Vol. 829
No. 155

Wednesday
3 May 2023

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS
OFFICIAL REPORT

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The following abbreviations are used to show a Member's party affiliation:

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

No party affiliation is given for Members serving the House in a formal capacity or for the Lords spiritual.

House of Lords

Wednesday 3 May 2023

11 am

Prayers—read by the Lord Bishop of St Edmundsbury and Ipswich.

Climate Change: Net Zero Strategy
Question

11.06 am

Asked by ***Baroness Jones of Moulsecoomb***

To ask His Majesty's Government what steps they are taking to ensure the effectiveness of their Net Zero Strategy in meeting the goals under the Climate Change Act 2008.

The Parliamentary Under-Secretary of State, Department for Energy Security and Net Zero (Lord Callanan) (Con): My Lords, the path outlined in the net zero strategy is the right one and we are delivering against it; for example, by announcing an unprecedented £20 billion investment in the early development of CCUS. The net zero growth plan reinforces this and the details set out in the carbon budget delivery plan sets out the package of proposals and policies that will enable us to meet those carbon budgets.

Baroness Jones of Moulsecoomb (GP): I thank the noble Lord for his Answer, which does not quite match the picture generally, I am afraid. I had intended to find one area where I thought I could suggest improvements, but actually the whole gamut of policies we have are failing. The Government are failing on energy, on housing, on transport—everything. So will the Minister please explain to his department just how bad it is at doing what it is meant to be doing? Perhaps it could bring in people such as the UK Climate Change Committee, or even our House of Lords Climate Change Committee, and actually take their advice. Failing that, will the Government please look at the Green Party manifesto, which has superb, sensible policies? They could really use them.

Lord Callanan (Con): Of course, as always, I am immensely grateful to the noble Baroness for her constructive advice, but I am afraid that, yet again, she is wrong. We are on track to meet our budgets; the evidence is there. We met the second and third carbon budgets; in fact, we exceeded our targets. We are on track to meet carbon budgets 4 and 5 and we recently announced our plans to meet carbon budget 6, which goes through to 2037—so all the policies are in train. I know the noble Baroness always wants to go further, and she is right to keep pressing us, but we are making progress. It is a long transition, but we are making faster progress than any other country in the G7. Our decarbonisation since 1990 is almost 50%, which is far in excess of every other G7 country, including the likes of Germany—where, of course, the Greens are in government.

Lord Hamilton of Epsom (Con): Does my noble friend accept that the chances of reaching global net zero are almost nil as long as the Chinese and Indians go on building coal-fired power stations?

Lord Callanan (Con): I understand the point my noble friend is making. Of course, we continue to engage with China and India about the folly of building new coal-fired power stations. Incidentally, picking up my last example, because the German Government accepted the advice of the Greens and phased out their nuclear power programme, last year 30% of German electricity was met by coal-fired generation. In the UK, it was less than 2% and next year it will be zero.

Baroness Walmsley (LD): My Lords, here is an area for improvement: I was very disappointed that there have been no further announcements on support for tidal and wave power, even though the predictability of this technology could provide baseload and save on the cost of battery storage and hydrogen storage. So far, only 40 megawatts of this technology has been supported by the Government, equivalent to a medium-sized onshore wind farm. The Government's contracts for difference mean that they have the opportunity to provide more support for this cutting-edge technology, which really needs support in order for it to scale up and make its contribution to renewable energy. So why are the Government leaving the profits to other countries? This is an opportunity for energy security and for British industry.

Lord Callanan (Con): Again, I am afraid I do not agree with the noble Baroness. There are some exciting prospects and we are supporting early-stage tidal projects. It depends whether she means wave-powered projects or the various barrage schemes, which are extremely expensive and have a lot of environmental implications. The approach that we take through the CfD system is to pick the most effective, cheapest means of decarbonisation, because of course it all feeds back into consumer bills. If we adopted the approach she is suggesting, these technologies are relatively unproven and would add to consumer bills.

Lord Watts (Lab): My Lords, the Minister claims that we are making more progress than other European countries, but is it not because we started at such a low point? Let me give an example: we have the worst-insulated homes in Europe. Is it not the case that it is a very low level of improvement?

Lord Callanan (Con): No, it is not. The figures I quoted started from a baseline of 1990, so it actually includes some of the progress made under previous Labour Governments. There is no question that of course we have a challenge: we have the oldest housing stock in Europe, a consequence of the Industrial Revolution. Six million homes were built before the First World War, so it is a challenge, but the figures still stand: we are making faster progress than any other G7 country.

Lord Howell of Guildford (Con): My Lords, have the Government really taken on board, in pursuing this admirable goal of NZ, the absolutely colossal

[Lord Howell of Guildford]
increase in electricity from renewable sources—presumably wind and nuclear are the main ones—which will be required to get anywhere near replacing all the other energy we use in the economy, which is, of course, full of fossil fuels? This is a vast task, requiring immense investment and enormous planning and, although I am encouraged by what my noble friend says, have we really begun on making the 10-times expansion of wind in the North Sea and the six new nuclear power stations if they are big, or the 30 or 40 if they are small? These are vast tasks; we do not yet hear enough about how we are going to meet them.

Lord Callanan (Con): My noble friend makes an important point. I know he has a lot of experience in this area and he is right to point out the scale of the task. It is an immense challenge to be done over many years; none of this happens overnight. Some of the wind farms that are coming on stream this year were planned a decade ago; it all takes time to do, but over the next 20 or 30 years we need to make progress towards those goals. They are legally binding, so we need to meet them and we are on track to do so.

Lord Lennie (Lab): My Lords, following the Minister's answer to the noble Baroness, Lady Jones, the Government are currently way off track to meet their sixth carbon budget for 2033 to 2037. This is a crucial period once the low-hanging fruit has all been picked. What additional measures are the Government considering to ensure that the harder to abate sectors deliver the necessary reductions in large-scale emissions in order to ensure we meet our net-zero targets?

Lord Callanan (Con): The sixth carbon budget goes through to 2038. We have set out policies to meet—I think—about 97% of the targets under that and we have a number of other policies that are so far unquantified. In essence, the noble Lord is right, of course. As we make faster progress—and we are making very swift progress—the targets become more difficult to meet: but I am confident that we can do so.

Lord Wigley (PC): My Lords, is the Minister aware that, in order to get the maximum benefit at the right time from wind power and other power supplies that come at inappropriate times, there is a real case for additional pumped-storage capacity? Will he do what he can to speed up the establishment of a clear financial base? At present that is holding back some very valuable projects.

Lord Callanan (Con): The noble Lord makes an important point. As we have more and more intermittent renewables coming on to the grid, we will need to balance that out with increased storage capacity, which may be pumped storage: of course, there is an excellent example in Wales in the Dinorwig plant, but there are examples in Scotland as well. As well as storage mechanisms such as pumped storage and battery storage, the potential of long-term hydrogen storage in salt caverns is extremely exciting.

The Lord Bishop of St Edmundsbury and Ipswich: My Lords, as I understand it, one of the barriers to installing new low-carbon technology is the shortage of skilled labour to carry out this work. Can the Minister tell us what plans there are to invest in and expand training and skills programmes for the installation of low-carbon technology such as heat pumps, EV chargers and solar panels?

Lord Callanan (Con): Indeed, that will be a vital component. We need to train people for the new technologies. Many of them are already coming on stream. Of course, we work very closely with the Department for Education to expand our skills programme in the green jobs area, but we also have a number of directly funded schemes from the department which are funding tens of thousands of new training places.

Baroness Hayman (CB): My Lords, I declare my interests as set out in the register. In order to achieve the ambitious programme the Minister has set out, Ofgem, the regulator, will need to play an important role. This House voted to give Ofgem a net-zero duty, in line with the recommendations of numerous bodies, most recently the BEIS Committee in another place. Will the Government rethink their opposition to this sensible, much-supported measure when the Bill goes to the other place?

Lord Callanan (Con): Of course, we will continue to keep these matters under review. I am not going to predict what might happen to the Bill in the House of Commons, but we will certainly reflect on what the House voted for.

Lord Forsyth of Drumlean (Con): My Lords, will my noble friend resist the blandishments from the Green Party about planning and organisation, given the shambles it has created in Scotland for the coalition there on the bottle return scheme?

Lord Callanan (Con): Of course, I accept my noble friend's advice about Green policies. I pointed out the example of Germany. The Green Party's opposition to an electric railway line—HS2—is another example of a hypocritical policy, but there are many others that we could choose from.

Warrior Capability Sustainment Programme

Question

11.16 am

Asked by ***Lord Coaker***

To ask His Majesty's Government what recent assessment they have made of the impact of the cancellation of the Warrior Capability Sustainment Programme in their *Defence in a Competitive Age* command paper, published on 22 March 2021.

The Minister of State, Ministry of Defence (Baroness Goldie) (Con): My Lords, the integrated review has set the British Army on a course of exciting transformation. Cancelling the Warrior capability sustainment programme,

rather than spending taxpayers' money on upgrading an ageing legacy capability, has enabled reinvestment of resources to support Army modernisation under Future Soldier. The Army's current capabilities, which include Warrior, will remain effective until new concepts and capabilities are introduced into service throughout the remainder of the decade.

Lord Coaker (Lab): I have a very simple question for the Minister. Can she assure us that, with the cancellation of Warrior, there is no capability gap with respect to the Army's mechanised infantry vehicle capability? The Minister will know that the Warrior upgrade programme has been cancelled, we are awaiting when all the 623 Boxer vehicles are to be delivered and, with the problems there have been with the Ajax programme, we are unclear when that is due to be delivered. Can the Minister explain why we should not be worried about capability with respect to this particular Army infantry vehicle capability?

Baroness Goldie (Con): I can confirm that the Army has been allocated £200 million to keep Warrior going and to assist with funding of Challenger 2. This is all about bridging the important period of transition from the old configuration to the new. On Boxer, my noble friend—or my noble opponent—will be aware that initial operating capability is expected to be achieved in 2025, with full operating capability in 2032. Ajax is now in a very positive place, having been through, I fully admit, its own travails. It is in a good position and there is no operating capability gap.

Lord Lancaster of Kimbolton (Con): My Lords, I declare my interest as a serving member of the Army and as the Government's defence exports advocate. There have been challenges in the procurement of the Army's armoured vehicles—there is no doubt about that—but is not one of the underlying issues that successive Governments have allowed the atrophication of the land industrial base, which is something we have not done, for example, in the maritime industrial base? We have simply lost the skills over time by not having a constant throughput of new vehicles. How will the Government address this issue?

Baroness Goldie (Con): I have admitted at this Dispatch Box, and my right honourable friend the Secretary of State has indicated similarly, that over successive Governments there has been a hollowing out of the land capability, but my noble friend will accept that there is now an exciting programme for development. I have referred to Boxer and Ajax, and we have the exciting prospect of the armoured future brigades. I point out to my noble friend that the equipment plan for the Army is £41 billion over 10 years, so I hope my noble friend is reassured that very serious planning is in place to augment the land capability.

Lord Campbell of Pittenweem (LD): My Lords, regretfully, it seems to me the Minister has not answered the Question asked by the noble Lord, Lord Coaker. Warrior was first commissioned in 1984 and, as we have heard, its upgrade has been cancelled. In spite of optimistic noises, there is as yet no service date for Ajax, and it is exactly the same position in relation to Boxer. If British Army infantry had to be deployed now, which armoured fighting vehicle would they have in support?

Baroness Goldie (Con): I do not share the noble Lord's pessimistic assessment. As I have pointed out, there is in place an exciting programme of land vehicles. For Boxer, initial operating capability will be achieved in 2025. We anticipate that very good progress is being made on Ajax, and they will come into play later on in this decade. I point out to the noble Lord that, as he is aware, we have Warrior functioning; it is part of the transition. We have Challenger 2, and we are upgrading to Challenger 3. We have got a perfectly well-equipped Army. We observe our obligations to NATO and we observe our obligations to keep this country safe.

