. I declare my interest as chair of the National Mental Capacity Forum.

I want to put on record my concerns about the initial consultation response, which talks of protecting users' rights online, harmful activity and a company breaching its duty of care. We must make sure that we are aware that "age-inappropriate" does not go with only chronological age. Many people cannot cope with things that younger people can, although their age on paper is older, because of developmental delay or whatever.

We must also be aware that people become vulnerable to health harms, quite apart from the obvious horror of child pornography. That includes aggravating sites that encourage suicide, eating disorders and mental illness generally. There are also sites that hook people into debt. Even shopping sites do it; it is not just gambling sites. For example, if you purchase something on Amazon, you may find that have inadvertently

contracted with Amazon Prime. Undoing that contract is not simple. If you live independently and are supported as the second principle of the Mental Capacity Act requires, but you do not have the cognitive skills to find your way to undoing that contract, you can find yourself locked into paying a lot of money and inadvertently getting into debt. All the good that is being done for independent living can rapidly be undone.

**Baroness Barran:** The noble Baroness puts her finger on an important point. The task of defining vulnerability will be a key element in our work between now and the spring. Forgive me if my answer is brief but it is a complex and important area.

**Baroness Meyer (Con):** My Lords, have Her Majesty's Government taken into account what other countries are doing to tackle online harms?

**Baroness Barran:** We are liaising on developments in the EU and globally but, as I said to the noble Lord, Lord Griffiths, we will not let that slow us down.

**Lord Brooke of Alverthorpe (Lab):** My Lords, will the Minister also look at my Private Member's Bill on children's well-being and online harms?

**Baroness Barran:** I can make no promises as there is apparently a reshuffle this afternoon, but I will endeavour to look at it whatever the outcome.

## Smart Motorways

### *Question for Short Debate*

3.28 pm

*Asked by Baroness McIntosh of Pickering*

To ask Her Majesty's Government what assessment they have made of the safety of smart motorways and what plans they have to review their policy towards them.

**Baroness McIntosh of Pickering (Con):** My Lords, I welcome the opportunity to hold this debate. I start by recording my condolences for those who have lost loved ones or suffered serious injury in an incident on a smart motorway.

When smart motorways were first discussed, I sat on the RAC Foundation Public Policy Committee; I am currently a subscribing member of the RAC club. At that time, I expressed in the strongest possible terms real and grave concerns on safety grounds, as smart motorways clearly pose an immediate danger to the drivers and occupants of cars—particularly where they might break down on a hard shoulder that is being used as a running lane—as well as to other motorway users. While the existing road structure may have been deemed to lead to congestion, that a broken-down vehicle could clog up what was essentially used for emergency purposes as a hard shoulder was surely unconscionable.

The department appears to use a formula based on a points system to assess road safety elements. Points are allocated according to the number of casualties or fatalities caused by an unsafe road either to justify motorway improvements or the construction of a roundabout. If the formula of the points-based allocation is not met, nothing will happen. I know this to be the case with roundabouts from personal experience. Many people before me had campaigned for a roundabout to be built on the northern access to the town of Easingwold in the former constituency of the Vale of York. My predecessors had been very vocal in this regard. On election day 1997, three people were killed at the exact spot of the requested roundabout. As a result of that tragedy, the requisite number of casualties had been reached and points satisfied, and the roundabout was built.

I will leave the Minister, whom I am delighted to see in her place, to describe smart motorways and their purpose. Essentially, they rely on technology to make use of the hard shoulder. Initially, the pilot was cautious, opening up hard shoulders only at peak times, with emergency refuge areas closely spaced. Then in the early 2010s, plans emerged to turn motorway hard shoulders into permanent running lanes—managed motorways known as all-lane running. Later, they became smart motorways and the Highways Agency decided to space the emergency refuge areas further apart.

As I understand it, there are currently three types of smart motorway scheme: all-lane running, dynamic hard shoulder, and controlled motorways. The Highways Agency surely believed at the time that the design would be as safe as existing motorways, but it recognised the increasing risk of a vehicle breaking down in a live traffic lane. Highways England, as it became, estimates that congestion on motorway and major road networks in England costs £2 billion every year, yet it acknowledges that 25% of that congestion results from incidents on those motorways.

The safety record of smart motorways was not good and has deteriorated. Thirty-eight people died on smart motorways in the five years to January this year. On one section of the M25, the number of near-misses since the hard shoulder was removed in April 2014 increased from 72 in 2014 to almost 1,500 in 2019. That is staggering.

Clearly, every fatality represents a human tragedy and wasteful loss of life. I want to refer to just one: the case of a mother who was killed on the M6 elevated area. The driver pulled over, but the hard shoulder was in use as a dynamic lane where there was no emergency refuge area or exit for 2.5 miles. I would say that that death was preventable.

Cars which break down in a live lane leave occupants fearful whether they can safely exit the vehicle or whether they will be spotted if they remain in it. Highways Agency figures show that it takes on average 17 minutes to reach a vehicle in such circumstances.

A welcome pause came on 30 January this year when my right honourable friend the Secretary of State—I do not know whether he is still in position as we speak; the Minister indicates that he is, so I congratulate him—stated that the M20 and other stretches of road

will not be opened as planned as smart motorways until the outcome of the government review is known. I hope that my noble friend the Minister will take this opportunity to speak as freely and openly as she can to let us know what the state of that review is.

I want to take a moment to consider the alternatives, of which there are essentially three. First, I know that many such as the AA would scrap smart motorways and hard-shoulder running lanes and revert to using hard shoulders as they were originally intended, allowing police, ambulance, fire and other emergency vehicles to access injured occupants as quickly as possible. The second option is to increase the number of existing emergency refuge areas so that, in the event of a breakdown, there is more chance of a vehicle reaching the emergency refuge area. Thirdly, we could widen existing carriageways or increase the number of lanes from three to four, albeit they may be narrower.

How will such improvements be paid for? While I recognise that hypothecation is not normally permitted, one or two motorways have been seen to benefit recently from hypothecated funding. I urge the Government to consider spending road tax revenues on improving road safety and investing in an alternative infrastructure to smart motorways, thereby making our roads safer.

I want to end with a number of questions for my noble friend the Minister. Does she agree with, and will she have regard to, the words of the national chair of the Police Federation of England and Wales, who has said that smart motorways are inherently dangerous, put lives at risk and are death-traps? No one should know better than the police and other emergency personnel how unsafe smart motorways have turned out to be.

Can the Minister put our minds at rest that cost savings have not been chosen over human life and road safety? Will the Government take this opportunity to reverse the priority and either return the hard shoulder to its original use or increase the width and number of lanes?

As asked in *Local Transport Today*, is it acceptable that a risk should have consciously been designed into smart motorways in order to deliver the benefits of increased road capacity? Surely the benefits of road capacity must be secondary to the fundamental safety of those using the motorways.

Smart motorways may have been considered as safe as traditional motorways, but that has been proved not to be the case. Even when they were initially piloted, it was known that they could have been safer. It is unacceptable that cost appears to have been chosen over road safety, and what a cost it has been. Now is the time to end the speculation, to end this catastrophic experiment and to put safety first.

Cost and saving money must not trump road safety.

3.37 pm

**Baroness Randerson (LD):** My Lords, I am grateful to the noble Baroness, Lady McIntosh, for introducing this debate. She spoke with great passion and I agree profoundly with her sentiments.

In the face of rising motorway congestion, the vision of a lower-cost way of expanding our motorways was very tempting, but careful safeguards were built in

[BARONESS RANDEKSON]

right at the beginning. Unfortunately, that vision was compromised, as the noble Baroness said, by cost-cutting measures. A key one was a reduction in the frequency of safety lay-bys. Although they were originally envisaged to be every 600 metres, we now hear of one example where they are 2.5 miles apart. We are informed that the frequency of lay-bys was reduced to shave 2% off the cost of a motorway. If we compare that with the cost overrun on HS2, for example, it puts it in perspective.

Safety in the vision of smart motorways depended on four factors: frequent safety lay-bys; the use of radar to enable virtually instant identification of stationary cars in the inside lane, so that the lane could be closed; regular and frequent highway patrols; and widespread public education about how to use these motorways. None of these has happened in the way it should have—and that change of policy occurred not with public debate but by stealth. People, as the noble Baroness pointed out, have died as a result. One of the most worrying statistics about smart motorways is the number of near-misses. Noble Lords who have driven along them will know that they are very scary.

I strongly welcome the Secretary of State's stocktake. It is absolutely essential and I fully support it. Will it be published and, if so, when? I asked a Written Question on this, but the Answer did not include that information. It is essential that this stocktake is done as soon as possible and that the information is published. It must set new clear standards for smart motorways, and I would urge an annual review of the effectiveness of those standards.

There is recent information that it will be three years before we see radar on the stretches that have already been installed. To my mind, that is far too long; we cannot have three years of unsafe operation. The Government should return these stretches of road to hard shoulders again until radar is installed—I urge the Minister to consider this.

I asked the previous Minister about the M20 in the run-up to Brexit preparations. The reply I got was that it was as safe as other contraflows. Contraflows are temporary arrangements, and it worries me that the Government are perhaps using two different standards for measuring the safety of smart motorways. Can the Minister update us on the situation on the M20 and the permanence of all-lane running there? In the short term, one solution to the problems faced on smart motorways is that the speed limit could be reduced significantly. Are the Government considering that as a solution? It is of course important that those speed limits are properly enforced.

Finally, I raise the issue of electric vehicles. When an electric vehicle ceases to function, it stops; it does not coast in the way that other vehicles do. Smart motorways are supposed to be the future, but the future is electric. Those vehicles stop very suddenly. They also cannot be towed; they have to be put on a low-loader, which is a much more complex and longer process that will put rescue teams in greater danger. So can we have special consideration for how these new motorway layouts will operate when there are lots of electric vehicles on the road?

3.43 pm

**Lord Jordan (Lab):** My Lords, I too congratulate the noble Baroness, Lady McIntosh, on the way in which she has introduced this subject. I declare an interest as deputy president of RoSPA. When the first smart motorway experiment opened on the M42 in 2006, it showed great potential for improving the situation caused by the growing congestion on Britain's motorways. Using technology, new techniques were developed to better manage the increasing volumes of traffic. Warning systems eased and even averted traffic jams, alerted motorists to congestion points and proved invaluable in emergency situations.