Lord Browne of Ladyton (Lab): My Lords, between the cancelled Warrior capability sustainment programme and the extraordinarily delayed Ajax programme—it may well be in a good place now, but it is not expected to have what is called "full operating capability" until 2029, which is a full decade longer than was planned—the MoD has spent over £3 billion in failing to introduce or upgrade two armoured vehicles. What lessons have been learnt from this, and what changes to procurement have been made? Is there nowhere else in the world a vehicle already in production that we could buy with some of the £41 billion set down for capability of this nature in the future?

Baroness Goldie (Con): In relation to Ajax, I confirm for the noble Lord that the initial operating capability requires 50 operational deployable vehicles to be delivered and to be achieved by December 2025, and that will be a significant augmentation of the capability. The full operating capability requires 422 of the 589 operational deployable vehicles to be delivered; that is to be achieved between October 2028 and September 2029. As I indicated to my noble friend Lord Lancaster, there is a very exciting period of development for land capability; I think we should celebrate that.

On the final point of the noble Lord's question, I have acknowledged that I think there is the opportunity for the MoD, in procurement, to look at different models of getting things when they need them. I think this is recognised within the MoD, and I think the phrase used has been that we have pursued the exquisite, involving cost and time, perhaps at the expense of actually getting what we need, when we wanted it.

Lord Glenarthur (Con): My Lords, my noble friend mentioned the £41 billion that is going to be available for some of this upgrading. Can she say when the upgraded Challenger 3 is likely to become operational?

Baroness Goldie (Con): I do not have specific information about that. As my noble friend is aware, Challenger 2 is operating, and the Challenger 3 upgrade is in place. I shall make inquiries; if I can find something more specific, I undertake to write to my noble friend.

Baroness Smith of Newnham (LD): My Lord, the Minister has said the MoD has a new model of getting things when we need them. Have we had Ajax when we needed it? Does the forward set of dates not suggest we are not really getting things when we need them?

Baroness Goldie (Con): I actually said that the department is aware of the need to look at the opportunity of a different approach to procurement, and there may be situations where there is something on the shelf that would work, would be adequate and can be obtained at a reasonable price. That is certainly an opportunity of which the department is aware, and about which it will be vigilant. On procurement generally, I have said before that defence procurement is probably the most complex in government, and that is why, through last year's *Defence and Security Industrial Strategy,* we are working to improve the speed of acquisition and ensure we incentivise innovation and productivity.

Lord Craig of Radley (CB): My Lords, the Minister made clear Warrior has a critical role at the present time in the British Armed Forces. Have any Warriors been gifted to Ukraine and, if so, how many? Is there any intention to gift any more to Ukraine, to help them in their struggle against Russia?

Baroness Goldie (Con): I do not have specific information to reply to that question, but I shall make inquiries and disclose what is available to the noble and gallant Lord.

Lord Robathan (Con): My Lords, it must be said that the Minister shows tremendous optimism and does a very good job defending the Ministry of Defence. Does she understand that the optimism she shows is not shared around the House, on these Benches as well as elsewhere? I do not see much excitement about the Minister's announcement on these Benches and elsewhere. It is not just our opponents who think the defence procurement programme is a mess; it is us as well. Could she please go back to the Ministry of Defence, the Secretary of State and the Prime Minister and say that this requires urgency: there is a war in Europe and we need to get on with getting good equipment and munitions, and we are not doing it fast enough?

Baroness Goldie (Con): I hesitate to rebuke my noble friend, of whom I am very fond, but there is at least one person in this Chamber who is extremely excited about the MoD equipment programme sustained by an unprecedented generosity of budget, and it is me, because I see at first hand exactly what is happening. I see the excitement it affords to our Armed Forces; they are motivated and responding to the challenges in front of them. The Ukrainian conflict, while desperately sad in one respect, has certainly heightened the need for us to be investing in our capability. Everyone recognises what we are doing; these new facilities coming on tap, to provide the two new armoured brigade combat teams, are very effective, muscular components. I ask my noble friend not to be too pessimistic and cry into his beer because it is important to our Armed Forces that we show we support them and we are behind everything we ask them to do.

Migrants: Housing

Question

11.27 am

Asked by ***Lord Blunkett***

To ask His Majesty's Government whether they will list all facilities they plan to build to house: (1) new migrants entering Britain via the English Channel, (2) migrants currently awaiting first determination on their asylum claim, (3) migrants who have been refused their asylum claim on first determination, and (4) migrants currently in hotels but designated for transfer to other accommodation.

The Parliamentary Under-Secretary of State, Home Office (Lord Murray of Blidworth) (Con): I can advise the noble Lord that the Home Office is planning initial asylum accommodation at surplus military sites at Scampton and Wethersfield to accommodate asylum seekers entering the United Kingdom illegally on small boats. We are exploring proposals to use a non-military site in East Sussex and a further military site at Catterick garrison for asylum accommodation, alongside an accommodation barge in Portland Port in Dorset. We are developing immigration removal centres at Haslar and Campsfield.

Lord Blunkett (Lab): I am grateful to the noble Lord. A week ago, in broadcast interviews, the Home Secretary was asked a simple question: how many places are the Government seeking to provide in this endeavour to lock up those coming across the channel? I am afraid intellectual internal struggle proved futile and, in the end, she reverted to saying simply, "Well, it will not be 45,000 places we will need". The Minister will have had a chance to think about the obvious question: just how many secure places for migrants are the Government actually intending to provide?

Lord Murray of Blidworth (Con): The answer is that the Government will keep the situation under review and see how many places are required, because the effect of the Bill, when it is passed through this House and the other place, will be to deliver a deterrent effect. Furthermore, those who cross the channel illegally will be removed within 28 days, as is planned in the structure of the Bill. Therefore, the need to detain people will be kept under review and, it is hoped, be limited in number.

Lord Cormack (Con): My Lords, if the Government are going to keep things under review, will the Minister please review Scampton in Lincolnshire? It is a historic airfield from which the 617 Squadron flew in the last war. We have plans in Lincolnshire to transform it, now that the Red Arrows have gone, into both a museum and a site of industrial production of the technological kind. The Home Secretary has ridden roughshod over the feelings of local people and plans to desecrate a lovely part of Lincolnshire—can that please be put under review immediately?

Lord Murray of Blidworth (Con): I hesitate to disagree with my noble friend but the site in Scampton is well-suited for the purpose of housing asylum seekers.

The heritage buildings at Scampton will of course be preserved. While the Home Office listens intently to all representations about the locations of asylum accommodation facilities, it is the case that Scampton is a suitable site and we intend to begin using it.

Lord Alton of Liverpool (CB): My Lords, has the Minister had the chance to read the debate in another place and the amendments moved by his right honourable friends Theresa May MP and Sir Iain Duncan Smith MP, specifically to retain the protections for people who have been victims of human trafficking within the United Kingdom? Does he intend, when he speaks at Second Reading of the Bill next week, to give assurances to the House that this will be dealt with? Will he also say why the Home Secretary has refused to appear before the Joint Committee on Human Rights to defend legislation that does not even have a disclaimer saying that it is compatible with our obligations under the European Convention on Human Rights?

Lord Murray of Blidworth (Con): I thank the noble Lord for his question. I reassure him that I have followed closely the debates in the other place, and in my speeches to the House at Second Reading I will extensively cover the questions raised by my right honourable friend the Member for Maidenhead, and address the broader questions in relation to modern slavery. It is not for me to explain the diary arrangements of the Home Secretary, but I can confirm to the noble Lord that the Home Office takes very seriously its engagement obligations with committees of the House.

Lord Touhig (Lab): My Lords, since 2021, 4,500 unaccompanied migrant children, some as young as 10, have been placed in hotels, and more than 200 have gone missing and have not been found. In March, when I asked the Minister if the Home Office had sought legal advice as to whether it had the powers to do this, he declined to answer me. Section 20 of the Children Act 1989 gives local authorities alone statutory power for child protection—that includes unaccompanied migrant children. Can the Minister say which Act of Parliament has allowed the Home Office to set this one aside?

Lord Murray of Blidworth (Con): There has been no intention to set aside any provision of the Children Act. As the noble Lord will have seen on his careful reading of the Illegal Migration Bill, there are provisions set out that deal with the transfer of responsibility for children and the approach to be taken to unaccompanied asylum-seeking children who arrive after 7 March of this year.

Baroness Hamwee (LD): My Lords, there are so many questions arising about the standards that will apply in the "facilities"—if I can use that term—around safeguarding, how families with or without children will be dealt with, and how children alone will be dealt with, and around facilities for medical provision, legal advice and so on. Will the Government publish the contracts that they are entering into with private sector providers, so that one can keep an eye on what standards are being required of them?

Lord Murray of Blidworth (Con): Commercial contracts are commercially sensitive, and the usual policy will be adopted in relation to them. Clearly, certain standards will be promulgated, and the noble Baroness will be able to look at those. I would be delighted to facilitate any visits that the noble Baroness may wish to make to the facilities.

Baroness Meacher (CB): My Lords, I understand that the Home Secretary's model for the provision of accommodation for asylum seekers is that of the Greek islands of Chios, Lesvos and Samos, where the accommodation is described as "deplorable" by Médecins Sans Frontières, which has been working there. I understand that the trauma of these asylum seekers is made worse by daily stresses and fears and the lack of medical attention. Can the Minister assure the House that every effort is being made within government to require the Home Secretary to change her model for the provision of accommodation for these asylum seekers to ensure that we comply with our international obligations?

Lord Murray of Blidworth (Con): I do not recognise the description that the noble Baroness appends to my right honourable friend the Home Secretary's alleged assertion in relation to the Greek islands. Clearly, those crossing the channel from France, who have hitherto slept on the hinterland of the beaches in northern France, are much better accommodated by quality hotel rooms paid for by British taxpayers, and that is something that we need to address. We need to provide adequate but basic accommodation in order to disincentivise those coming here who seek to take advantage of the generosity of the British people.

Lord Coaker (Lab): My Lords, further to my noble friend Lord Blunkett's question, surely the Government must have a figure for the number of migrants and asylum seekers that they seek to detain. If the Government have no figure at all—not even a working figure within the Home Office—how on earth do they know how many RAF bases they will need to build accommodation on? How many cruise ships, oil rigs and barges are they going to get if they have no idea of how many people they are going to need to detain?

Lord Murray of Blidworth (Con): The noble Lord well knows that it is not the Government's practice to share working policy assumptions in relation to these issues. As I said, the effect of the Bill will be to deliver a deterrent effect; fewer people will cross the channel and therefore fewer people will need to be detained.

Lord Carlile of Berriew (CB): My Lords, will the Minister give a clear undertaking to this House, without any equivocation, that all measures for dealing with asylum seekers and refugees will be in compliance with current UK law and current UK international treaty obligations?

Lord Murray of Blidworth (Con): The Government will always obey the domestic law.

Lord Dobbs (Con): My Lords, tens of thousands of migrants have crossed, and are crossing, into this country, in many cases having made an incredibly dangerous journey across two seas and across many other countries in Europe. What does the Minister think is their prime motivation in coming to this country, rather than any of the other countries that they could have accessed?

Lord Murray of Blidworth (Con): There is no single answer which I can provide to the House. There are many people who come to this country and many different motivations. That has been the subject of myriad academic studies, and it will continue to be studied. I am afraid there is no one clear answer.

Childbirth: Black Women

Question

11.38 am

Asked by ***Baroness Thornton***

To ask His Majesty's Government what steps they are taking to address the fact that Black women are almost four times more likely to die in childbirth than White women.

Baroness Thornton (Lab): My Lords, in begging leave to ask the Question standing in my name on the Order Paper, I draw the House's attention to my interests in the register.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Markham) (Con): While births in England are among the safest globally, we must do more to tackle maternal disparities. Local maternity and neonatal systems have begun to publish action plans to tackle disparities in outcomes and experiences in maternity care at a local level. The Maternity Disparities Taskforce, which held a meeting on 18 April, brings together experts from across the health system, government departments and the voluntary sector to explore and consider evidence-based interventions to tackle maternal disparities.