These improvements led Sir Mike Penning, former government Minister and chair of the All-Party Parliamentary Group on Roadside Rescue and Recovery, to approve the 2010 rollout of the smart motorway programme. But the developers of the system allowed their quest for more speed and more capacity to eclipse the need for safety by giving the go-ahead to permanently converting the hard shoulder into running lanes on around 300 miles of motorway. The all-lane-running motorway had arrived.

The consequences of that ill-thought-out decision were vividly illustrated in the BBC's recent "Panorama" programme, which revealed—as the noble Baroness has said—that 38 people have been killed in the past five years on the UK's smart motorway network. The all-lane-running policy is the fatal flaw in the smart motorway system. The Minister will hear this theme running through many of the contributions. It has made the job of the emergency rescue services infinitely more difficult. It increases the risk of breaking down in a live lane and, as we have heard, even the police have branded the scheme a death-trap.

All motorists who have ever driven on a motorway fear the possibility of their vehicle suddenly losing power, but reassure themselves that they have a good chance of reaching the safe haven of the hard shoulder. Unfortunately, all four types of smart motorway that have been introduced have, in varying degrees, removed that haven of the hard shoulder for a motorist in distress. In an RAC survey last November, 68% of drivers in England thought removing the hard shoulder put people whose vehicle breaks down at greater risk. These fears are well founded, as a freedom of information request sent by "Panorama" to Highways England revealed that on one section of the M25 the number of near-misses has risen twentyfold since the hard shoulder was removed in April 2014.

While we in the safety industry think the Government's decision not to open the M20 and other stretches of road as smart motorways is a step in the right direction, 38 avoidable deaths tell us that this is not enough. Regrettably, unless further remedial action is taken, more people will die. We are told by the Government that an imminent review is expected to recommend a major overhaul of the smart motorways scheme. That is welcome. In that exercise I ask the Government to reach out and embrace the expertise and experience of the road safety industry. The Royal Society for the Prevention of Accidents can and will play its part. We should remember that lives are in danger on more than 200 miles of smart motorway in the UK now, so

I ask the Minister to urge her colleagues in the Government to take time to bring in the things that will make our motorways safer and more effective, but to lose no time in removing the things that are making our motorways kill.

3.49 pm

**Lord Fairfax of Cameron (Con):** My Lords, I also thank my noble friend very much for bringing this debate on a pressing current issue. I first thought of speaking in this debate because, like many drivers, I have experienced the congestion that has occurred during the construction of these motorways. That would have been fine if one had ended up with a really good product in the end, but as we have heard from some speeches already, that is the opposite of the case. Also, of course, like other drivers, I have seen exactly how dangerous the abolition of the hard shoulder obviously is: it is simply common sense. However, having looked at it in a little more detail in preparation for speaking, I see that the situation is actually far worse.

As noble Lords have heard, 38 people have died on smart motorways in the past five years and there has apparently been an almost 2,000% increase in the number of near-misses on one section of the M25. Even more worrying, I read that two former Roads Ministers have gone on record as saying that they were misled—a strong word—by the Highways Agency about the safe spacing of refuge lay-bys on smart motorways. They were told that these would appear every 500 metres when there was all-lane running, whereas in fact they have been every mile and a half or so. The Police Federation has also gone on record as saying that it has always opposed the introduction of smart motorways on safety grounds. The Highways Agency has apparently introduced radar technology to detect broken-down vehicles, but on only 25 miles out of a total of 400 miles of the smart motorway network, contrary to its pledge of 100%.

In these circumstances, it is no wonder that the Highways Agency is facing legal claims for corporate manslaughter arising from some of the tragic deaths on smart motorways. I also read that more than 250,000 people have signed a petition to have smart motorways stopped. I know that my family, for one, feels exactly this way. I have to say that in my view, given all these facts and the speeches that have been made this afternoon, I find the word “smart” somewhat offensive. I think it is originally an American word, and I am partly American, so I am familiar with it. There is a word beginning with “d” and ending with “b” that is the opposite of “smart” if you are an American, and I suggest that that word is more appropriate to the situation. In more parliamentary language, it is certainly reckless and perhaps very ill advised.

In closing, I put two questions to the Minister, and I am not necessarily looking for an answer this afternoon. First, how much has the construction of the smart motorway network cost to date, including the economic cost of all the traffic delays and congestion caused by that construction? Secondly, we have heard about the 38 people who have tragically died on the smart motorway network in the past five years. In addition to that, how many people have been injured or seriously injured?

3.53 pm

**Lord Snape (Lab):** My Lords, like previous speakers I thank the noble Baroness, Lady McIntosh, for introducing this debate. It is apparent that smart motorways have few friends—other than perhaps in the Department for Transport. Those of us who have used them are aware of the dangers and see from time to time the awesome consequences of all four lanes of traffic being in use at exactly the same time.

My noble friend Lord Jordan referred to the BBC “Panorama” programme—I do not know whether the Minister saw it. She might have lots of free time to watch television, given what we are hearing in the media, but we wish her well as far as her future, at least in this House, is concerned. My noble friend referred to the example given in the programme of the number of deaths on smart motorways. The programme also gave lists of near-misses on the M25 on those parts of it that have been converted into smart motorways. I am not quite sure where the BBC got these figures, but it publicised them during the programme and in writing since. Prior to these parts of the M25 being converted into smart motorways, there were 72 near-misses on one particular stretch. Following the conversion there were 1,485 near-misses on the same stretch. So it is apparent to most of us that making running lanes of all four lanes is inherently dangerous.

What can we do instead of spending money on widening our motorways and making many or all of them smart motorways? I will make a couple of constructive suggestions that the Minister might like to look at. We ought to have a driver education programme, inspired perhaps by the department, on keeping to the left on motorways. We are all familiar with the middle-lane hogger. My estimate from driving around is that something like 40% of private motorists never use the left-hand lane anyway and will sit in the middle. They are the same ones who, after millions of pounds have been spent converting three-lane motorways to four-lane ones, leave two empty lanes on their left-hand side, because they then sit in lane three at 50 miles per hour.

The former Secretary of State, Mr Grayling, announced in publicity for which he was famous, if for nothing else, that people would be prosecuted for middle-lane hogging. I have asked a Question since about how many people have been prosecuted. I cannot get the figures because evidently they are not centrally kept, but my view is that, given the general lack of traffic police on our motorways and roads these days, that figure would probably be less than a dozen over the two or three years since the law was changed. So the Minister might consider some aspects of expenditure other than on smart motorways.

It is an accepted fact all over the world—except in the corridors of the Department for Transport—that the more road space you create, the quicker you generate more traffic to fill that space. The noble Lord, Lord Fairfax, said that he was partly American and had spent part of his life in the United States. In southern California, there are 12-lane highways between Los Angeles and San Diego. It takes six hours to travel between those cities on a Friday afternoon because all 12 lanes are full of traffic. It does not make any sense,

[LORD SNAPE]

other than in the corridors of the Department for Transport, to generate more traffic, particularly in the pollution-conscious age we are supposed to be living in. Yet those are the policies that we have followed under successive Governments, and if we try to curb the private car—I am as guilty as anybody else; I drive a car, like most noble Lords—we are told that this is a war on motorists. Well, if it is a war, it is a war that is currently not being won very well.

I am not alone in my aversion to smart motorways; nor are noble Lords in this place. I looked online this morning at an organisation called Change.org which has set up an online petition against smart motorways; this morning, no less than 270,358 people had signed the petition and hundreds more are signing on a daily basis. That shows the department and transport Ministers that there is genuine concern about and an aversion to what is happening on our motorways. Like the previous speaker, I do not think that they are particularly smart at all. A combination of driver education, more traffic police and a more sensible transport policy on the private car is long overdue. I look forward to the Minister telling us that this will happen.

3.58 pm

**Baroness Bennett of Manor Castle (GP):** My Lords, I thank the noble Baroness, Lady McIntosh, for this debate and apologise for missing the first few seconds of her very clear introduction. I join the noble Lord, Lord Fairfax, in questioning the terminology of “smart” motorways and intend to refer to them as “all-lane running” motorways instead.

I declare my personal interest in road safety and the reason for it. When I was 23, I was in a car crash in which my mother was killed. I know what it is like to go through this experience. I know what the impact is like on families, emergency services workers and everyone who sees and is around that experience. For that reason I am passionate about Vision Zero, a policy which aims for no fatalities or serious injuries on roads and which was first adopted by the Swedish Parliament in 1997. It has since been adopted by a number of US states, where between 1997 and 2014 they had a 25% faster fall in road fatalities than those that had not adopted it. The Mayor of London has also adopted this policy, with a target date of 2041 for London. Will the Government consider taking this approach? All-lane running motorways are absolutely out of line with that approach. Indeed, they take us in utterly the wrong, opposite direction. It is acknowledged that, to achieve Vision Zero, a key aspect is road design. As many noble Lords have set out before me, the clear evidence is that this road design is disastrous and dangerous.

There is another reason why I wanted to speak in this debate. Near my home city of Sheffield, there is a 16-mile stretch of the M1 where five people have died in the last 10 months. One of those was Jason Mercer, who was killed by an HGV after he had had a minor incident with a driver called Alexandru Murgeanu. They were both killed when they stopped to exchange details by the side of the road on this all-lane running motorway. I pay tribute to his widow Claire, who has been at the absolute forefront of campaigning on this

issue and continues to be. But Claire should not be in the position that she is in now, because, as we have heard from previous noble Lords, there are growing calls for the Government to take action to reverse this disastrous policy. We need to end this danger now.

I will very briefly address an issue beyond road safety: the innately flawed approach that is behind this. It is well known that the term “induced demand” is used in traffic engineering: if you build more roads, you create more traffic. Opening up the hard shoulder is equivalent to building more roads. As the noble Lord said about 12-lane highways, they just fill up. There is a way to increase the capacity of our motorways, and that it is to reduce speed limits. With reduced stopping distances, we could actually fit more cars onto the road. However, it probably will not surprise noble Lords that, as a Green Party Peer, I am not looking to increase the amount of traffic on our roads. We focus on road safety in terms of crashes, but road safety has many other aspects as well, such as air pollution. The area of Sheffield to which I was referring—a very poor area—suffers very badly from air pollution. The last thing it needs on its roads is more cars and the accompanying pollution.

Finally, I will pick up a point made by the noble Baroness, Lady Randerson, about education. As noble Lords will be aware, I am certainly a very large user of social media, but the first time that I saw any safety information from the Government about the whole issue of all-lane running motorways was when I opened the House of Lords briefing for today’s debate. I have not seen anything anywhere else. I am perhaps representative of people rather younger than myself, but surely we should ensure that we reach young drivers through social media campaigns and education about what is happening on our roads.

4.03 pm

**Lord Berkeley (Lab):** My Lords, I also congratulate the noble Baroness, Lady McIntosh, on securing this debate. It is a very important subject and we do not seem to be getting very far with our concerns. I share the fear and worry of many other noble Lords: with no hard shoulder, driving is quite a frightening experience because everywhere, not just on the hard shoulders, people are driving too close. They do not seem to see parked vehicles until it is too late and they cannot stop or divert. In the old days—I suppose when I started to drive, 100 years ago or so—you were always told to keep enough distance from the vehicle in front of you so that you could stop if it stopped suddenly. That certainly does not happen nowadays.

What can be done? The noble Baroness mentioned the Swedish experiment, which is very interesting. It has achieved a significant reduction in the number of deaths. But there has been a curve between the deaths when it started, in 2000, and now: there was a significant drop in the first three years, then it levelled off. That is exactly the same as has happened here, according to the latest *Road Safety Statement* for 2019. That rather indicates that the low-hanging fruit has been picked already and we have to do something more radical.

In this country we have around 1,770 deaths each year on the roads, and 26,000 people are killed and seriously injured. That is a terribly high figure. As noble

Lords have said, every one is a serious personal tragedy. What are we going to do about it? We can debate ad nauseam whether motorways are riskier or more threatening than other roads. What would happen if the smart motorways were abolished and speed limits introduced? There would probably be more delays, but is a delay not better than a death or a serious injury? We all think it will not happen to us until it does.

I suppose this is a bit of a refrain of mine: we need to enforce the law. Speeding is one thing—the law is easy to enforce, but that does not happen as often as it should. However, we need a step change. I have suggested for a number of years that when you compare the legislation for other safety activities, including on the railways, which is led by the Health and Safety at Work etc. Act, it means that you all have to operate in a manner that is as safe as is reasonably practicable. That means that as the driver, you have the responsibility for acting safely, and if you do not, the enforcement is pretty high and pretty heavy. It applies in many parts of industry, and on the railways, and I cannot see why it cannot apply on the roads as well.

The easiest way would be for the Office of Rail and Road to be given responsibility for road safety. On rail, if you contravene the railway legislation, which is based on the Health and Safety at Work etc. Act, you will get into serious trouble. The statistics bear it out. Last year, on the railways there were 17 passenger fatalities on the main line and on the Underground. We can leave suicides to one side, sadly, because that is a difficult subject. However, there were no train accidents involving fatalities, whereas, as I said, there were 1,770 road deaths and 26,000 people killed and seriously injured. I know that if you measure the fatalities per mile travelled, you can come up with all kinds of things. However, the ORR's approach to road safety puts the responsibility for avoiding accidents and driving safely on the person driving. They are often at work—many usually are—and Ministers should seriously look at that as a way of dramatically reducing road deaths.

4.08 pm

**Lord Rosser (Lab):** My Lords, I add my congratulations to those expressed to the noble Baroness, Lady McIntosh of Pickering, on securing this timely debate.

The Government have obviously been aware that there is a problem for some time; the Secretary of State announced last autumn that they would be conducting a review, or evidence stock-take, of smart motorway safety as there were concerns that people were dying on them. What precisely were the figures on deaths and injuries on smart motorways that led the Government to institute the review, and when will we know its findings?

The Oakervee review into HS2 was also started last autumn and has already been completed, with some consequential decisions taken by the Government. Why then has this review into smart motorway safety not also been completed by now, bearing in mind that people's lives could be at stake? Just how independent is a review led by the Department for Transport, which is hardly an impartial bystander on this matter? A review, if it is to be credible, has to look at the role and decisions of the Department for Transport and Highways England.

Last month, as a number of noble Lords have said, a freedom of information request told us that 38 people died on smart motorways in the last five years and that, on one section of the M25, since the hard shoulder was removed in April 2014, near misses had increased from 72 that year to 1,485 in 2019. A letter published recently in the *Times* read:

“In 2003 I was the police service's national operational lead for the implementation of the M42 active traffic management scheme. The M42 scheme is 11 miles long and has emergency refuge areas (ERAs) sited approximately 500m to 800m apart, with more than 50 signage gantries. It has virtually total CCTV coverage, with more than 200 cameras monitoring all running lanes. When smart motorways were being planned I and a few others expressed our concerns about safety, particularly the expansion of the gaps between ERAs, but to no avail. Fatalities might have been avoided had the design of smart motorways not strayed from that of the M42 active management scheme. Smart motorways should be urgently reviewed and compared against the M42 scheme still in operation.”

Could the Minister say whether the in-house Department for Transport review is taking the advice of the *Times* letter writer, and reviewing and comparing smart motorways against the M42 scheme opened in 2006 and still in operation?

Smart motorways are not all the same. On some, the hard shoulder is opened at busy times; on others, it is permanently converted into a traffic lane. Regularly spaced refuge areas are used for emergencies. Smart motorways are intended to relieve congestion by increasing road capacity faster and at less cost than traditional road-widening schemes. New technology is being introduced to mitigate risks to road users, with a stopped-vehicle detection system operational on the M25.

Highways England and the Department for Transport say, in the *Road Safety Statement 2019* published in July 2019:

“Early indications suggest that the more recent all lane running smart motorway schemes are also delivering a safety benefit.”

Could the Government say why, if that is the case, just three months later the Government, through the Secretary of State, announced a review into smart motorway safety?

The All-Party Parliamentary Group for Roadside Rescue and Recovery published a report into all-lane running smart motorways. The group concluded that the rollout of these smart motorways should be stopped until safety measures are put in place on all existing stretches of all-lane running motorways, including retrofitting smart motorways with stopped-vehicle detection systems. The RAC says that two-thirds of drivers tell it that the permanent removal of the hard shoulder compromises safety in the event of a breakdown.

An earlier report, from the Commons Transport Select Committee in 2016, stated that it was unable to support all-lanes running due to fundamental safety concerns. The Committee said:

“The All Lane Running design has been chosen on the basis of cost savings, and it is not acceptable for the Department to proceed with a less-safe design, putting people's lives at risk, in order to cut costs.”

On 22 January, the Minister of State at the Department for Transport said, in a Commons debate:

“The Secretary of State is, as we speak, putting the finishing touches on a serious package of measures”—[*Official Report*, Commons, 22/1/20; col. 111WH.]

[LORD ROSSER]

and that the package of safety measures would be “announced imminently”—obviously not that imminently, since it is now three weeks later and, as far as I know, we have heard nothing more. I hope the Government, in their response today, will be able to tell us more about the current position on addressing the safety of smart motorways than the Minister of State, who accepted there was a problem, did just over three weeks ago.

4.14 pm

**The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con):** My Lords, my noble friend Lady McIntosh has provided an opportunity to debate a very topical subject and for that I thank her and all noble Lords who have contributed. I take this opportunity to share my deepest condolences with the families of those who have tragically lost their lives, and of course with the noble Baroness, Lady Bennett, who has shared her story with us today. I have had the honour of meeting Meera Naran, the mother of Dev, who died last year. To honour his death and those of many others, we must redouble our efforts to make all our roads as safe as they can be.

Being in a vehicle is risky and dangerous. Although we have some of the safest roads in the world, nearly as safe as those in Sweden, around 1,500 people die every year. Motorways are the safest type of road. The fatality rate on an A road, for example, is four times higher than that on a motorway. But any death on our roads is one too many and where changes can be made, they should be. Furthermore, I recognise, as do many people in my department, that some drivers feel less safe on a smart motorway than on a conventional one, and we understand that. That is why the Secretary of State asked the department to carry out an evidence stock-take to gather the facts about the safety of smart motorways and to speak to a wide range of families and stakeholders to understand what could be done to make people feel safer. The stock-take will be published shortly.

Smart motorways increase capacity by around a third and help tackle congestion on some of our most busy roads. They help people get from A to B as well as keep our freight moving. They enable us to increase capacity while minimising the amount of additional land required. This has environmental benefits and it means that capacity can be added more quickly. But safety must be a priority. Highways England’s objective is to ensure that a stretch of road that is converted to a smart motorway is at least as safe as it was previously, and that is what the evidence stock-take is looking at.

It is worth reflecting on the conversion of a hard shoulder to a running lane—a key feature that increases capacity on smart motorways—and then looking at the provision and spacing of the emergency areas that essentially replace the hard shoulder and which can cause concern. It is worth noting up front that the hard shoulder on a traditional motorway is not a safe place to stop. One in 12 fatalities on a motorway happens on the hard shoulder. In contrast, there have been no fatal collisions in emergency areas on smart motorways. Furthermore, research shows that approximately 90% of

stops on the hard shoulder of conventional motorways are unnecessary; they are simply not emergencies, and they involve putting not only the drivers themselves at risk but their passengers. We will come back to this again and again: public information and public awareness are key to road safety, and that is just one example of where it really would make a big difference.

In today’s schemes, the emergency areas on smart motorways are spaced at a maximum of 2,500 metres, which is about every mile and a half, so at 60 mph, a driver can get to one in under 90 seconds. A number of noble Lords have mentioned the closeness of the spacing of the ERAs on the M42. I will write in more detail about that because it is very important to understand that the M42 did not have the same system as we have now. It was a proof of concept and it is not the same system, so it is not comparable. However, as I say, I will write to explain.

Highways England undertook a review and found that there was no consistent correlation between the number of live-lane stops and the spacing of emergency areas, while the improved reliability of modern vehicles means it is rare that drivers are unable to reach an emergency area if they need to stop. Although there is no consistent correlation between the number of live-lane stops and the spacing of emergency areas, it is important that users feel as safe as they should. Highways England is therefore making a number of changes to the design of emergency areas, so where my noble friend is concerned that cost is given priority over safety, it is a fact that safety—or more specifically, the perception of safety—is in this circumstance being prioritised over cost. The specification for the maximum spacing of emergency areas on new schemes has been cut by a third from 1.5 miles to 1 mile, so a driver travelling at 60 mph would get to one within 60 seconds. This will help drivers feel more confident that they can find a safe place to stop in an emergency. All emergency areas will be fitted with orange surfacing to make them more visible and better advance signing to give information on exactly how far it is until you reach the next one.