Baroness Thornton (Lab): I thank the Minister for that Answer. On 17 April I asked the Government about discrimination in the UK experienced by people of African descent—the Minister for Equalities pooh-poohed this report and strongly rejected most of the findings of discrimination. The following day the House of Commons Women and Equalities Committee published a report which said that black women are four times more likely to die in childbirth than white women in the UK. Does the Minister now accept that there was a point to my Question, and that research conducted on behalf of the Government since 2000 has shown that black women as a group have consistently remained at the highest maternity risk?

I would also like to ask the Minister about continuity of carer, which means having the same midwife throughout your pregnancy. It is a cornerstone of the Government's and the NHS's commitment to deliver safer maternity services, and indeed the report itself says that it is one of the ways to overcome barriers and improve communication and understanding throughout a pregnancy. When will the Government invest in the recruitment of midwives, bringing up their strength by 2,500, which the Royal College of Midwives says is essential to deliver this personalised care?

Lord Markham (Con): I thank the noble Baroness; there were a number of questions there. I accept that there is a disparity, which is why the Maternity Disparities Taskforce was set up. I was speaking to Minister Caulfield just this morning, and I assure noble Lords that this is very high on her agenda. That is why, in providing continuity of maternity care, the focus is on making sure that people from ethnic minorities, particularly black women, get priority.

Baroness Manzoor (Con): My Lords, this is not a new issue. I am pleased to hear that the disparities task force has been set up, but can it look not just at the issues of workforce planning—there is a shortage of midwives—but at the additional antenatal care that black and ethnic-minority women need because of underlying causes, and at the care they receive during labour?

Lord Markham (Con): My noble friend is right. I was speaking to Minister Caulfield about this very subject this morning. She pointed out that a lot of the reasons for the differences are underlying health conditions and factors such as smoking, weight and alcohol consumption, as well as diabetes. Education is a key part of this, as is continuity of care, and making sure that there is prenatal and postnatal care is absolutely a focus.

Baroness Walmsley (LD): My Lords, the NHS published equity and equality guidance in September 2021 aimed at improving maternal health for mothers and babies from black and other ethnic groups and those from the most deprived areas. However, no implementation plan or scrutiny mechanism has been developed, so how will implementation and adherence to these strategies and guidelines be assured? Who will report on progress, or the lack of it?

Lord Markham (Con): First, through its local maternity and neonatal systems, every ICB is responsible for publishing an equity and equality plan. It will then be the job of both the CQC and the maternity surveillance system to measure them against that plan and make sure it is being kept up. Every area is different, but each needs a plan to address this issue.

Lord Hunt of Kings Heath (Lab): My Lords, the Minister mentioned the Maternity Disparities Taskforce meeting on 18 April. Can he explain why the Select Committee was able to report that the task force had not met for nine months preceding the writing of its report? It does not look like the task force is putting much energy into this. Can he also say whether the work that is now being undertaken will take into account the fact that black women are regularly underrepresented in research and data, which leads to them being neglected in policy-making?

Lord Markham (Con): The noble Lord is correct that data is an issue. A lot of the frustration that Minister Caulfield expressed is about the fact that we are having to look in the rear-view mirror, because the data is about two years old. One of the fundamental things is to get that live data so that we can see what action works and where more needs to be done.

Baroness Berridge (Con): My Lords, it is also sad to note that the rate of black babies being stillborn is 6.9 per 1,000 births, as opposed to 3.6 per 1,000 for white babies. Can my noble friend the Minister please confirm that each trust is under an obligation to collect that kind of data and do specific research as to why a modern country has that really sad rate of higher mortality?

Lord Markham (Con): That is what the equity and equality plans are all about: understanding the local needs of an area. As I mentioned before, a lot of this is often due to the underlying health conditions of that ethnic-minority group. Also, many of us take for granted the fact that we are very clear on how to access medical services, but a lot of people from these ethnic minorities do not have the experience—for want of a better word—of accessing them. A key part of the plan also needs to be about how we can make this care accessible for all these groups.

Lord Walney (CB): Is the Minister aware of the findings of the 2015 Kirkup report into neonatal deaths in Morecambe Bay? Among its findings, it concluded that ethnic-minority women were on a number of occasions not given respect and agency by white British midwives, which may have contributed to neonatal deaths. Has that been looked at by the department, and what has been done since?

Lord Markham (Con): I am familiar with that report, and the more recent Kirkup report on east Kent mentions some of the same issues. That is why part of the investment has been in a training programme to make sure that the suitable cultural awareness is there, because the noble Lord is correct that this is an issue.

Lord Sikka (Lab): My Lords, institutionalised racism is a major factor in the higher death rate of black women during childbirth. Numerous surveys have shown that black women are paid far less for their work than their white counterparts, which reduces their access to good food, housing and healthcare. Ethnicity pay gap reporting is a necessary tool for developing policies to tackle institutionalised discrimination. Why are the Government opposed to introducing ethnicity pay gap reporting?

Lord Markham (Con): I do not think I would categorise this in any way in terms of institutionalised racism, and I do not believe that noble Lords would think that of the NHS. Clearly, work needs to be done on helping all ethnic minorities to access health services and on education, because there are many underlying conditions. That is what we are doing now. A few years ago, the numbers were quite a lot worse; black women were five times more likely to die in childbirth, but that figure is now 3.7. A lot more work needs to be done, but we are improving.

Lord Hamilton of Epsom (Con): Does my noble friend accept that the term "institutionalised" is, in the words of the Metropolitan Police Commissioner, "ambiguous", in that it means different things to different people? Can he define "institutionalised"?

Lord Markham (Con): The point I was trying to make is that I think all noble Lords would agree that the NHS does a fantastic job in addressing and reaching people of all ethnic minorities. That is something we can all support.

Baroness McIntosh of Hudnall (Lab): My Lords, the Minister omitted to answer the first question put to him by my noble friend Lord Hunt of Kings Heath about the frequency with which the task force met and the gap between its last meeting and the moment at which its report was put forward, if I understood the question correctly. Can he answer that now?

Lord Markham (Con): My understanding is that since the task force was set up, which was little more than a year ago, it has had as many as four or five meetings. If that is incorrect, I will correct it. The latest meeting was on 18 April. Again, if noble Lords look at the actions that have come out of it, they will all agree that it is actions that count the most. The task force has been very thorough, and Minister Caulfield is very committed.

Baroness Bennett of Manor Castle (GP): My Lords, the Minister has referred a number of times to socio-economic disparities—indeed, the noble Lord, Lord Sikka, referred to the issues of poverty. The MBRRACE report and others have shown the disparity in death rates that sees black women dying in childbirth four times more often than white women. Will the Minister acknowledge for the record that there is a tragic difference here—a higher number of deaths—that cannot be fully accounted for by pre-existing health conditions and socioeconomic disadvantage?

Lord Markham (Con): As I have said, this is a complex area. I do not think we understand all the underlying reasons. Underlying health is a reason, and access is another. What the statistics show is that there is a difference, which is why we are so focused on addressing it and making sure that everyone has excellent standards of maternal care.

Code of Practice on the Recording and Retention of Personal Data in relation to Non-Crime Hate Incidents

Motion to Approve

11.49 am

Moved by ***Lord Murray of Blidworth***

That the draft Code of Practice laid before the House on 13 March be approved.

Relevant document: 35th Report from the Secondary Legislation Scrutiny Committee (special attention drawn to the instrument). Considered in Grand Committee on 26 April.

Motion agreed.

Register of Overseas Entities (Definition of Foreign Limited Partner, Protection and Rectification) Regulations 2023

Motion to Approve

11.50 am

Moved by ***The Earl of Minto***

That the draft Regulations laid before the House on 15 March be approved. Considered in Grand Committee on 2 May

Motion agreed.

Voter ID

Commons Urgent Question

The following Answer to an Urgent Question was given in the House of Commons on Thursday 27 April.

"It is vital that we keep our democracy secure. This Government stood on a manifesto commitment not only to protect the integrity of our elections but to enhance it. On that basis, this Government won a majority. We have introduced legislation to implement that commitment and we are now in the process of delivering on our promise. Voter identification is central to protecting our electoral system from the potential for voting fraud. Its implementation at the local elections next week brings the rest of the UK in line with Northern Ireland, where people have had to bring photographic ID to vote in elections since 2003. I remind the honourable Member for Cardiff West (Kevin Brennan), who is chuntering from a sedentary position, that that legislation was introduced by the then Labour Government under direct rule.

The data collection processes for polling stations are set out clearly in the Elections Act 2022 and the Voter Identification Regulations 2022. Polling station staff will record details of any electors turned away—should there be any—for the purposes of complaints or legal challenges and, in the short term, to provide data to evaluate the policy, which will be conducted by the Government and the Electoral Commission in line with the legislation that was voted on, debated and passed by this House.

The Electoral Commission has published suggested templates of the necessary forms and has updated its guidance in the polling station handbook to reflect the new processes. As required by legislation, the Government will publish a number of reports on the impact of the voter identification policy. Our intention is that the first of those reports will be published no later than November 2023. The data collected will be a significant part of that evaluation.

There are few tasks more important in public life, as I am sure every member of a political party represented in this House and the general public would agree, than maintaining the British public's trust in the sanctity of the ballot box in our democratic processes. We on the Government Benches take that duty very seriously. I look forward to our first experience of the policy in polling stations in Great Britain on 4 May."

11.50 am

Baroness Taylor of Stevenage (Lab): My Lords, the Government implemented this rushed programme for voter ID against the advice of the Electoral Commission, the Association of Electoral Administrators and the Local Government Association, which all said that it needed more time. Does the Minister now agree that they were right, given that around 1.5 million people eligible to vote do not have the accepted ID or certificate? Tomorrow's election will be the greatest restriction of the franchise in our democratic history, taking the vote from seven times as many people as were given the vote in the Great Reform Act. What will it take tomorrow for the Government to rescind this policy? How many people will the Government allow to be turned away before admitting that this experiment has failed?

The Parliamentary Under-Secretary of State, Department for Levelling Up, Housing & Communities (Baroness Scott of Bybrook) (Con): No, I do not agree that we have done it in haste, because I have spoken personally to the LGA and many leaders across the country who are having polls. I have also spoken to the Electoral Commission. The processes that were put in place worked well; the IT worked well, and we will know after tomorrow what the outcome is. As I said yesterday in this House, the number of people who have not registered for a voter authority card will come out in the data. Whether or not we need to look at any changes, this Government and the people of this country want voter ID. Two out of three people asked said they would feel more confident in our democratic process if it was in place.

Lord Cormack (Con): My Lords, I return to a subject that I raised yesterday. It would be so much easier and sensible for all of us if we had an identity card that we could produce on all necessary occasions. There would then be no question of some people not having one of the designated documents, because they would all have the same. Could this please be looked at again if, as I suspect, the figures from tomorrow are disappointing?

Baroness Scott of Bybrook (Con): Just to let my noble friend know, the Government have no intention of looking again at identity cards, as I said to him yesterday.

Lord Rennard (LD): My Lords, allowing for postal votes, there will be more than 1 million people legally entitled to vote tomorrow who will not be able to do so because of the new requirements. The number of people who do not go to the polling station because of them will never be known; nor will the number of people turned away at the entrance to polling stations ever be known. If the Electoral Commission's review suggests that wider forms of ID could be accepted, such as the items on the Post Office list for collecting a

parcel, will such a change be made before elections in 2024? The cost saving would be substantial. Will the Minister undertake to tell us what that saving would be? She said yesterday that the government scheme would cost £2.42 per elector. There are about 48 million electors, so that would be a cost of £116 million. Which party is this expenditure most likely to benefit?

Baroness Scott of Bybrook (Con): As I have said before, we will look at whether there need to be any changes after the Electoral Commission and the Government have collected the data they require from returning officers. We said that we would do that; there will be a review by both Houses of Parliament at the end of this year, and the Electoral Commission will review it as well. We expect its interim report in early summer. That is when we will need to look at whether any changes need to be made.