One concern noted by many noble Lords is the risk of a live-lane breakdown. I hear and understand concerns about these breakdowns. Some of the images and telephone calls from smart motorways highlighted in the media were utterly heart-breaking. But it is also worth recognising that live-lane breakdowns can and do happen on any road. They happen on smart motorways, yes, but also on conventional motorways, dual carriageways—which often do not have a hard shoulder—and blind corners in country lanes. They happen, so what do we do about them? We must do what we can to minimise their risks in the circumstances in which they occur. On smart motorways we have technology that can help reduce that risk. In all those other circumstances, we do not.

A regional traffic control centre is usually made aware of a vehicle stopped on a smart motorway either by an alert from a traffic flow system—they monitor the cars as they pass under the gantries—then verified by CCTV, which there is along the entire stretch of smart motorways, or by the driver themselves or a member of the public calling the police, who then immediately notify the system. On a smart motorway the red X is then activated to shut the lane, alerting drivers to the

incident, and speed limits are put up to slow the approaching traffic. The system can also be used to create an emergency access lane, if needed.

This goes back to education again, does it not? Observing the red X is a key part of motorway safety. In partnership with the police, Highways England has issued more than 180,000 warning letters to drivers who incorrectly drove along a lane with a red X in a number of smart motorway locations. These letters are having a positive effect, but we need to get the red X up as quickly as possible. We need to reduce response times in setting the red X and the other traffic management systems that work with it.

Highways England has installed stopped-vehicle detection on two sections of the M25 and will shortly install it on part of the M3. I point out to noble Lords that stopped-vehicle detection is very useful but is not a silver bullet. As noble Lords will know, radar was built to detect moving vehicles—things that move either through the sky or along the ground. If something is stopped, radar is not necessarily 100% accurate. It can help, but more technology is coming down the track. Highways England is looking at image-based technology, which may also be able to help.

What does one do if a vehicle is stopped on a live lane? What happens next? I noted reports in the media that the AA will not let its patrols stop in live lanes to help stranded motorists. That is very good, because they are absolutely not expected to. Highways England worked closely with the entire recovery industry to develop guidance on safe recovery from smart motorways. Vehicle recovery operators are never expected to work in a live lane on a motorway—not just a smart motorway—unless the scene has already been made safe by traffic officers or the police. Throughout the design and development of smart motorways, there has been extensive consultation with the emergency services to ensure that they have safe and effective operating procedures. This includes getting a vehicle off the road and to a place of safety.

I note the comments from the noble Baroness, Lady Randerson, about electric vehicles. When I first heard this, I was absolutely astonished. Quite frankly, this is applicable not just to smart motorways but to every single road. We will need to be able to move electric vehicles, wherever they happen to stop or end their days. I assure her that I will now look into it with great gusto, provided I keep my job. Work is under way to look at short-term measures to make sure we can get electric vehicles off to places of safety as quickly as possible, on whichever road, because that certainly would be a large drawback to the introduction of electric vehicles.

Highways England signed a national agreement with the police, fire and ambulance services setting out the principles of operating smart motorways and responding to incidents, along with other regional operating agreements to cover the individual schemes within their areas. Even in heavy congestion, some traffic is usually able to pass the scene of an incident, creating enough space for drivers to pull over and allowing the emergency services to pass. If that does not work and there is a significant blockage, the police can access the incident from the other side.

A number of noble Lords mentioned near-misses. These figures have been bandied around. I wonder whether any noble Lords have looked into what these near-misses mean, what they are or where those figures came from. They are raw data and are probably correct, but there has been such an upturn since 2015 because there has been a massive increase in proactively reporting things that are called near-misses but might be very minor issues along the side of the road. None of the 1,485 incidents recorded on the M25 in the report resulted in any injuries at all.

I do not have long, so I will touch briefly on awareness. This all comes back to awareness. There is so much we must be doing to help our drivers drive safely—not just on smart motorways. I want our drivers to be driving more safely on every single road in our country. Anecdote and gut feel cannot be the main drivers of the critical decisions we face when it comes to road safety. We need to analyse the evidence.

As I mentioned, the evidence stock-take will serve as a significant measure to inform the public on how the Government will proceed with smart motorways. Safety on our roads is critical. We have an excellent record on road safety and our motorways are the safest roads, but still people die—around 1,500 a year. For as long as I am Roads Minister, that keeps me up at night.

## Adoption Support Fund

### *Motion to Take Note*

4.26 pm

*Moved by Lord Russell of Liverpool*

That this House takes note of the All-Party Parliamentary Group for Adoption and Permanence's Report *Investing in families: the Adoption Support Fund beyond 2020*, published in July 2019.

**Lord Russell of Liverpool (CB):** My Lords, I thank the usual channels and Cross-Bench colleagues for allowing me and the noble and learned Lord, Lord Hope, to have a third bite of the cherry with our debates, having fallen foul of the non-Prorogation and the general election. I declare my interests as a governor of Coram and as an officer of the All-Party Parliamentary Group on Adoption and Permanence, whose report we are discussing this afternoon.

The adoption support fund, usually abbreviated to the ASF, was introduced in England in May 2015, championed by the then Minister for Children, Edward Timpson—happily re-elected to the House of Commons in December. His personal experience informed his belief in what the fund could achieve. He was brought up in a family with two adopted siblings and his extraordinary parents fostered an additional 90 children. Edward grew up with a deep understanding of trauma because he saw it unfolding all around him. The fund was specifically designed to find alternative and creative—I emphasise that—ways to enable families to deal with the effects of trauma on the behaviour and well-being of adopted children. It was set up with a five-year term, due to end this year.

[LORD RUSSELL OF LIVERPOOL]

As our report says, the fund has been, and is, a great success. I congratulate the Government and the Department for Education on making such a positive difference to families and children who were at, or near, breaking point. The Government have invested over £150 million, providing therapeutic support for more than 38,000 families. Since the cost of each child in the care of the state is around £34,000 per annum, one can do the maths: £1.3 billion for children in care, as opposed to eight and a half times less when children benefit from the therapies provided by the adoption support fund. How cost effective is that?

I was fortunate to be present at Coram for the launch of National Adoption Week last October, when the Secretary of State for Education, Gavin Williamson—whom I see has retained his job—announced the extension of the fund to 2021, while also revealing his own personal commitment, having grown up in a family with a foster sibling.

So, the Government have a success on their hands. They have extended the fund for a further year and the department has been resolutely consistent in saying no more than that its future will be considered in the upcoming spending review. I shall try to articulate the case for its long-term continuation and measured expansion, and suggest how it can be even more successful in helping to mitigate the effects of trauma, and in so doing transform and improve the lives of adoptees and their families, saving the state a huge amount of money. To borrow from the words of Mark Antony: I come here to praise the Department for Education, not to bury it.

There are six key recommendations in the report. I assume that the department has studied these carefully so I shall not bore the Minister or the House by repeating them in detail. Instead, I will flag up some specific points for the Minister and the department. The first is prevention versus cure, or how to prevent trauma happening in the first place. Harriet Ward was one of the authors of the 2012 book, *Safeguarding Babies and Very Young Children from Abuse and Neglect*, which detailed the results from following the lives of a sample group of children at risk from birth to three years old. Of that sample, 66% were identified as being at risk before they had even been born. Of the two-thirds of the sample still with their families at age three, 43% were judged to be at significant risk of harm from their own parents. By age three, 50% of the children in this study displayed serious behavioural problems or developmental delay.

This is partly where trauma starts. I urge the Department for Education and the Department of Health to assess and potentially extend initiatives such as the Oxford Parents Under Pressure pathway, the London and Glasgow Infant and Family Team and the Norfolk Parent-Infant Mental Health Attachment Project, and to build the learnings from these into discussions during the spending review about how to prevent and/or mitigate the onset of trauma.

Secondly, it is time to reassess the target audience. Initially the fund focused on adoptive families, which subsequently extended to special guardianship families. A third group is kinship carers. One size does not

fit all, but I urge the Government to develop their understanding of the needs of each group and to target those specific needs as much as possible. This could be achieved partly by providing more effective publicity and information about the availability of the fund, but one might consider renaming the fund so that it can reflect better its target audiences.

Thirdly, it would be good to understand the consequences of the fund's success. It was designed to find alternative and creative ways of enabling adoptive families to deal with trauma, and its success has, in effect, created a substitute mental health service without normal governance and scrutiny. An unintended consequence is that some NHS child and adolescent mental health services—CAMHS—use the existence of the fund as a means of excluding adoptees from accessing those services. Can the department, with the Department of Health, please consider the best means of co-ordinating and clarifying services, so that children do not unintentionally suffer?

Fourthly, how do we ensure adequate and appropriate clinical input? How can we resource and embed this better to enable optimal evaluation of need and effective delivery of services? Can the department study best-practice organisations such as the Birmingham Children's Trust, ably led by Andrew Christie, the chair of the Adoption and Special Guardianship Leadership Board? The trust provides a comprehensive and holistic process which analyses need, develops an individual plan for each client and then acts as the advocate for the family in its interactions with the fund.

Please could the department consider hiring and embedding in-house clinical experts within its own ASF team? Please could the department specify a requirement for Mott MacDonald, which does an excellent job of administering the fund on its behalf, to hire and embed clinical expertise within its application processing teams? Please consider recommending that every local authority should have a qualified, designated trauma lead who colleagues can refer to for advice.

Please review why voluntary adoption agencies are unable to apply to the fund directly, or at least consider the practical solution of allowing social workers to delegate applications to those agencies but with the final sign-off remaining with the designated social worker. The current lack of sufficient clinical experts to help social workers evaluate applications is placing an unfair and unreasonable burden on them. They are not clinical experts, so give them access to the real experts to ensure the children and young people get the appropriate assessment and therapeutic help.

Fourthly, how could we future-proof the fund? The fund was always intended to tap into, and to help stimulate, a market in therapeutic support outside the clinical mental health suite of services. As the fund has grown and broadened, assessing and focusing on what works best and what is worth experimenting with has become more challenging. The fund is currently assisted by the aforementioned Adoption and Special Guardianship Leadership Board and by the DfE, local authority and regional adoption authority user group.

Please could the department consider creating a specialist ASF advisory board which would be able to assess, advise and recommend on improvements

and adjustments to the fund in real time? This could include creating a formal evaluation process for measuring effectiveness.

The organisations that provide and develop the therapies that the fund enables children and their families and guardians to access crave the degree of certainty that will encourage them to invest, innovate and expand. This can come only from confidence that the fund has long-term support.

The Minister will be pleased that I am the end of my wish list of questions. I thank Edward Timpson and his DfE team at the time of the fund's launch for having had the courage and insight to create the fund. I thank Rachael Maskell, the chair of the APPG, for her passion, humanity and gentle but effective leadership; and give a big thank you to the team which supports the group and makes our work possible.

Above all, I thank the individuals and organisations which gave evidence to our inquiry. We received 1,600 responses, hearing from 247 children and young people, 1,212 parents and guardians, 115 therapists and 74 social workers. We are particularly grateful that the Department for Education participated in the inquiry and it was extremely helpful to hear directly from Christina Bankes, the deputy director of children in care and permanence.

Finally, I thank those who will speak in this afternoon's debate. We are speaking on behalf of children and young people who have had, through absolutely no fault of their own, early life experiences which can blight their lives and the lives of those who love and care for them. Please listen to their voices and to their heartfelt thanks for what the fund is achieving. They are unanimous in asking for its continuation. I beg to move.

4.38 pm

**Baroness Massey of Darwen (Lab):** My Lords, I am delighted that the noble Lord, Lord Russell, has obtained this debate and has set it out so admirably. I shall not repeat his well-made points and so I shall speak briefly. I am also grateful to the All-Party Parliamentary Group for Adoption and Permanence for its persistence in supporting families and children involved in the adoption process.

Adoption procedures have improved greatly over many years. Adoption agencies have contributed to the dialogue and to the action on it. The adoption support fund, ASF, introduced in May 2015, was a welcome and important development.

As the noble Lord, Lord Russell, said, the all-party group is calling for a commitment from the Government to put the ASF on a longer-term basis until 2030. It also calls for more support for local authorities in taking on the administrative burden placed on them by the ASF.

Adoption has been on the agenda in your Lordships' House and in Parliament generally for many years. The noble and learned Baroness, Lady Butler-Sloss, who cannot be here today, has wisely led many initiatives, drawing on a lot of experience of our systems of adoption care for children. I want to recall something she said on 16 May 2013 on a Motion to Take Note of the report of the Adoption Legislation Committee that she chaired. She said that

“we had very much in mind the right of the child to be brought up in his or her birth family, whenever possible, and the right of ... children to respect for their family life ... sadly, not all children are able to remain with their birth families. The welfare of the child is the paramount consideration.”—[*Official Report*, 16/5/13; col. 594.]

So it is, of course. The noble and learned Baroness had written earlier of the importance of post-adoption support to families. She wrote, very tellingly, that the committee realised that implementing the recommendations “will take time, commitment and money”.

She went on to say that that money was well spent in providing children with loving, caring homes and keeping them safe by means of adoption. How true, and how much worse the situation would be for children being cared for without structures and funding to enable them to thrive. That is what this debate will emphasise.

The Children and Families Act 2014 was thoroughly debated in your Lordships' House. It covered a number of issues related to vulnerable children, including adoption and children in care. It put the best interests of children at the heart of decision-making. I repeat that that does not come cheap, but it is vital if we are to support children who may be in serious trouble and who may cause serious trouble without intervention, such as the ASF. This House has always been supportive of doing the best for children, and that tradition is carried on in today's debate.

I am pleased to see that children were consulted in the APPG report. The messages from children in the report are moving and powerful, such as that the fund “has helped me in tough situations”,

and

“I learned to calm my body down”

and

“I don't know where I would have been today without it. The fund has helped me stop doing drugs, being violent, feeling suicidal and self-harming.”

I hope that such comments and the report will convince the Government that the ASF is essential to support adoptive children and families. I go back to the regular plea to the Government from so many of us: to spend money on early intervention rather than waiting for problems to build up and possibly become out of control. Not only is it humane to provide such early intervention, it also saves a great deal of money in the long run in relation to anti-social behaviour, educational achievement and health outcomes. Some 79% of parents have said that the ASF is meeting a need not found anywhere else.

I want to turn briefly to the evaluation of the ASF in 2019. I found it very interesting. First, it recorded that the fund has clearly been a positive force in relation to child development, including behaviour, family functioning and the well-being of adoptive parents. Parental comments in the evaluation are significant and indicate a need for more therapeutic support; respite support; more flexibility in the scope of the fund, such as links with education; and improvements in the response of social workers and the fair access limit, which makes some types of support unavailable. Do we have up-to-date figures on uptake of the fund, and by whom? Are there geographical differences? Is take-up more prevalent in certain parts

[BARONESS MASSEY OF DARWEN]  
of the country than others? If so, why? Are there socio-economic differences? Are some people—special guardians, for example—missing out? I am aware that the fund is available only where the child was looked after immediately prior to the special guardianship order.

I want to give a specific example. I became aware of the needs of grandparents who care for children some years ago when I was involved in a drugs organisation. I learned that grandparents may take over looking after children when the parents cannot cope, are in prison or dead. Grandparents may become special guardians. The need for support for grandparents in these circumstances is enormous. Some are looking after more than one grandchild, and grandparents are ageing. Many do not take up special guardianship. Many find the bureaucracy of filling in forms, applying for support and seeking help daunting. A grandmother once said to me: “I should be reading to my grandson rather than spending hours filling in forms.” Kinship care is often very successful, with good outcomes, but many such carers feel overwhelmed by administrative detail and form-filling.

Are local authorities given the means to make adoptive parents aware of the ASF, and to support them? Who else promotes awareness and supports applications? I repeat my question to the Minister: what detail do we have on the take-up of the ASF? Is this an area to look at and improve on? If he cannot provide an answer today, maybe he could write to me and others speaking in this debate.

I welcome this opportunity to discuss the adoption support fund. I hope that our concerns will be noted by the Government, and that the good work of the noble Lord, Lord Russell, and his colleagues in the APPG for Adoption and Permanence is appreciated. I look forward to the Minister’s response.

4.46 pm

**The Lord Bishop of Worcester:** My Lords, I add my congratulations and thanks to the noble Lord, Lord Russell of Liverpool, for securing this debate. I declare an interest: mine is one of the 50,000 or so families who have received support from the adoption support fund. I am immensely grateful for that support. It came at a very difficult time after the death of my wife, my children’s adoptive mother, six years ago, when they were very young. It was invaluable. That is the most important thing I have to say this afternoon. It is a privilege to be able to speak from first-hand experience as an adoptive parent and as someone who has benefited immeasurably from the ASF. I am no longer in receipt of the fund but I offer my heartfelt thanks—to the Government for this excellent initiative, to the all-party parliamentary group for its excellent report and to Home for Good, the wonderful charity involved in compiling that report. I add my voice to those asking for the ASF to be continued after the spending review so that others are able to access the crucial help that it gave us.

Being an adoptive parent has brought me untold joy, but the great demands of being such a parent need to be recognised and appropriate support given.

My children are not among the three-quarters of adopted children who, according to the Department for Education, have been removed from their birth families because of abuse and neglect. That heartbreaking statistic brings home how vital it is fully to comprehend the necessity for support of the sort we are discussing. That said, it is also crucial to be aware that all adoptive children will face challenges as a result of what adoption specialists term “the primal wound”—being separated from someone to whom they have been attached, not just psychologically but physiologically in the womb.

It is not surprising, therefore, that adopted children and young people are statistically more likely to be involved in the criminal justice system and to need mental health support; the complications that some adopted children face at school and at home are very great. We should note that—as the noble Lord, Lord Russell, intimated—any such support will enable considerable long-term savings for the Government in the future by reducing the child’s likelihood of exclusion and engagement with the police.

Feedback from parents and children who have accessed the scheme, like me, has been overwhelmingly positive. According to the Adoption Barometer survey, 94% of those who received support from the fund are likely to apply again in the future, with four out of five parents who accessed it saying that it had a significant positive impact on their child and family situation. Such positive feedback makes it clear that for many parents the fund is a vital service. As the noble Baroness, Lady Massey, noted, the charity Investing in Families reported that 79% of parents state that the fund is

“meeting a need which cannot be met elsewhere”.

Mental health and family support should be easily accessible to all children and parents, but in this case the vulnerability of the children in question means that the fund is a vital source of support, not only for the health, happiness and well-being of the child but for the parents, many of whom are unprepared for the realities of the complexity that often surrounds the adoption of a child. Many parents go into adoption full of good will but without the skills or training to support their child, and may have only basic knowledge of their child’s background or psychological history.

The ASF not only equips children with the tools to help to look after their own mental health and process their past but equips parents with the skills and confidence needed to support their child. As a mental health practitioner in East Sussex explained, nearly all the parents they came into contact with

“underestimated just how demanding some of these children’s needs were and found themselves at a complete loss on how to parent such challenging behaviour.”

However, the practitioner went on to say:

“Once the family receive therapeutic services it opens up all kinds of opportunities for them. In addition, family life can slowly return to some ‘normality’ once adoptive parents have the skills, knowledge and support for their child.”

The adoption support fund has been found in multiple surveys to prevent or reduce the risk of adoption breakdown. It hardly needs to be said that such breakdown is devastating for everyone involved, particularly the children.

As one might expect, and as the noble Lord, Lord Russell, observed, there is room for improvement in the operation of the fund. Most significant is the impact of long waiting lists, coupled with a general lack of knowledge of its existence. However, it has been working well. In anticipation of this debate, I was in touch with a very experienced and well-respected clinical psychologist in Worcestershire, Dr Kim Golding, who has been working with and supporting families of looked-after and adopted children for over 30 years. She is an expert in the sort of therapy that we received, dyadic development therapy, an excellent and effective intervention. She states that she has witnessed at first hand

“how this fund has helped these families get the support that they need.”