Lord Rooker (Lab): My Lords, I appreciate the difficult position that the Minister is in, but can she set out a list of all those people who are eligible for a proxy vote organised up until 5 pm tomorrow—election day? It was a mystery to me; I had never heard of emergency proxies. Apparently, they are available to people who, for example, cannot use the photo pass they were planning to use; it is not just an illness or disability issue. Where is the list, because it is very confusing on the websites, of who can get organised for a proxy up to 5 pm tomorrow? Are local authorities organised to do that for people who might have problems? Has this happened before or not?

Baroness Scott of Bybrook (Con): In certain circumstances where a person has an emergency that means that they cannot vote in person, they can apply for an emergency proxy. There is full guidance on the Electoral Commission's website. I should stress that the circumstances where an application for a proxy vote may apply are specific and very limited. Emergency proxies are available if a person's photo ID is lost, stolen, destroyed or damaged, and the deadline to apply for a voter authority certificate has passed. This can also be used if an anonymous elector's document is lost, stolen, destroyed or damaged. As the noble Lord said, applications can be made up to 5 pm on polling day.

Lord Hamilton of Epsom (Con): Can the Minister confirm that the measures being introduced by the Government are very similar to those that were introduced in Northern Ireland, which have been generally welcomed by both Houses?

Baroness Scott of Bybrook (Con): My noble friend is absolutely right: those measures were brought in in Northern Ireland by the Labour Government in 2003. They have been highly successful, and, in fact, the people of Northern Ireland have a higher rate of satisfaction with their electoral system than we do in England.

Lord Walney (CB): My Lords, are the Government alive to the prospect that they have set the bar too high for forms of photo ID for younger people in particular? The chance that someone would be so keen to vote fraudulently that they would make a fraudulent Oyster ID card as an 18-plus as a way to gain access to a polling station is vanishingly small. In that review, will they be alive to widening out the forms of photo ID for younger people?

Baroness Scott of Bybrook (Con): Yes, obviously, but it is interesting that, when the research was done on the number of people in this country who had photo ID, it was higher for younger people. It was 98% for the whole of the country, but 99% for young people between 18 and 25. But, yes, we will look at that. I know that the Oyster card has been an issue, but there is a real reason. Oyster cards for younger people have a different process which is not as secure as that for older people's Oyster cards.

Lord Shipley (LD): My Lords, mention has been made of a review, and it is critical that it happens correctly. That requires three sets of information. The first is how many people were turned away; the second is the precise reasons for their being turned away, and the third is the time of day that they were turned away, because if it was before, let us say, half an hour before the close of polls, people may have been able to go and get the required documentation in some cases. Will the Government have the correct data on which to form an opinion?

Baroness Scott of Bybrook (Con): Councils are required by law to record data in polling stations. There are two purposes for that. The first is in the case of any complaints or legal challenges, as we know. That data is on individual electors formally refused a ballot and whether they later returned and voted successfully; it will be sealed and retained in case it is needed. The second set of data will be captured in the short term to help evaluate the voter identification policy. That data will be anonymised and will include both the number of electors turned away and the reasons why, as well as whether they returned and voted later; it will also include data on other aspects of the policy, such as the number of times a voter authority certificate is used. As I have said, that data will be used by both the Government and the Electoral Commission in their evaluations. I do not think that the time of day when those electors came to a polling station will be in the evaluation, but I will certainly get the House an answer on that.

Levelling-up and Regeneration Bill

Committee (12th Day)

Relevant documents: 24th and 31st Reports from the Delegated Powers Committee, 12th Report from the Constitution Committee

12.01 pm

Amendment 290

Moved by ***Lord Russell of Liverpool***

290: After Clause 123, insert the following new Clause—

"Developer contributions: childcare

(1) This section applies where a local authority is making a consideration under—

(a) section 106(1)(d) of TCPA 1990 in relation to a "major development", or

(b) Part 4 of this Act.

(2) When this section applies, the local authority in question may have regard to—

(a) the current availability and affordability of childcare services in the local area,

(b) the impact that any new development will have on the availability and affordability of childcare services in the local area, and

(c) the need to promote high-quality affordable childcare in line with sections 6 and 7 of the Childcare Act 2006.

(3) When setting obligations to which this section applies, the local authority must publish a statement setting out the reasons underpinning their decision to allocate the level of funding or support they have to early years or childcare services and settings.

(4) Nothing in this section prevents a local authority from having regard to any factor not mentioned in this section when making a relevant consideration.

(5) "Major development" here has the same meaning as in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595)."

Member's explanatory statement

This amendment would make clear that local authorities are empowered, but not required, to use developer contributions to fund childcare services and settings. It would also require them to publish a statement explaining why – in relation to large developer contributions – they did or did not direct any funding towards childcare services and settings. This would only apply to major developments, as is currently the case for affordable housing considerations.

Lord Russell of Liverpool (CB): My Lords, I rise to move Amendment 290 in my name and those of the noble Baronesses, Lady Royall and Lady Tyler, and the noble Lord, Lord Young. I thank all those who have supported this amendment, in particular the large number of Conservative noble Baronesses I have managed to nobble—it was 16 at the last count, I think —all of whom have indicated their strong support, in principle, for it. I will not bore your Lordships or broadcast my ignorance by opining on the 24 other amendments in this rather large group; I am confident that others will make their own cases at an appropriate, or even inappropriate, point.

We are all aware of the challenges facing parents of young children in the country today. Childcare is too expensive and often extremely hard to access. Even if one is able to afford it, often it is not there. I think we would all agree that, when a parent will lose money if they go back to work because the childcare that they can access is more expensive that what they can earn back in the workplace, the system is not working as it should.

Over the past seven years, the children's charity Coram—I declare my interest as a governor—has done some research and indicated that prices have risen by 40%, far outstripping inflation and wage growth. However, these price rises have been driven in part by the growing scarcity of childcare services. The Government's own data shows the systematic underfunding over several years of the so-called free hours, giving nurseries a rather invidious choice between closing down and pushing prices up for the hours that they charge for. The end result is that 5,000 providers closed their doors for good last year. In more than half of local authorities, there is not enough childcare provision for very young children. This is letting families across the country down and is holding back our economy as new parents are forced to give up careers.

Against this backdrop, the Chancellor has announced an extremely welcome massive expansion of government-funded childcare over the next three years. This will see hundreds of thousands of children receive some childcare for free but, potentially, increasing demand for already scarce nursery places. The Government have recognised that this cannot happen overnight but they have not—so far, at least—put in place funding specifically to increase the number and capacity of nurseries. This amendment is by no means the complete solution to the problem but we suggest that it should be part of the picture as we work out just how we are going to deliver on the promises that the Chancellor has made.

It is a long-established principle that, when developers build new homes at scale in what is termed a "major project", they must contribute towards the extra public service capacity that these developments take up. Whether they are schools, GP surgeries or public transport links, these contributions help to ensure that a major development is acceptable and additive to local communities. Unfortunately, one area where this simply is not happening is the provision of childcare services and facilities. Over the past five years, around £35 billion has been raised from developers to fund affordable housing and community infrastructure. About a third of that has been spent on infrastructure such as repairing roads and extending or building new schools. However, of that £35 billion, the total amount that has been spent on childcare provision is £22 million, which is not very impressive. That is equivalent to £1 for every £1,667 raised from developers—a slight imbalance, perhaps.

There are some areas that have done well. In East Sussex, over £900,000 has been spent on expanding two nurseries. On the Isle of Wight, £200,000 has been spent on extending a family centre. In Knowsley, in Liverpool, almost £2 million has been spent on two new nurseries. However, these represent a disappointingly small set of areas. In responding to a freedom of information request to identify what they had or had not done, more than 90% of local authorities indicated that they had not spent a single penny of developer contributions on childcare or early years support. Since the guidance on both the community infrastructure levy and Section 106 contributions does not mention early years settings at all, this should not come as a great surprise.

Amendment 290 would not force local authorities to spend their money differently. All it would do is make it crystal clear and explicit to them that they can do so and that, in doing so, they will potentially help the Government to deliver on their commitments and policies. Local authorities have focused primarily on schools, not early years provision. While early years provision is meant to be understood as being implicitly included in the schools category, it is mostly not being included or considered at all. On Report in the other place, the Minister, Lucy Frazer, said that

"it is crucial that children get the support, care and education they deserve. It must be the case that nurseries and pre-schools fall within the definition of 'schools and other educational facilities'".—[*Official Report*, Commons, 13/12/22; col. 962.]

However, the clear evidence from the freedom of information data is that, 90% of the time, that simply is not happening. I am sure that this is not wilful or

intentional neglect; I just think that local authorities do not regard early years provision as a priority to be fully considered. All our amendment asks the Government to do is to make it explicit, rather than implicit, that the need for childcare services should be taken into account. It asks the local authority

"to publish a statement explaining why … they did or did not"

allocate funding or support to childcare services.

At Second Reading, I mentioned that I had undertaken some research on behalf of the Minister to find, given her distinguished 10-year tenure as the leader of Wiltshire Council, a term in Wiltshire dialect that would clarify the intent of this amendment. The noun that I found was "jiffling", which, in everyday English, means "confusion". I hope the Minister will agree that, of the myriad amendments that she has dealt with so far and will deal with in future, this is one of the more straightforward, more diplomatic and least contentious ones. It is also fully aligned with the direction and intent of government policy and its purpose, which is simply to eliminate the possibility of any jiffling when local authorities evaluate the potential need for childcare services when reviewing any major project. I beg to move.

Lord Young of Cookham (Con): My Lords, it is a pleasure to follow the noble Lord, Lord Russell, and add a brief footnote to the speech he made on Amendment 290, to which I have added my name. As he said, the amendment makes it explicit that the infrastructure levy can be used to make childcare accessible and affordable.

I will make four brief points. First, in standing back and looking at total expenditure on all ages of children under 18, I believe we spend too low a percentage on under-fives and too great a percentage on older age groups, in terms of outcome both for society as a whole and for the individual child. I believe that a pound's worth of investment spent earlier yields a greater return than if spent later. This is not the time to defend that assertion, but it is relevant to the debate.

Secondly, I therefore welcome the priority the Government have recently given to childcare, with £204 million of additional funding this year increasing to £288 million by 2024-25, on top of the £4.1 billion previously announced, together with earlier announcements about family hubs.

Thirdly, in expanding free entitlement, if that additional funding is inadequate, there is a risk that, as the noble Lord just said, providers continue to remove themselves from the market or reduce the quality of care provided. If the latter happens, it would place the priority of providing employment opportunities for parents above the purpose of child development. Increasing the demand for childcare places by making it cheaper without increasing funding for staff salaries may make it harder to find a nursery space in the first place. At the moment, it is not at all clear where the extra places will come from. Sam Freedman, an author and political columnist, posted the following on Twitter:

"we haven't been given a figure for the new hourly rate but based on the overall cost for 3+4 year olds (£288m for 2024/5) it looks way too low. We proposed adding in £2bn to make it sustainable".

Fourthly, the current business model for much of childcare relies on cross-subsidy from the better-off parents who can afford the extra hours to make good the gap in statutory funding. I was rereading the report of the Lords Select Committee on Affordable Childcare, published in February 2015, which said this about cross-subsidy:

"There is evidence that the funding shortfall in the rates offered to"

private, voluntary or independent

"providers for delivery of the free early education entitlement is met in some settings by cross-subsidisation from some fee-paying parents. This means that parents are subsidising themselves, or other parents, in order to benefit from the Government's flagship early education policy".

At the moment, of course, nurseries subsidise the too-low, free, hourly rate by charging more for one and two year-olds, hence the high prices. But, if one and two year-olds get free hours, as proposed, you cannot get the cross-subsidy. As free entitlement is expanded to more of the market and more of the week, it undermines the current business model for those who are providing childcare. If we want to achieve the Government's policy on childcare and levelling up, we need to ensure that extra resources are available. That is what this amendment does.