Dr Golding stresses the importance of understanding the needs of adoptive families, not just the children in question. When many think of adoption, they envision a fairytale ending to a story. The reality is of course very different. As she observes:

“Adopting a child from care means adopting a child who comes with a history of trauma, separation and loss of birth family. The impact of this experience is felt by the child and all family members. This can make the parenting of this child extremely challenging. Ordinary parenting does not come near to meeting the complex needs of a child who is grieving the loss of previous parents (birth and foster parents); who has learnt not to trust in the parenting that they are now receiving and who anticipates that they are going to lose this too, often with a sense of identity formed around them being a bad kid who somehow deserved what has happened to them. This can lead to a range of challenging behaviours”

and vulnerabilities. Dr Golding stresses the need for “wraparound support”, where packages of intervention are focused on, rather than single instances of therapy or counselling. The nuanced history of many children in care and adoption means that there are no easy fixes. She says:

“Interventions are needed in a timely manner and for as long as needed”,

and should involve a range of teams and specialists working in collaboration to create and implement a package of interventions for families. She states:

“The impact of trauma does not resolve quickly, and it can reassert itself at critical developmental stages throughout a child and adult’s life.”

This longer-term intervention should be supported and recognised as vital.

Additionally, as I have intimated, Dr Golding says:

“Such therapy will only be helpful if the support needs of the whole family are also met. Therapy and support is needed for the whole family and not just the child.”

As a judge observed at the time of our first adoption, conception is often a biological accident but adoption is always an act of love. That act of love is undertaken by adoptive parents for the child on behalf of all society. They deserve the support of all society as they live it out.

4.55 pm

**Lord Triesman (Non-Aff):** My Lords, I have a similar interest to that of the right reverend Prelate to declare. I am blessed to be the father of an adopted and wholly remarkable young girl, who brings us huge joy. Like the right reverend Prelate, at least in respect of one aspect of her care, we have benefited from the fund’s

existence. I know exactly what he is talking about. I also declare an interest as a member of the all-party group and of various self-organised adoption groups—the sort of groups that most adoptive parents find themselves in at one time or another.

I spent some years involved with and learning about adoption. I found that there is always something completely new to learn. I am particularly grateful to my noble friend Lord Russell of Liverpool for his outstanding leadership at Coram and for his ability to marshal and explain data that appears obscure to many people but is handled by him with a great deal of elegance and directness, which I value enormously. Although he cannot be here today, I also thank my noble friend Lord Listowel—he has also been a great force in this type of discussion or discussions about children in general—and I thank the other members of the all-party group. They are colleagues of great knowledge and commitment; I am honoured to be associated with them, as I am honoured to follow the right reverend Prelate the Bishop of Worcester’s fine contribution.

If noble Lords will bear with me, for the next minute or so I want to try to describe why some of the things that happen feel so difficult. About 20 years ago, I chaired a national inquiry into housing benefit. I recall that inquiry today because, in it, we took evidence on the administration of housing benefit from more than 400 local authorities, from recipients and from those in the voluntary sector. Almost all of the local authorities had developed their own procedures. What they did was completely unintelligible—as unintelligible to them as it was to me. They had managed to wrap it in completely unintelligible language as well. Some of it was mysteriously linked to the procedures in other local authority departments with which they in housing benefit had never spoken—even when we found that their offices were next door to one another. Those other departments, which administered things such as free school meals or whatever, also spoke in equally mysterious codes and had equally labyrinthine processes.

I mention all this because, with the housing benefit, nobody—including its Minister—understood what was intended for some of the most deprived and struggling of their fellow citizens. Benefit recipients and authorities—everyone on both sides of the process—described their experience as like wandering in a strange land through a pea-soup fog. So I asked the inquiry to start again. It would assume the role of an out-of-work single mum of an adopted child in Easterhouse in Glasgow. Who and why on earth would anyone make her life more difficult and more uncertain? The inquiry would do its job in my view only if it could set out the value of housing benefit and the problems that it was supposed to address, so that we and that theoretical mum could understand it at the end of the process. Of course, we failed, but it was worth trying.

Adoption has many of the same characteristics. All the data speak to educational and developmental problems which we need to address. It will not be easy; the issues of attachment are complex. The desperately poor start in life that some children have because of drinking, addiction and instability on the part of their birth

[LORD TRIESMAN]

parents has already been described—fortunately, I have not experienced it. Those parents were never chosen by the child, but it is in their shadow that the child then lives. The overlapping conditions, the spectrums, can be punishing for any child and confusing for their adoptive parents and schools.

The multiple interventions for someone whom we really can help far better reminds me of that housing benefit experience. The harder your life is, the higher the hurdles we seem to erect for them to clamber over. The noble Baroness, Lady Massey, wisely mentioned evidence from children given to the all-party group. They were able to explain their challenges and their appreciation of the adoption support fund. The higher the hurdles, the less resilience and sense of agency we provide for a child. Where we need scaffolding, we run the risk of far too little of it—far too little support for both the kids and their adults at home or in school. Parents and schools need systematic and coherent guidance; otherwise, it is simply too hard, too bewildering and too dispiriting. You want to do better for the child, but you find that you cannot.

It is not my aim today to be negative or to feel dispirited—I am in the same mood as my noble friend Lord Russell on this—but I just want us to do better if we can, very much in the spirit of Edward Timpson. I readily acknowledge the advances that have been made by Her Majesty's Government, the value of the adoption support fund and the positive ministerial approach of Damian Hinds and of the noble Lord, Lord Agnew, in this House. I acknowledge, too, the interventions of a former member of the Government, Andrea Leadsom—who I gather is not a member anymore. Theirs have been key contributions, as have been those from opposition leadership, including Lucy Powell MP and the noble Lord, Lord Watson, in our own House.

There is much that has been done which we can admire, but the job is at best part done. What might we learn now, guided by the report that we have in front of us, by leading headteachers such as Stuart Guest in Birmingham and Robin Warren in Camden and not least by the remarkable and unflinching parents who came to the all-party group to give evidence or who write to me—and, I suspect, to others in this House—more or less daily? First, the value and success of the adoption support fund are undeniable. Its continuation was an excellent step. I know all the arguments about spending reviews—as a Minister, I have made most of them in my time and usually felt completely dispirited by being asked to do so—but a childhood is a long-term investment. Being a citizen is a long-term commitment. If we were talking about dialysis, for example, no one would dream of saying, “We’ll consider access to machines just for a year or two at a time.” The case for doing it in the long term has been made enormously powerfully by the noble Lord, Lord Russell, and others today.

Given what we know about childhood mental health and diminishing personal resilience—subjects on which Matt Hancock MP and others have spoken eloquently—we know that we must back long-term remedial approaches as surely as we know we will face the long-term costs or the dire alternatives if we fail to treat kidney disease properly. No long-term plan is not

a long-term option. What guarantees can the Minister give today, aside from saying that there is a spending review, which we all know?

I mention this only briefly, because I do not think it is the meat of this, but can the Minister also give some further guarantees to ensure that children adopted from care abroad will have the same education rights as kids adopted from care in the UK? He may respond by saying that he now knows that there is Private Member's Bill before the House, but it would have been so much better if the Government had done it themselves.

The mind-boggling complexity that I referred to earlier relates to the fact that so many adopted children receive multiple diagnoses. The issues of attachment are often accompanied by sensory disorders, which may present as autism, attention duration problems, DCD, dyslexia and so on. Some kids may also, on top of that, be naughty. These are all things that happen in normal life. In the literature, misdiagnosis of a condition is frequent. Most significantly for today's debate, it is the attachment issues that are considered last or not at all in that general mix. Parents may know and say that it is an issue to which they attach the greatest importance, given how much they know their child, but there are too few experienced school staff to recognise the issue properly. Exclusion tends to emphasise a breakdown in attachment. The evidence on rates of exclusion for adopted children should ring every alarm bell for us. I can say with certainty that it does for the parents who write to me.

I remain concerned about the general resilience and confidence of children—and of many of their teachers. You do not have to be a child with a problem to know that there are many challenges in life, but you may need a toolkit to handle the issues or the stress. They need to have those to become autonomous people.

Notwithstanding all that, there is a special and particular benefit that could be achieved. In our debate on 14 May, I suggested that a specific champion for adopted children be designated. The noble Lord, Lord Agnew of Oulton, made a response which is of course in *Hansard* from that day, saying that there were new systems in place and the Government needed to evaluate them. His officials may be learning from the initiative and studying it closely, but I tell noble Lords today that the overwhelming flow of parents' reports that I get and the generous time that some schools have given me tell me that it is not working well. A qualified trauma lead in each local authority with real expertise would be a good start, as has been suggested. Some virtual heads do exist, but in many areas they do not. This is not yet an answer. I ask the Minister to return to the idea of having a champion who argues the case consistently and knits together the evidence.

5.07 pm

**Baroness Smith of Newnham (LD):** My Lords, I rise as perhaps the only person in this debate who does not have an interest to declare and does not speak with expertise on the matter. Normally in your Lordships' House, this would be something to be avoided and I did think long and hard before I put my name down to speak, but it was clear that it was important to have

somebody from these Benches speak in this debate. The issue of adoption and, in particular, the adoption support fund, is not a party-political matter, and the APPG is obviously cross-party. Equally, it is important that your Lordships be aware that these Benches take the matter very seriously. As my colleagues who had been part of the APPG and contributed to the report could not be here—my noble friends Lady Walmsley and Lady Hamwee, and Norman Lamb, who was in the other place—I put my name forward to speak.

As is conventional in such circumstances, I congratulate the noble Lord, Lord Russell, on pressing for the debate and being third time lucky in securing time for it today. I also thank the all-party parliamentary group for putting together such an extraordinary inquiry, bringing together so many people and getting not just adults to respond but nearly 300 children and young people: so often when your Lordships' House and the other place do inquiries, whether through all-party parliamentary groups or committees, we talk to the great and the good and we invite people whom we know are experts. In the context of adoption, the experts in many ways are those who have adopted children or who are themselves adopted. The fact that the all-party parliamentary group was able to hear from so many young people is fascinating and very important.

I note that the inquiry explicitly said that it sought to examine the lived experience of families and young people impacted by the fund and to improve the understanding of key issues within Parliament. Therefore, it is particularly important that this debate is happening today and that Parliament, even if these Benches are not very full, is at least able to debate the topic and to have the matter recorded in *Hansard*. It is also very important for those of us who do not have direct experience of adoption to be able to hear the moving testimony of the right reverend Prelate the Bishop of Worcester and the noble Lord, Lord Triesman, because the ability to understand in more detail how the adoption support fund can work, not just in theory but in practice, is hugely important.

The noble Lord, Lord Russell, in his excellent opening speech raised the detailed questions that need to be considered, yet it is important to rehearse some of the issues that we hope the Minister will be able to respond to. In particular, some of the key issues relate to funding. We are due to have a Budget in four weeks' time. We have a brand-new, untried and untested Chancellor of the Exchequer as of today. Normally, it would be appropriate for the Minister to respond to questions and, if he is not able to respond today, to write to us with the answers. On this occasion I suggest that not only do we ask the Minister to go back to his own department to look for answers, but perhaps it would be timely to see whether the incoming Chancellor of the Exchequer can be persuaded to look at the long-term funding of the adoption support fund. At the moment it is funded through to 2021. It has been going since 2015. The APPG suggested that it should be funded until 2030. So far there has been an additional year's funding, to 2021.

Year-by-year funding is not desirable and we have already heard this afternoon about the difficulties of funding and of dealing with forms that have to be

filled in regularly. Like the noble Lord, Lord Triesman, I have had experience of local government finance, not so much in terms of housing benefit, but I had responsibility for grants going to voluntary sector, where each year forms had to be filled in. Every year, organisations would get deeply concerned about whether they would have their grant renewed. Usually, they were told that their grant would be frozen in real terms. They might see a cut in their grant. That was destabilising and created uncertainty for voluntary organisations. How much more difficult is it for families who have to apply for funding every year and are never sure whether the funding they receive will be ongoing?

Therefore, my first question for the Minister is: what do the Government propose by way of longer-term funding for the ASF? Will Her Majesty's Government be able to make a commitment up to 2030, as the APPG suggested?

Beyond that, could they look at the rules and regulations that are in place? A centralised system, meaning there is not a postcode lottery, is clearly important. Ensuring that adopted children and young people and their families can have access wherever they are in the country is vital. As we have seen in the report, almost everyone who has had access to the fund has said how beneficial it has been and how they have received support they would not otherwise have had. How much better would it be if decisions could be taken not simply on a year-by-year basis but according to clinical need? If clinicians believe that someone would benefit from therapy for 18 months, two years or three years, or at least beyond a year, surely that should be granted without people having to go back and fill in forms annually. Could that be considered?

It is clear from the report that social workers who are supposed to give advice and support families in completing forms are in some ways overburdened and, in some cases, feel that they do not have the relevant expertise and clinical knowledge to give the necessary advice. Could the Government consider giving additional support and training to social workers? Might they even put in additional funding support to ensure that the social worker's job becomes easier? Might they also consider allowing voluntary adoption agencies to apply directly to the fund? All these things should be additional funding to support the administration. The funding should not simply be taken out of the ASF, reducing what is available to families, but rather a way of strengthening the fund and ensuring the great benefits that have already been brought about can continue.

I thank the APPG for all the work it has done and reiterate how important it is for the fund to continue and for the Government to ensure that families can be supported as far as possible. As the noble Lord, Lord Russell, said in his opening remarks, prevention is in many ways the most important thing. It is so much better to ensure that children and young people who have been taken out of traumatic conditions are enabled to come to terms with their past, engage with their present and live the best lives they can. We as a society owe it to them to enable them to do so fully and with our support.

5.17 pm

**Lord Watson of Invergowrie (Lab):** My Lords, I pay tribute to the noble Lord, Lord Russell, not just for securing this debate three times but for his tireless efforts on behalf of children and families engaged in adoption and other forms of permanence. We are also indebted to all those who contributed to the APPG's inquiry and to those who prepared the report that followed. It stands as an example of the very best work of which our all-party groups are capable.

We are now approaching the conclusion of the adoption support fund's first five years. I use that terminology advisedly, because I believe it is simply inconceivable that the Government would, in 14 months' time, when the current funding runs out, choose to bring it to an end. Such has been its impact on around 40,000 families with adopted children that denying them the vital therapeutic services that the fund enables would be an act of vandalism and an abdication of responsibility that I simply cannot imagine any Government contemplating, not even one as unpredictable as this.

Adoption plays a crucial role in providing support for some of our most vulnerable children, alongside special guardianship, foster care and residential care. It is much to be welcomed that special guardianship families were added to those able to access the fund. Those of us who have never had any direct experience of what it means either to be adopted or to adopt a child cannot readily appreciate the day-to-day existence of families who have taken on that onerous but important responsibility, so it is extremely valuable to have access to the adoption barometer, a comprehensive stocktake of the experiences of adoptive families in the UK during a single year undertaken by Adoption UK.

The most recent barometer reflected experiences in 2018 and was published in July last year. It was based on detailed feedback from 3,500 adoptive parents representing all stages of the process, from approvals and matching to families with adopted young adults. Their views, concerns and experiences are placed firmly in the context of adoption policy and practice in each of the four nations of the UK, with the aim of learning what is working well and what needs to be improved. The data revealed that the majority of families are facing significant challenges and, for too many, the support that would enhance their ability to provide for their adopted children is often difficult to access, with potentially damaging consequences.

The barometer's conclusions are divided into five categories and one in particular is germane to this debate. It concerns established adoptive families, who were asked to give their assessment both of national policy for established families and of adopter experiences. As regards England, in the first category the assessment was "fair" and in the second it was "poor". That lays bare the extent of the stress, the strain and, indeed, the frustration that adoptive families feel as a result of the patchy overall support that they receive. My noble friend Lord Triesman—I refuse to address him in any other way despite the fact that he now sits on the Cross Benches—spoke with great authority born of personal family experience of such difficulties. I also pay tribute to his campaign for children adopted from abroad, on whose behalf he has achieved equality of treatment, which is much to be welcomed.

One of the few things that make adoptive families want to carry on—indeed, make it possible for them to carry on—is the adoption support fund, which provides the therapeutic services that have now become a major part of the support available to families. At the same time as the adoption barometer was published, so too was the report of the APPG for Adoption and Permanence. It is a substantial body of work and it is fitting that it should be the subject of debate in your Lordships' House. The inquiry explored how the fund might be improved so that it better meets the needs of families who benefit from it. I was privileged to attend both the hearings that formed the major part of the inquiry and heard some powerful evidence from both practitioners and parents. The view was very clearly articulated that the fund simply must receive sufficient resources to ensure its long-term future. Those giving evidence to the all-party group warned of catastrophic effects if that were not the case.

As the noble Lord, Lord Russell, said, the Department for Education gave evidence in the form of a senior member of staff, who said that in the department's view, the fund has been "a real success". I quote that with confidence because it appears in my contemporaneous notes of the hearing. That was most encouraging to hear at that time and I am sure the Minister has been made aware of it.

The inquiry report outlined six recommendations, all well-reasoned and eminently reasonable. I will not repeat them because other noble Lords have already done so, but I encourage the Minister to ensure that they are acted upon by the Government. The first called for the fund to be continued until 2030 at least, and that should be the minimum to which the Minister commits the Government today. As others have said, we know that we are going to hear that the spending review—whenever that may be—will reveal all and no promises can be made until then. That argument might have been plausible under the previous Government, but the current regime frankly has such a robust majority that it could legislate for an eighth day of the week should it so desire and there would be nothing that Parliament could do to stop it. Therefore, the Minister should at the very least tell the House—as suggested by the noble Baroness, Lady Smith—what he will personally be arguing for with Treasury Ministers in relation to the fund in the meetings that will take place in preparation for spending review decisions. Is he sufficiently convinced of the vital need for the services provided by the fund to argue for its permanence? If not, why not?

Of course, we do not know whether the Minister will retain his position in the reshuffle. I personally hope that he does, and we understand that the Secretary of State has held on to his place. In the four and a half years that I have been in my post, there have been four Secretaries of State for Education. For the sake of the sector as a whole, some stability is certainly welcome. There have also been four Ministers of State with responsibility for adoption in that period—five if you include the one currently providing maternity cover for Kemi Badenoch. Today the Universities Minister changed for the fifth time within that period, even though the incumbent was an academic, so stability is not a word that echoes in the corridors of the Department for Education.

As the APPG report demonstrates, the adoption support fund has provided life-changing therapeutic support for thousands of families. Indeed, as others have said, nearly 80% of parents said that the fund met needs which, crucially, could not be met elsewhere. Perhaps even more importantly, as parents told the inquiry, the support accessed via the fund has helped them avoid a potential family breakdown or disruption. That view was echoed in many of the 1,600 responses to the inquiry—a remarkable number—and it is perhaps the fund's greatest strength that it has proved to be a lifeline for so many families, delivering specialist therapeutic support that is not otherwise accessible.

But the report makes it clear that, as my noble friend Lady Massey highlighted, the bureaucracy involved in applying can be daunting for some parents. Despite positivity about the benefits of the fund, and modest, sustained improvements in outcomes, the level of difficulties faced within the families of survey respondents remains very high, reflecting the ongoing need for support in most cases. Suggested improvements included broadening the scope of the fund to include additional types of support, improving co-ordination with education services—a vital aspect—and loosening financial restrictions to permit greater quantities of support to be accessed. I hope the Minister will feel able to comment on these, given the authority which the report carries.

The Government should acknowledge the fact that the fund has prevented or reduced the risk of adoption breakdown, because that underlines how it saves the taxpayer much greater costs further down the line. Last year, a report by the University of Kent—which I think the noble Lord, Lord Russell, mentioned—found that the cost to the state of having a child in care is approximately £34,000 per year. If just 10% of the 40,000 children with families who accessed the adoption support fund had been unable to sustain the adoption without that support, the consequent cost to the taxpayer of those children returning to care would have been in excess of £125 million—each year.