Baroness Tyler of Enfield (LD): My Lords, I will speak to Amendment 290, in the name of the noble Lord, Lord Russell, and to which my name is attached. I pay tribute to the noble Lord's leadership on this issue and apologise to the Committee, as I was unable to speak at Second Reading. I will just make a few additional points to those already made by the noble Lords, Lord Russell and Lord Young. As a member of the Lords Select Committee on Affordable Childcare, to which the noble Lord, Lord Young, just referred, I very much want to underline the points he made about cross-subsidisation.

This amendment, which makes it explicit that childcare services are considered a proper use of developer contributions by local authorities, is incredibly important. We need to see it written down. At the moment, there is nothing in legislation or guidance, and this would be only an option for local authorities—not something they are required to do. As the noble Lord, Lord Russell, said, it is hardly a surprise that so few local authorities are spending any of their developer contributions on childcare services. To reiterate his point, in the last five years, only 22 local authorities have spent anything on them.

12.15 pm

As all noble Lords know, the childcare sector is under huge pressure. Last year, more than 5,000 providers closed down. Depending on which estimate you prefer, the difficulties in accessing affordable childcare cost our economy between £11 billion and £30 billion a year. Women in particular often have no choice but to give up work after having children. Even if they return later, they will see their earnings stunted for the rest of their careers as a result. We can see this clearly in the gender pay gap: women's weekly earnings and labour force participation fall substantially when they have their first child and do not reverse a decade later. This is not just about childcare—there are other major barriers that women face—but it is a really important issue. We know we have serious productivity problems as a nation, and this is something that we cannot ignore.

[Baroness Tyler of Enfield]

I was also glad to see in the recent Budget that the Government recognise this challenge. I welcome the Budget announcement, but this does not change the fundamental fact that our childcare system is in a precarious state. Liberal Democrats have been calling for properly funded, genuinely free childcare for years because, unless the Government fund free hours at the actual cost of providing them, it will make the problems parents face—a chronic lack of providers and eye-watering fees for full-time childcare—even worse.

Childcare is an essential part of our economic infrastructure. For many parents, it is as crucial to getting to work as roads or trains. I know that this amendment would not solve all these problems, but it would help to ensure that families with children do not see childcare prices forced up or waiting lists becoming even longer as a result of much-needed new and affordable housing. That is why I support this important amendment.

Baroness Taylor of Stevenage (Lab): My Lords, I will speak to the amendments in this group in my noble friend Lady Hayman's name and in my name, and comment on other amendments submitted. As this is the first group on the infrastructure levy before the Committee, I will make some general comments, which I will try not to repeat in future groups so as not to test Members' patience.

The introduction of the infrastructure levy has broadly been welcomed by local government and the Local Government Association, as it is non-negotiable and set at a local level. I hope that, eventually, it will rationalise the current system of the CIL and Section 106. However, as my grandmother is from Wiltshire, I feel justified in saying that it is a jiffling picture at the moment.

The proof of its success will be whether the levy delivers more in infrastructure, affordable housing and, key to this group of amendments, some of the social infrastructure that greatly concerns local residents when they hear of new development. Key to this is whether, as the current community infrastructure levy and Section 106 system transitions to this new arrangement, the levy actually delivers at least as much as, if not more than, the current system. What protections does local government have against the temptation for Secretaries of State—I will not name anyone—to top-slice the infrastructure levy?

Forgive my cynicism, but I have the clear memory of the new homes bonus in mind. The new homes bonus was, first, top-sliced from local authority budgets then cut in successive years, so it was really just another mechanism to cut local government budgets. I know that the infrastructure levy is substantially different, in that funding is delivered from the development sector, but will this be too tempting a pot for the Treasury to resist?

The LGA has expressed concerns that significant elements of the levy are not yet clear in the Bill, such as definitions of larger sites, rate-setting and the relationship between different tiers of authorities that will be in receipt of the levy. There also needs to be a clear definition of what infrastructure is in scope and what is not, which is the subject of many amendments in this group. For example, if the system is to move on from Section 106, how will contributions towards issues currently funded by that method be treated, such as skills, apprenticeships and the local workforce—in other words, issues that sit outside the built environment?

Local government has also urged the Government to reconsider the timing of the levy. The new system as proposed may help developers' cash flow, but local authorities want to ensure that infrastructure is provided early in the development process so that existing local residents can be reassured that there will not be an uncomfortable transition phase while the provision of infrastructure lags behind development and results in a period of pressure on existing resources. I moved around our new town four or five times when I was growing up, as new developments were built, each time to areas with no shops or services and little in the way of public transport. The sequencing of infrastructure is really important.

Like many other voices in local government, I have long been an advocate for removing the permitted development process, which undermines local plan-making and the quality standards of new homes. But if the Government insist on retaining permitted development—it looks as though they will—there must be a way of applying the levy to such change-of-use developments.

Many of the amendments in this group are seeking some clarity from the Government about how the infrastructure levy can be used and how they will demonstrate what is being achieved in this respect. Our Amendment 314, in the name of my noble friend Lady Hayman, raises the key issue of demonstrating how the levy will impact public transport in travel-to-work areas and requests that the Minister must publish within two years of Royal Assent a summary setting out progress. If we are serious about reducing car dependency to aid our net-zero ambitions, clear commitments from this legislation are essential.

Similarly, Amendment 315 probes whether the levy may be used in relation to the contribution required for restoring railways. We have heard a great deal in earlier discussions on the Bill about, for example, the use of restored former rail routes to improve interconnectivity. The levy could provide a very important contribution to this. We hope that when we see the detail of the regulations associated with the levy, it will be empowered to do so.

Amendment 316 again probes the intended scope of the infrastructure levy. When we talk to local people, their concerns about new developments, as well as the impact on the environment, are often about the pressure that these put on services and facilities that meet local and strategic needs and contribute towards a good quality of life, such as health provision, education, community, play, youth services, recreation, sports, faith and emergency services facilities. Too often, they have felt that developers focus just on the profit side of the equation, with little regard for the needs of existing communities or those for whom they are building. Although CIL and Section 106 have made some provision for parts of social infrastructure in the past, they have been too limited in the amount provided and in restrictions on what is provided. As an extreme example, in my borough, a Section 106 agreement could be used only to deliver a bus shelter in an area that had long since lost its only bus service. We would

like to see a broad scope for the infrastructure levy, driven locally by local need and with flexibility for it to be used in appropriate ways as communities develop.

It would be wrong not to mention the knotty issue of viability. I draw attention to the Explanatory Notes to the Bill, which say at paragraph 725:

"The purpose of IL is: to ensure that the costs incurred in supporting the development of an area (including by the provision of affordable housing), and achieving any additional purpose specified in IL regulations, are funded at least in part by owners or developers of land, but in a way that does not make development in the area economically unviable".

One has to ask: unviable to whom? If the infrastructure needed is not to be provided through this route, how is it to be provided? Will it be by the local authorities which are already so strapped for cash they are cutting services, not developing them, or by the Government? My noble friend Lady Hayman's Amendment 343 seeks to specify a wider scope for the infrastructure levy in the Bill, so that it is clear that developers may be asked to make wider contributions to the infrastructure demands that their development is driving.

Amendment 355, in my name, seeks to limit the circumstances in which the Secretary of State can direct a charging authority to review its charging schedule. We understand why it may be necessary to ensure that charging schedules are kept up to date, but surely these timescales are for local determination, and it should be only in the most extreme circumstances that intervention would be necessary. The community infrastructure levy itself is a relatively new form of charging infrastructure against developments, so it will be important to have a benchmark on what it has achieved in this respect so that it is possible to assess the infrastructure levy against the current arrangements.

I will comment briefly on other amendments in this group. The amendment from the noble Lord, Lord Russell, is to ensure that large-scale developments can be required to provide funding for childcare services and settings. My noble friend Lady Hayman's Amendment 343 also seeks to broaden the scope of social provision under the infrastructure levy. In her amendment to Schedule 11, paragraph (c) refers specifically to nurseries, so we support this amendment. The plea of the noble Lord, Lord Russell, was powerfully made. Having been a single parent myself, I know that the issue of nurseries and childcare is really vital, but we need to identify what the infrastructure levy can do with capital and revenue funding streams. It is no good building nurseries if there is no funding to run them. The noble Lord, Lord Young, was right to raise the complex issues around funding for childcare. If we are going to resolve some of this through the infrastructure levy, we need to understand how.

There are a number of amendments in the names of the noble Lords, Lord Greenhalgh and Lord Wasserman, and the right reverend Prelate the Bishop of Exeter regarding the implications of the infrastructure levy for our emergency services. We understand the motivation behind these amendments: although emergency services may be asked to comment and make submissions on planning applications, they are, more often than not, unable to be there at the point of decision-making. It is important that the Bill gives clarification on how emergency services are to be treated for the purposes of the infrastructure levy.

Amendment 335, in the name of my noble friend Lady Warwick, the noble Baronesses, Lady Watkins and Lady Thornhill, and the right reverend Prelate the Bishop of Chelmsford, seeks to ensure that infrastructure levy funds cannot be used by local authorities to cover the costs of unspecified items. The wording in Schedule 11, which this amendment would remove, is simply not clear enough. The amendment highlights again how important it is that the Bill is absolutely clear about what can be covered by IL and what cannot.

We are grateful to the noble Lord, Lord Best, for his tireless pursuit of opportunities that the Bill could give to increase the delivery of supported housing, particularly for older people. We believe that this should be a strong consideration in the structure of the infrastructure levy, so we support his amendment. The noble Lord's Amendments 337 to 339 and 354 all refer to the independent examination of the IL charging schedules by an independent examiner. We look forward to the Minister's comments on the rationale for this provision in Schedule 11. Is this service to come under the remit of the Planning Inspectorate? If not, who will carry out this role, how, and how will they be appointed?

In respect of Amendment 348 from the noble Baroness, Lady Scott of Needham Market, we are interested to hear the views of the Minister on the treatment of town and parish councils under the new infrastructure levy regime. There are over 10,000 parish, town and community councils in England, ably represented by the National Association of Local Councils. Is it the intention of the Bill that these councils be a specified recipient of the neighbourhood share of the infrastructure levy; for that share to be 25%, or 35% for a parish council with a neighbourhood development plan; and for a parish council to have full flexibility over how those receipts are spent?

NALC believes that the higher CIL amount provides an additional incentive to undertake a neighbourhood development plan and to identify extra investment in infrastructure or anything else concerned with addressing demands of development. Do the Government intend to build on CIL for the new infrastructure levy, with a parish council being the body which will receive the neighbourhood share? They are not named explicitly in the Bill. Will the uplift in neighbourhood share still be available to parish councils which have prepared a neighbourhood plan?

I hope your Lordships will forgive me for a long intervention, but this is a huge group with a lot of different amendments in it. In summary, a great deal of clarification is needed around the introduction of the infrastructure levy. We urge that as much of this clarification as possible is included in the Bill and that there is a thorough period of pilots introduced to test the implementation of the infrastructure levy in practice and whether it can deliver against the opportunities that it should be able to realise.

12.30 pm

Lord Greenhalgh (Con): My Lords, I rise to speak to Amendments 324, 329, 342, 346, 347, 351, 352 and 360 in my name. I have tabled them on behalf of the emergency services of England, including the following

[Lord Greenhalgh]
organisations: the Association of Ambulance Chief Executives, the Association of Police and Crime Commissioners, the National Fire Chiefs Council, the National Police Chiefs' Council, the National Police Estates Group and the National Fire Estates Group. I should declare my interest as a vice-president of the Local Government Association.

As extraordinary as it sounds, the English planning system has never recognised the emergency services as critical infrastructure providers anywhere in primary legislation, national planning policy or statutory guidance. The result of this is that, while new development such as housing estates, bars, restaurants, nightclubs, theatres, warehouses, factories or even power stations place additional demands on the emergency services that stretch existing resources, it is rare for mitigation in the form of developer contributions from Section 106 and the community infrastructure levy to be put in place to alleviate this.