The fund's budget for the year 2020-21 will be £45 million, which is the highest it will have been in its by then six-year existence. So I say to the Minister: please do not let us hear of financial considerations regarding the future of the fund, because it provides astoundingly good value for money. Indeed, the Government would be guilty of gross profligacy with public resources were they to decide to end the fund—or even underfund it—and revert to the status quo as it was in 2015. Of course, not all families would return their adopted children to care, but I have already quoted the cost of just one in 10 doing so, and the figure could be much higher on an annual basis than has been paid out by the fund since 2015. Quite simply, then, guaranteeing the fund's long-term future is a no-brainer. What possible argument can there be for failing to do so, short of an equivalent alternative scheme? Answers to that should be sent on a postcard to the Chancellor of the Exchequer, Sajid J—oh, wait a minute, Mr Javid stood up to the Prime Minister, so he is now history. Clearly, his successor, Rishi Sunak, is much more pliable.

As I said, the case for making the adoption support fund permanent is unanswerable. I will conclude by quoting one of the adoptive children who benefit so

much from the support that the fund provides. The APPG inquiry asked children and young people what they would like to say to the Minister for Children and Families about the adoption support fund. I found the most telling response to be this one:

“Good support is when someone understands and listens to you—all the different bits of you, not just the bits showing on the outside.”

That voice speaks eloquently but with great power, and must be listened to.

5.27 pm

**The Parliamentary Under-Secretary of State, Department for Education (Lord Agnew of Oulton) (Con):** My Lords, I am grateful to the noble Lord, Lord Russell, for securing this important debate to discuss the All-Party Parliamentary Group for Adoption and Permanence's *Investing in Families* report on the adoption support fund beyond 2020. I am also grateful to him for his constructive and helpful approach.

The ASF was introduced in 2015 to improve access to much-needed therapeutic support for adopters and their children. It is reassuring to hear that those who participated in the inquiry think that it is largely achieving that aim. Tens of thousands of families have been able to access support that they would not have been able to without the fund.

The noble Baroness, Lady Smith, and the noble Lord, Lord Watson, queried the longer-term funding outlook for this success story. The Government have increased funding year on year; it has twice the original budget now and that will rise further next year to £45 million. Already, £140 million has been released to support families.

The noble Baroness, Lady Smith, is worried about some of the bureaucracy. It is absolutely part of our approach to continually challenge the structure of these sorts of arrangements, and if any noble Lord participating in this debate has any specific concerns about excessive bureaucracy, asking a question several times or generally being inhospitable to people, I would be pleased to hear of it. It is a personal mission of mine to try to simplify all the government bureaucracy I deal with and make it accessible to as many people as possible.

The noble Baroness, Lady Smith, also asked about the annual application requirements. It is something we are going to look into beyond 2021. We originally introduced a maximum of 12 months' funding to ensure the appropriateness of the therapy received and that we are linked to the health service. Another point for the noble Lord, Lord Watson, who is always a hawk on funding, is that today we announced a substantial local authority settlement. It has gone up from £46.2 billion to £49.2 billion for 2021. That is a 4.4% increase and the biggest year-on-year increase in a decade.

The APPG report asked about future funding, which we have just discussed. We committed in our manifesto that adoption would remain a key area and the adoption support fund would continue. As noble Lords are aware, all departmental spending after 2021 is subject to a future spending funding settlement. My right honourable friend the new Chancellor of the Exchequer will be very busy on that from today, but we recognise that this fund is making a difference.

[LORD AGNEW OF OULTON]

None the less, in line with the approach taken last year, I confirm that, from July 2020, families will be able to start nine months of therapeutic support, even if it does not end until after March 2021. This transitional arrangement will continue until the outcome of the spending review is confirmed. The noble Baroness, Lady Massey, rightly says that the feedback on the fund has been good. The evaluation of the fund found that the majority—84% of parents surveyed—felt that the ASF had helped their child and made the adoption placement more stable and less likely to break down. It showed that there has been a statistically significant improvement in adopted children's behaviour and mental health. This includes parents' understanding of their children's needs and meaningful improvements in parents' well-being.

I am particularly pleased that the report draws heavily on the lived experience of children, young people and their families, social workers and therapists. It is always important to hear how the policies we make affect those on the ground. Ninety per cent of children and young people said that the fund had helped them significantly. It is encouraging to hear that the fund has literally been life-changing for many young people and their families.

The noble Lord, Lord Triesman, asked what the Government are doing about the problems of children with potential multiple diagnoses. It is important that children who have experienced trauma and loss have access to high-quality specialist assessments that result in an agreed support plan. In recognition of this, we have made an additional £2,500 per child available this year, through the ASF, for specialist assessments. The noble Lord, Lord Triesman, also asks about overseas adoption. We have included new duties for virtual school heads, specifically to look after that cohort of vulnerable children. In 2016, we extended the eligibility of the adoption support fund to families who had adopted from overseas.

The report shows how the fund has been working and what more we can do to improve it. The noble Baroness, Lady Massey, asked about take-up of the fund. So far this year, 88% of applications have related to adopted children and 12% to special guardianship children who were previously in care. We have seen an almost fourfold increase in applications involving special guardianship children since the fund was opened to them in 2016. The fund does not collect data on income. However, I will write to the noble Baroness with any more detail we have in the department.

The APPG has identified a number of areas that are being considered carefully, as we think about the fund's future in the context of the spending review process. The noble Lords, Lord Russell and Lord Watson, raised a few of these issues today, and I will attempt to give the House some initial views. The noble Lord, Lord Russell, stressed the need to improve prevention in families, and I wholly agree. This links to comments from the noble Lord, Lord Triesman, on general improvements and is one of the purposes of our £84 million innovation programme. We certainly do not intend to stand still in any of these areas.

I will not be able to cover all the recommendations, but I can assure the House that they are all being considered. We are taking immediate action on some

of them. For example, we are increasing awareness of the fund among eligible special guardianship families and an information leaflet that has been developed in partnership with the Family Rights Group, Adoption UK and Home for Good will be launched shortly. This will be made available for all local authorities to share with the families they are working with.

On the question raised by the noble Lord, Lord Russell, about extending access to the fund to new groups of children, we will look at the report's recommendations. However, we do not want to duplicate support that should already be provided elsewhere—for example, when a child is in the care system. We will have to consider the consequences for the fund's budget of any extension to new groups, and that is why we will consider those issues as part of the forthcoming spending review. The noble Lord also raised the issue of establishing a board of clinicians in the Department for Education to provide clinical oversight of the support provided by the fund. We have always consulted clinicians on what therapies can be provided and we will carefully consider whether setting up a new board would be helpful in that process.

Ensuring that the application process is as streamlined as possible has been a priority for us. The number of applications has quadrupled in the five years since the launch of the fund. Recently we put in place a new, improved application system designed in conjunction with feedback from users, but I also refer to my earlier points on continually challenging that process.

Our annual survey of local authorities about the system showed that 78% are satisfied or very satisfied with it as compared with just 26% last year, which is an impressive 300% improvement. Another issue raised in the report is that of the delays in getting initial assessments completed or services in place. These issues are being addressed through the regional adoption agencies. The report rightly identifies that the fund alone cannot meet the needs of all families. It should form part of the support offer for children and families. We agree that more work is needed to ensure that a genuine multi-agency approach is taken when providing support.

The noble Lord, Lord Triesman, mentioned siloing. This is a problem across the whole of government, but I am delighted to report that we are seeing growing success through the regional adoption agencies. We now have 22 up and running, and between them they cover 109 local authorities. We are actively working with the remaining 45 or so to encourage them to join in and participate.

This debate has highlighted the success of the fund since its launch five years ago. It also highlights the need for practice around the fund to continue to evolve and improve. Nationally, we will endeavour to increase awareness among special guardians, and as I said earlier, we are already taking action to address this.

Lastly, I want to take this opportunity to look at unregulated settings, which is a key issue for some children who remain in care. These can be an important step towards independence for older children, but we are concerned that they are not always good enough. That is why yesterday the Secretary of State published

a consultation to invite views on a set of new measures. The proposals include introducing new checks and balances into the system, including national standards for providers and measures to drive up the quality of provision. We are keen to hear views on these proposals and the consultation will be open until 8 April.

I was certainly very moved to hear the comments of the right reverend Prelate the Bishop of Worcester about his personal experience of the fund. The noble Lord, Lord Russell, was right to end his comments by reminding us that these children did not choose their circumstances, so we must do everything possible to improve their lives.

5.38 pm

**Lord Russell of Liverpool:** I thank all noble Lords who have taken part in this debate. We may be few in number but we speak for an awful lot of children and families who are not able to reside on these red Benches, albeit that I gather that we may have a few new arrivals imminently. The Minister commented that I had taken a positive approach in my speech. I return the compliment and thank him for being unusually positive and even effusive in his comments about the fund. I think that the department really does deserve a pat on the back—I am looking at the advisers in the Box—for having been responsible for a true, apolitical success which is making an enormous difference to people who need and deserve help.

I thank the right reverend Prelate in particular for taking part. He is a living example of the danger of finding oneself sitting opposite me at lunch. We started a conversation about something quite different. Once he had found out a bit about me and I had discovered about his personal experience, he very kindly altered his diary to be with us this afternoon. We are all enormously grateful to him for giving us his direct, personal experience.

This subject deeply affects a lot of people—often people you do not necessarily know have these issues. I was contacted this afternoon by an adoptive parent who works down the other end for quite a well-known opposition MP. She called me today to say, “I think there is a debate today. Is that true?” I said yes, and asked her, “Is there anything you would like me to say?” She simply said, “What I would like you to say is

that if it hadn’t been for the fund, my family would have had adoption breakdown. I think we would have lost our child, and we might well have lost our marriage.” One can have no better celebration of the fund’s success than that. With that, I wish everybody a therapeutic Recess.

*Motion agreed.*

### **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 14) Order 2019**

### **Public Bodies (Abolition of Public Works Loan Commissioners) Order 2019**

### **Andrey Lugovoy and Dmitri Kovtun Freezing Order 2020**

### **Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2020**

### **Northamptonshire (Structural Changes) Order 2019**

*Motions to Approve*

5.40 pm

*Moved by The Earl of Courtown*

That the draft Orders laid before the House on 14, 28 and 31 October 2019 and 17 January be approved.

*Relevant documents: 2nd Report from the Joint Committee on Statutory Instruments, Session 2019, 3rd and 4th Reports from the Secondary Legislation Scrutiny Committee, Session 2019, 1st and 3rd Reports from the Secondary Legislation Scrutiny Committee (special attention drawn to the first instrument). Considered in Grand Committee on 11 February.*

*Motions agreed.*

*House adjourned at 5.41 pm.*