The failure to recognise the emergency services in legislation is a colossal blind spot in the planning system, which has had dire practical results when the emergency services seek to obtain funding for the essential ambulance, fire and rescue, and police infrastructure needed to support new development of all kinds. This is demonstrated by the following figures. The Section 106 system started in 1990. In the 33 years since it has been operating the emergency services of England have been awarded a combined total of £25.4 million, which is a paltry amount when DLUHC's own figures show that other infrastructure types such as education receive hundreds of millions of pounds per year from the Section 106 system.

There are 10 ambulance trusts in England, but none has ever received a Section 106 contribution at all. In England, there are 39 territorial police forces, but of this total only 12 have ever been awarded a Section 106 contribution since the system started. Of this total, only four of the 12 forces still receive such contributions on a regular basis. Of the 48 fire and rescue services in England, only five have ever been awarded a Section 106 contribution and none has been a regular recipient.

The situation with respect to the community infrastructure levy, or CIL, is even worse than with respect to the Section 106 system. Since it started nearly 13 years ago, the emergency services in England have been awarded a combined total of only £1.5 million—a terrible contrast with the fact that the CIL system in England raises hundreds of millions of pounds for other infrastructure types every year.

The Government have accepted that these problems exist and that action needs to be taken to solve them, so that the emergency services have an equal seat with other infrastructure providers at the negotiating table. I am grateful for a letter to me on 16 March from Housing Minister Rachel Maclean, which points to the reference to the emergency services in proposed new Clause 204N(3) in Schedule 11 to the Bill, meaning that they are referenced for the new proposed infrastructure levy. The Minister has also committed to reviewing the NPPF as part of a wholesale review and consultation once the Bill has received Royal Assent, to consider whether there can be explicit references made to the emergency services, putting them on an equal footing with other forms of infrastructure such as education. Finally, the Minister has committed to reviewing planning practice guidance to add reference to the emergency services with regard to the use of developer contributions.

The commitments from the Government are very welcome, and it has been helpful to have meetings with my noble friend the Minister, but these measures are not enough, for a number of reasons. The Government have confirmed that the new infrastructure levy will not be introduced fully for 10 years—that is, not until 2033. That means that Section 106 agreements and CIL will continue as the main sources of developer contributions for another decade, and possibly much longer in England. The definition in proposed new Clause 204N(3) refers only to the infrastructure levy. It will not apply to Section 106 and CIL. The new infrastructure levy will be a complex mechanism in its establishment, operation and application, and yet the Bill contains only a single reference that the emergency services may benefit from it, with no other provisions. The experience with CIL of the emergency services demonstrates beyond reasonable doubt that they would receive little or nothing from the new infrastructure levy in practice.

Even more seriously, without further amendments to the Bill, there could well be the inadvertent consequence that the current provision will be interpreted by the vast majority of local planning authorities and developers alike as confirming that the Government do not intend for the emergency services to access money raised through Section 106 and CIL. This would close what little access the emergency services have to these two systems, leading to the already paltry amounts being awarded being reduced to zero. That is why the chairs of the emergency services wrote to the Housing Minister on 31 March 2023, offering a way forward—to withdraw six of our eight amendments, provided that two key amendments to the Bill be agreed alongside the measures proposed by the Minister to address their concerns.

The first of those is Amendment 324, to provide a fuller definition of emergency and rescue services. This definition is needed in the absence of one for the emergency and rescue services within the primary legislation governing the planning system. The second is a modified version of Amendment 360, which clarifies that emergency services can receive money from Section 106 agreements and CIL while ensuring that local authorities have primacy of decision-making. This offer was made in a constructive spirit but, so far, we have had no response from the Minister. It would be helpful if my noble friend could provide an update.

We need to find a solution to deal with this issue. If we do not, the existing situation will continue and the thin blue, red and yellow lines will be reduced ever further, as the ambulance, fire and rescue, and police services spread themselves ever more thinly over a greater area to try to cover new developments of all kinds.

The Lord Bishop of Exeter: My Lords, I rise in support Amendments 324, 329, 342, 346, 347, 351, 352 and 360 in the name of the noble Lord, Lord Greenhalgh, and to which I have added my name. They concern planning reform and the emergency services.

A robust and effective planning process is essential for the flourishing of our communities. A key aspect of this is to ensure the adequate provision of emergency services. I welcome the fact that the Bill has included emergency services in the definition of infrastructure under Schedule 11, but, historically, this has not always been the case. It remains the fact that local authorities are not obliged to take into account the views and concerns of the emergency services.

Those living in new developments such as in Plymouth and Exeter, my own diocese, rightly expect to be provided with the same level of service and protection afforded to all citizens. The increased demands on the emergency services posed by new developments require additional funding. In this way, the emergency services are no different from any other infrastructure provider. However, the lack of recognition in legislation and national planning policy has made it extremely hard for emergency services to access funding from the infrastructure levy, Section 106 money and community infrastructure levy systems. The obvious result is that the services provided are diluted.

The Bill in its current form does not mitigate these problems and the thrust of these amendments seeks to address the historic disfranchisement of the emergency services in our planning processes. I am sure that all noble Lords will join me in recognising the vital contribution that those who work in the emergency services make to our common life. It should therefore be incumbent upon us to ensure that in the planning and formation of new developments, the emergency services have an equal seat at the planning table. I gladly support this.

Lord Shipley (LD): My Lords, I should like to speak to Amendment 331 on behalf of my noble friend Lady Pinnock. It an extremely important amendment and I will be very interested to hear what the Minister says in reply. In that sense, this is, at this stage, a probing amendment. It would enable infrastructure levy-charging authorities to require a developer to pay their full IL liability, or infrastructure funded by IL associated with the development to be built before development may commence, and would enable developers to be required at the request of the authority to provide money for remedial work. Under current systems, of which across this Chamber there is huge amount of experience, there are constant delays in the delivery of infrastructure and remediation and failures to deliver the affordable housing needed in an area, and it takes ages to negotiate and renegotiate the terms of the community infrastructure levy or Section 106.

An amendment of this kind, which would require payment of the infrastructure levy up front, would speed up development because it would concentrate the minds of the developers and bring clarity to the contractual status of the infrastructure levy, and it would, in our view, have a positive impact on the development process. Of course, it would not be compulsory to charge it up front, but it would be possible to do so if a local planning authority felt that it was the right approach. That is the proposal in Amendment 331.

I have long felt that we spend far too much time trying to cope with negotiations where developers seek to make changes to the promises that they have made. I look forward to the Minister's reply to see whether the Government think that there is some mileage in a proposal of this kind that would get payment made up front rather than later, however staged that process may be through a development being put on to the ground.

Baroness Warwick of Undercliffe (Lab): My Lords, I will speak to Amendment 335 in this group. Each amendment in this group deals with the impact of the proposed infrastructure levy on different aspects of social infrastructure. The levy is one of the most consequential aspect of the Bill, which proposes a new infrastructure levy largely to replace the current system for developer contributions. Developer contributions currently play a vital role in delivering affordable and social housing. Section 106 agreements alone accounted for 47.3% of all affordable homes in 2021-22, a figure that represents 12% of all new homes delivered annually. Section 106 is not a perfect process, but while there is clear scope to reform and improve the existing system for developer contributions, it is none the less responsible for a huge proportion of new affordable and social homes. As its proposed replacement, the infrastructure levy represents a radical shift in how this housing will be funded and delivered.

There are 4.2 million people currently in need of social housing in England. This means one in five children is living in an overcrowded, unaffordable or unsuitable home. Research published last week by the National Housing Federation found that more than 310,000 children in England are forced to share beds with other family members—I have already put down a Question on that issue. That means that one in every six children is being forced to live in cramped conditions because their family cannot access a suitable and affordable home. This equates to 2 million children from 746,000 families.

Against this backdrop of acute housing need, changes to the planning system must, at minimum, protect current levels of new affordable housing. It is with this principle in mind that I tabled four amendments to Schedule 11. Each of those amendments seeks to strengthen protections for affordable housing in this legislation and ensure that the infrastructure levy does not lead to a net loss of affordable housing. I am pleased to have received support for these amendments from the Labour and Liberal Democrat Front Benches and the right reverend Prelate the Bishop of Chelmsford.

I now turn to my amendment in this group. A key threat to the supply of affordable housing via the infrastructure levy is its potential to result in the diversion of developer contributions away from affordable housing and towards other unspecified forms of infrastructure unconnected to development. As long as there are clear affordable housing needs, it is essential that local authorities' use of developer contributions for purposes other than affordable housing is strictly limited. My amendment seeks to prevent levy receipts being spent on unspecified items "other than infrastructure". In its current form, the new infrastructure levy could lead to the diversion of developer contributions away from affordable housing. By contrast, a high proportion of developer contributions currently obtained via Section 106 agreements is spent on affordable housing. According to research commissioned by the Ministry of Housing,

[Baroness Warwick of Undercliffe]
Communities and Local Government in 2020, 78% of Section 106 funds were spent on affordable housing in 2018-19.

I support Amendment 350 tabled by the noble Lord, Lord Best, which is in a later group, which seeks to ring-fence 75% of levy receipts for affordable housing based on the current proportional figure for Section 106 funds.

My amendment attempts to remove the risk of future regulations which would permit the diversion of funds away from affordable housing or infrastructure and towards unspecified items provided by a local authority. I hope the Minister will acknowledge the real and present danger inherent in this part of the Bill and explain how the Government propose to mitigate it.

12.45 pm

Lord Wasserman (Con): My Lords, very briefly, I support the eight short but important amendments introduced with admirable clarity and persuasiveness by my noble friend Lord Greenhalgh and supported by the right reverend Prelate the Bishop of Exeter. Before I say anything more about these amendment I want to apologise to the Committee for having been unable to attend the Second Reading of this important Bill.

As I am sure all noble Lords agree, it is the first responsibility of government to keep us all safe. It gives me great pleasure to be able to say that this is a responsibility that this Government, and their predecessors stretching back to May 2010, have carried out with notable determination and success. However, this is precisely why I am so disappointed that the present Administration have not welcomed with open arms this set of relatively minor and uncontentious amendments, which, if enacted, would make an enormous difference to the safety of our communities.

As many noble Lords may know, these amendments are the product of a group of high-powered experts convened by those who are responsible for keeping us safe. As has already been mentioned by my noble friend, these were the Association of Police and Crime Commissioners, the National Police Chiefs' Council, the National Fire Chiefs Council, the Association of Ambulance Chief Executives, the National Police Estates Group and the National Fire Estates Group. The amendments were developed for the express purpose of filling a yawning gap in our national legislative and regulatory arrangements which they believe limits significantly the effectiveness and efficiency of the emergency services for which they are directly responsible.

What is this gap? It is the fact that nowhere on our statute books—not in primary legislation, secondary legislation, the National Planning Policy Framework or the statutory guidance governing the planning system—is there anywhere which recognises the emergency services as providers of critical infrastructure for community safety. This might not matter very much for those of us who live in major cities, as these cities have had the basic support services for the emergency services in place for decades, if not centuries. However, it matters very much for those who live, work, study or play in new developments, such as housing estates, sports stadia, music venues or commercial properties, such as offices, retail parks, warehouses and factories. In these places the need to provide appropriate infra- structure for our emergency services is nowhere specified in our planning system. It is simply assumed that this infrastructure will be there when it is required.

Simply to assume that someone will magically provide the necessary infrastructure for our emergency services, so that these services will be on hand whenever we need them, is not a way to run a country—certainly not a country which believes, as we do, that community safety is the first responsibility of government, be it local, regional or national. To assume that everything will be all right on the night may be an effective way of saving money but it is not an effective way of saving lives. It is the saving of lives which is the primary aim of these amendments.

I therefore urge my noble friend the Minister to accept these amendments, fill this major gap in our legislative and regulatory arrangements, and thereby make a major contribution to the safety of our communities.

Lord Best (CB): My Lords, I am speaking to Amendments 336 to 339 and 354 in my name, all concerned with the mechanisms of the new infrastructure levy.

Amendment 336, supported by the right reverend Prelate the Bishop of Chelmsford, would require planning authorities, when devising their charging schedule for the new infrastructure levy, to recognise that different kinds of development have different levels of viability and profitability. Not least, building specialist accommodation for older people needs more help than building standardised, uniform homes for sale or rent with the minimum of extra amenities. The amendment seeks to ensure that the charging schedule for the infrastructure levy recognises that more help from the levy will be needed for more specialist developments.

We have had excellent debates in this Committee on housing for older people, and indeed on how the socially worthwhile elements of new residential developments affect viability, so I will not detain your Lordships by making the case that the new levy arrangements should enhance the production of much-needed supported housing, such as retirement accommodation. I simply commend this tweak to the IL arrangements.

I am also speaking to the cluster of amendments in my name—Amendments 337 to 339 and 354—that all relate to one key point. They come from the well-respected Royal Town Planning Institute and are intended to simplify the processes for creating the infrastructure levy. They would do so by getting rid of the requirement for an independent examination of IL charging schedules, relying instead on a simpler, direct relationship between the local planning authority and the Secretary of State.

The RTPI argues that, since the Bill already gives the Secretary of State the power to intervene if the examination outcomes are regarded as unsuitable, an additional independent examination is an unnecessary extra step and should be replaced, in setting the IL rates, by direct dealings between central and local government. That would have the beneficial effect of deterring the lengthy and costly legal challenges to charging schedules that can otherwise be expected.

As noble Lords know, the Bill introduces a new mandatory framework for local planning authorities to extract the infrastructure levy from developers carrying out new development. Local planning authorities will

be required to prepare a charging schedule and a price list outlining local costs and thresholds of development for the levy, and to consult the public accordingly. In addition, the Bill then requires an independent examination, probably by the Planning Inspectorate, before the charging schedule is published. The Secretary of State will be empowered to require charging schedules to be amended.

All this can become a long-winded and expensive process, so the amendments seek to cut out one of the sources of delay and cost. The Bill's impact assessment says the new system is estimated to cost between £12 million and £18 million, absorbing a portion of the levy to cover those costs. Ministers have indicated that they expect the implementation of the infrastructure levy to take place over this decade, and the impact assessment explains that the expected start-up and administrative costs for the recruitment and training of personnel in local authorities are expected to be no less than £147 million, and perhaps as much as £440 million, over the 10-year appraisal period.

At present only about half of local planning authorities, 48%, have introduced the current community infrastructure levy, the precursor of the new infrastructure levy. The other councils have considered it unfeasible to introduce the CIL, not least because of the cost. That emphasises the need to keep things simple for the new infrastructure levy.

The amendments would remove the requirement for charging schedules to be examined independently, representing a significant simplification. That would reduce the otherwise heavy administrative burden for the Planning Inspectorate in examining every local authority's charging schedules within a defined period, which would require considerable extra capacity. The Bill ensures accountability through public consultation, which should mean that infrastructure provision recognises the community's wishes, and through the guarantee of the Secretary of State's reserve powers to intervene when necessary.

Amendment 335 was introduced ably by the noble Baroness, Lady Warwick of Undercliffe; if more than four names had been allowed in support of this one, mine would have been one of them. The amendment would prevent infrastructure levy receipts being spent on any unspecified items rather than being used for affordable housing or infrastructure. When the Bill was in Committee in the Commons, the Minister said that

"the levy regulations may allow levy receipts to be spent on matters other than infrastructure"—

or affordable housing—

"such as improvements to local services and delivery of local programmes that are valued by local communities. Although the infrastructure levy will primarily be spent on infrastructure and affordable housing, that will give us the scope to allow local authorities more flexibility over how they spend the levy if those priorities have been met".—[*Official Report*, Commons, Levelling-up and Regeneration Bill Committee, 6/9/22; col. 622.]

That somewhat open-ended statement is a bit confusing. It is not of great concern if the final words are the key—namely, that there is flexibility over how councils spend the levy if the infrastructure and affordable housing priorities have been met—but if that opens up the IL resources to be spent on any number of good causes, the whole concept of an infrastructure levy is derailed. Can the Minister please reassure the Committee that this is not an opening of the door to all kinds of worthy but quite different spending? Amendment 335 would clarify the position, and I strongly support it.

The Lord Bishop of St Edmundsbury and Ipswich: My Lords, I support Amendment 335 in the name of the noble Baroness, Lady Warwick, and Amendments 336 and 337 in the name of the noble Lord, Lord Best, to which my colleague the right reverend Prelate the Bishop of Chelmsford has added her name as the Church of England's lead bishop for housing. I am aware, as others have commented, that we are touching on matters that will arise again in the 10th group.

Amendment 335 would address a significant weak spot in the infrastructure levy. As the Bill stands, there is no meaningful protection of developer contributions to the infrastructure levy for affordable and social housing. The amendment would remove the risk of infrastructure levy regulations diverting funds away from such housing provision.

I am glad to support Amendment 337 in the name of the noble Lord, Lord Best. Together with Amendments 338 and 339, it would remove a portion of Schedule 11 containing wide-ranging provision for the examination of charging schedules for the infrastructure levy.

At an earlier point in our proceedings I was pleased to speak in support of the noble Lord's Amendments 221 and 207, both of which seek to provide for greater inclusion of older people's needs in development planning in the Secretary of State's role and at the level of local authorities. Amendment 336 is a further critical piece to address the challenge of growing needs in our increasingly ageing population and the housing crisis. In enabling the charging authority to consider additional evidence, its ability to determine the viability of developments, including older people's housing, will be better informed. It is particularly key that such developments are given due and quality consideration as we face growing need.

The Earl of Lytton (CB): My Lords, I rise to speak to Amendment 348 in the name of the noble Baroness, Lady Scott of Needham Market. The reason that I have taken on this role is that I am one of her predecessors as president of the National Association of Local Councils. I express my gratitude for the comments of the noble Baroness, Lady Taylor of Stevenage, on the value that she and her party place on that role. I also must declare a professional interest, particularly as a valuer, because from time to time I get to pore over the nitty-gritty of things like development appraisals and viability assessments, which are complex, capable of many interpretations and create all sorts of issues to do with how they may be interpreted.

1 pm

The introduction of the new infrastructure levy is something to which I give a cautious welcome, but I have some mixed feelings. First, I fear for its flexibility in terms of scheme viability. Secondly, I question the objectivity with which some of that viability is assessed. We have heard about the need for prioritisation and the timing of payment, raised by the noble Lord, Lord Shipley. But in global terms, more and more demands are placed on levies that come out of the development

[The Earl of Lytton]
process. We have to be careful about what the net figure ends up being when all is said and done. Things such as the timing of payments can have significant effects on the cost and forward funding of things, so it is very important that we get that right and do not end up with, in effect, sclerosis of the system because it can no longer meet the demands for all those mouths that are clamouring to be fed.

I can relate to every single one of the amendments proposed by other noble Lords as necessary social or services infrastructure. It is vital to say that these have to be paid for somehow or other, or else people are committed to unsatisfactory environments and having to travel endlessly for goods and services that are not immediately available. The noble Baroness, Lady Taylor, made a telling point; she referred to the financing of a bus shelter on a route that no longer existed. Well, I certainly know of parish councils which have complained to me that so much provision had been made under Section 106 contributions for transportation, usually by bus from the local town to whichever area was being developed as a settlement, that there was no way they were ever going to be able to spend that money. There was also no way that it could be allocated to other things. Indeed, for particular large development, that Section 106 contribution might have been lost because it was unable to be usefully deployed for that purpose. I do not know whether that still is the case.

I turn to my main point, which is to do with the role of parish councils and neighbourhood forums. I am absolutely clear that the current definition of a body qualifying as a parish council or a neighbourhood forum, entitling it to receive the neighbourhood share of the community infrastructure levy, which the infrastructure levy will replace, is the right one. It is consistent with the Government's approach to devolution: to establish democratically accountable bodies that lead their communities. By this means, the neighbourhood council share of the CIL receipts is passed on to parish councils or, in the case of neighbourhood forums, retained by the planning authority, which then involves the neighbourhood forum in determining its use. However, that is at the discretion of the principal authority, and it is not always exercised in a way that supports parish and town council and community-level activities. That may be a matter of simple priorities; I do not indicate it as a criticism of principal authorities. Stuff happens. This is quite an overworked system when we look at how it has to operate in practice. Indeed, the fact that there may be an obligation to pass things on to a parish and town council, properly formed in a location, may itself be a barrier to a willingness by principal authorities to see the formation of new parish and town councils. That is a terrible negative in terms of giving voice to communities and neighbourhoods.

Parish councils are not specifically named in the Bill; the noble Baroness, Lady Taylor, referred to that. They are not referred to as an entity to which receipts might be passed. In questioning that, I would also counsel against dilution to narrowly focused bodies that are perhaps not democratically accountable to their wider area. I remind your Lordships that there is no other coherent definition or status in law relating to neighbourhood representation other than parish councils.

There is currently an uplift from 15% to 25% of CIL receipts for a parish council with a made neighbourhood development plan. That provides the additional incentive to go through the process of making that plan in the first place. Of course, it provides for additional investment in community infrastructure that is not dealt with elsewhere. It is right that this should not be any old slush fund, if I can use that term, for general development. It has to be identified; there has to be a properly formulated shopping list, and I think we all recognise that. The problem is that the neighbourhood share of the infrastructure levy, as I understand it and as has been mentioned, could just be 25% as a flat rate. Of course, that does not give any uplift or incentive for communities to go through the neighbourhood plan process. Can the Minister clarify what is intended?

Another issue is that with non-CIL areas, as they are at the moment, parishes do not get the benefit from the basic 15% or the uplifted 25%. All their benefits are brokered through Section 106 and are under the sole discretion of the principal authority. My concern is that if we do not get this right, there will be a marked reduction in willingness to produce neighbourhood plans. That needs to be resolved. It is right that the Government intend to build on the approach that has been established under CIL; uneven and lumpy in its operation though it may be, I think it is the right way forward. That should ensure that communities benefit from the development and that local councils can invest in local infrastructure that is derived from their priorities.

As democratically accountable local leaders, parish councillors should have full flexibility in how the neighbourhood share is used, given, of course, that they need to identify the need. I think that is right. They are often on the front line of dealing with the impact of developments on residents, businesses, services and facilities. The amendment seeks to preserve the principles of CIL and its distribution under the new infrastructure levy. I invite the Minister to consider also the transparency and accountability that must underpin trust in the operations, and which parish councils, in particular, seek to achieve. I know that the Government are at pains to highlight the vital role of the first tier of local government at community level.

I want to mention one other amendment of the many that I would like to support, and that is Amendment 290 tabled by my noble friend Lord Russell of Liverpool. This is one of those bits of infrastructure that are vital to people's lives and their work-life balance. If we do not get that right—if we just look at the hard infrastructure and do not deal with the social infrastructure—we will in effect blight whole sectors of new communities, that need to bed in, with an existence that does not give them the comfort and the sense of place and fulfilment that they should rightly have in their home. This and of course a number of the other points that have been made are vital. I have to say that I have been sitting on my hands trying not to jump up and down and say "hear, hear" to many of the contributions by other noble Lords.

Baroness Thornhill (LD): My Lords, this has been an incredibly wide-ranging, detailed and at times passionate debate, particularly in the contributions

from the noble Lords, Lord Greenhalgh and Lord Russell of Liverpool. We are all under no illusions that this is a radical change in policy, and therefore it deserves the detailed scrutiny that noble Lords are giving it over three groups today.

We are told that

"The aim of the Infrastructure Levy is to create a fairer and simpler system of developer contributions, which will ultimately capture more value for local authorities and local communities".

Who does not agree with that? Unfortunately, the more I have read and tried to get to grips with it, the more complex it becomes and, particularly following this debate, I believe there are legitimate questions as to whether this proposal will succeed in its aims.

Listening to noble Lords, it seems that the impetus for many of the amendments, such as Amendments 290, 335—to which I have added my name—336 and 348 and the many in the name of the noble Lord, Lord Greenhalgh, reflect the extent to which noble Lords are concerned that the current financial situations of many councils will lead them to spend the infrastructure levy on a wider range of social infrastructure, leaving less for other infrastructure. Conversely, other noble Lords are seeking to see if they can spend it on said items. Amendment 343, in the name of the noble Baroness, Lady Hayman of Ullock, seeks to broaden the scope of what infrastructure means. In Amendments 315 and 316, she probed—via the noble Baroness, Lady Taylor, of course—what should be spent on transport. Transport is surely a no-brainer if we are seeking sustainable development.

However, I am concerned that we are trying to get so much out of the infrastructure levy to make up for the real issue, which is over a decade of underfunding for councils. I say very firmly that we support the need for government to ring-fence money for social housing because we believe that this is a national housing crisis, but we feel very strongly that there should be real autonomy for councils to meet their own identified needs with the rest of the levy. I hope the Minister will be able to clarify not only the apportionment of money, but crucially, the power and autonomy of charging authorities in spending the cash raised. My noble friend Lord Shipley and the noble Baroness, Lady Taylor of Stevenage, made a very clear case about the need for up-front moneys, which I hope the Government will take seriously.

So much of this seems to hinge on the infrastructure development strategy. I say to the Minister that I am sure it would help us all if we had more detail about what is expected to be in it. I would value clarification about who signs it off, where it will sit—presumably in the local plan—and its particular relationship to other local plan policies and the NDMPs.

In two-tier areas, CIL has been really controversial, with county councils being concerned or even angry with the levels of CIL set by their districts. The noble Baroness, Lady Taylor of Stevenage, being both a county councillor and a district leader, will be aware of this tension in Hertfordshire. I am still not sure where the power lies in the final decisions about the priorities within that strategy. I expect it will be in forthcoming guidance, but it will be an area of challenge, from the top combined authorities down to parishes.

Amendment 348, supported by the noble Earl, Lord Lytton, argues for a proportion of the neighbourhood allocation of the levy for parishes. Do we yet know what constitutes a neighbourhood or, perhaps, a parish? It seems to me that districts will be very much piggy in the middle in two-tier areas, with much work to do in collaboration and consultation on an area-wide strategy. They will need capacity and support to do this effectively, which is why the Government's approach of test and learn seems to be the right one. However, can I make a plea? In asking for councils to volunteer, there is a danger that only positively motivated councils will come forward. Perhaps the department could cast around for a two-tier area that has struggled with CIL to get a more accurate picture.

1.15 pm

Several tensions were expressed in the amendments in the name of the noble Lord, Lord Best, regarding the role of the appointed examiner relating to charging levels. His message was a detailed critique, but his overarching message was very clear: keep it simple. The setting of levels is clearly at the heart of whether this is a success. It is very technical and an issue which ultimately determines whether the levy will fulfil its promise to raise more money than the current system.

Yet the work carried out by Liverpool University exploring the different types of authorities and how much each would yield in relation to current levels of CIL and Section 106 provided very interesting evidence—probably what we all know. There is more scope to capture more value on greenfield sites in areas with higher development value—in other words, in rural villages and leafy suburbs with high house prices. I am intrigued as to how this finding sits with the Secretary of State's declarations regarding green-belt development. Yet again, to those who already have a lot shall more be given. Of course, the work also found the reverse to be true; brownfield sites in areas with low-value housing may even find themselves in the infrastructure equivalent of negative equity. There are no prizes for guessing where most of these sorts of areas are. My question to the Minister is: how will this inequality of councils' actual ability to raise the levy be dealt with? Have there been any adjustments as a result of this research, which they quite rightly commissioned?

All of this and more has led me into thinking about whether this levy is actually going to do what it aspires to, whether it is worth the risks involved and the 10-year timeframe it will take to deliver. But there will be more of that in later groups. We will also probe in a later group how this relates to the crucial area of affordable and social housing. Much more will be said about that, but it has been kicked off well today by the amendments in the name of the noble Lord, Lord Best, which we broadly support.

The Parliamentary Under-Secretary of State, Department for Levelling Up, Housing & Communities (Baroness Scott of Bybrook) (Con): My Lords, I apologise for the length of time that I am going to take, but it has been a very diverse debate about a number of things and some important issues, so please bear with me.

When new development is built, it creates a demand for public services and local infrastructure. The granting of planning permission also increases the value of

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land. It is important that local authorities can secure contributions from developers to share in the land value uplift that comes from granting planning permission and use this to deliver local infrastructure and affordable housing for communities.

The current system of developer contributions is uncertain and fragmented. The negotiation of Section 106 agreements frequently results in delays in granting planning permission and these agreements can be renegotiated as the development progresses, as we have heard. Local authorities cannot be expected to negotiate as effectively as big developers. The developers can always build elsewhere, which weakens a local authority's leverage in negotiations. Developers can devote more financial resources to negotiation, out-gunning local authorities. This can generate uncertainty for local communities over how much affordable housing will be available and what infrastructure will be delivered.

Local authorities can also charge the community infrastructure levy, which is a non-negotiable—but optional—charge. Only half of local planning authorities currently charge the levy. Of those that do not, over one-third believe that introducing it would increase their ability to capture land value. The community infrastructure levy is also unresponsive to change in development value as it is charged at a fixed rate per square metre of new development and does not go up in line with house prices. That is why we are introducing the new infrastructure levy; to largely replace the existing system of developer contributions.

The new levy will aim to capture land value uplift at a higher level than the current developer contributions regime by charging rates based on the final value of developments. This should ensure that a fairer price is initially paid for the land by the developer, and then that the developer pays a fairer contribution to the infrastructure and affordable housing. As it is a non-negotiable charge, it should help to reduce delays associated with Section 106 agreements, while maintaining the viability of developments. It will also end the inequality of arms, where local planning authorities must negotiate for affordable housing with developers. The levy will be charged on the majority of types of development, providing opportunities to secure funding for affordable housing and infrastructure from developments that currently contribute very little. I totally agree with the noble Baroness, Lady Warwick of Undercliffe, that the important issue for developer contributions is housing.

The Government recognise that the new infrastructure levy is a significant change and a major undertaking. For this reason, we are taking a "test and learn" approach to its implementation. This will be vital to monitor and test the design of the levy as it works on the ground. This means that, once levy regulations have been developed following Royal Assent, only a small number of local authorities will adopt the levy initially. This "test and learn" approach will allow the Government to continue to work with local authorities, developers and local stakeholders to achieve a system that is optimally designed. We have published a detailed technical consultation, which closes on 9 June, to inform the design of the new levy regulations. We have approached this consultation in a very open manner with the sector, and we really want to listen to, and take on board, the feedback.

I turn to Amendments 290, 324, 335 and 343, tabled by the noble Lord, Lord Russell, my noble friend Lord Greenhalgh and the noble Baronesses, Lady Warwick and Lady Hayman. The amendments relate to the definition of "infrastructure". I will highlight first the point that the priority for receipts from the new levy will be the provision of infrastructure: affordable housing, schools, GP surgeries, green spaces and transport. This infrastructure is vital to support the local community and mitigate the impact of any new development.

Although I understand the desire for future levy receipts to be spent on a wider range of other important priorities, I must be clear that this will not be an unlimited pot of money and that any other spending will come at the expense of affordable housing and local infrastructure that is needed to directly mitigate the impact of new development. Although we have the ability to allow for some spending on non-infrastructure priorities through the Bill, we recognise that there are important trade-offs here. Through the consultation, we are testing the extent to which we should require local authorities to prioritise affordable housing and infrastructure before unlocking such flexibilities.

Secondly, I will address childcare, which I think everybody in the Committee agrees is exceptionally important—I know that this is a priority for all of us in the House and the other place. It is also a priority for the Government, and I am happy to say that, since Amendment 290 was tabled, the Chancellor has announced transformative reforms to the funding and delivery of childcare, as part of the Spring Budget. By 2027-28, this Government expect to spend in excess of £8 billion every year on free hours and early education, helping working families with their childcare costs. This represents the single biggest investment in childcare in England ever, and it means that eligible working parents of children from nine months old to their start in primary school will all have 30 hours of free childcare per week. I hope that the noble Lord will agree that the Chancellor's announcement means that it is no longer necessary to try to bolt together the planning system and funding for childcare through the Bill.

I make it clear to the noble Lord, Lord Russell, that guidance for applications for free schools already includes explicit assumptions that any new free schools will include proposals for nurseries. Therefore, education investment in a possible new development will include a nursery, unless there are very strong reasons why this would be inappropriate. So the Government are dealing with the issue of ongoing support for childcare and, at the same time, there is already in guidance the necessity for more nursery places where houses are built.

I turn to infrastructure spending more broadly. New Section 204N(3) provides a non-exhaustive list of kinds of infrastructure, which assists with broadly understanding what the levy might be spent on. But spending is not restricted to any of the listed items: the levy can be spent on any infrastructure that supports the development of an area. This means funding the provision, improvement, replacement, operation or maintenance of infrastructure, provided that this in accordance with the overall aim of the levy, as set out in new Section 204A. To strengthen infrastructure delivery, new Section 204Q requires local authorities

to prepare "infrastructure delivery strategies", which will set out a strategy for delivering local infrastructure and spending levy proceeds.

Baroness Taylor of Stevenage (Lab): Where do the infrastructure delivery strategies sit in terms of the local plan process? The noble Baroness, Lady Thornhill, referred to this. What role will they play in relation to NDMPs? It is not clear from the legislation exactly how they fit in with the rest of the planning process, and it is important that either the Bill sets that out or we have guidance elsewhere—for example, in the National Planning Policy Framework—that makes it crystal clear where those strategies sit.

Baroness Scott of Bybrook (Con): I understand that, and I will write to the noble Baroness to explain this completely. I know that this is confusing because the NPPF has not been agreed, so I understand where she is coming from and I will make sure that we send her a letter.

Turning to Amendment 324, I agree with my noble friend Lord Greenhalgh that the emergency and rescue services should be among the infrastructure providers that are able to receive levy funds from local planning authorities. For this reason, they are already included in the illustrative list of infrastructure in new Section 204N(3), which makes it explicit that levy funds can be applied towards

"facilities and equipment for emergency and rescue services".

We do not provide detailed definitions across all kinds of infrastructure, as this is not necessary. The words used must be given their natural and common-sense meaning—so "infrastructure" too must be given its ordinary meaning. I have stated that it can encompass matters not listed in new Section 204N(3).

1.30 pm

I understand that those representing the emergency services are concerned that, without a clear definition of "emergency and rescue services" in primary legislation, the emergency and rescue services will miss out on the levy proceeds, and that they will be overlooked by the local charging authorities. I will provide some more reassurance in this regard. As I previously set out, under new Section 204Q, local authorities will be required to prepare an infrastructure delivery strategy. The Bill allows us to make regulations stipulating that infrastructure providers should be consulted when preparing the infrastructure delivery strategy. I can commit today to including emergency and rescue service providers as a required consultee for the infrastructure delivery strategy through regulations. That will put the emergency services on an equal footing with other infrastructure providers when the local authority is considering its spending plans for the levy.

I do not believe that there is anything in the drafting of the Bill, or in the design of the new infrastructure levy, that will place the emergency services at a disadvantage. However, I reassure the Committee that, if unintended impacts come to light through our early implementation of the levy through the test and learn approach, we can seek to remedy that through the levy regulations and statutory guidance.

There is also the question of allowing spending on priorities other than infrastructure. We recognise that there are circumstances where local authorities may wish to have some flexibility to provide revenue funding towards local priorities, and what their communities want to see, which do not meet the natural definition of infrastructure; for instance, a programme supporting local employment in the construction industry or additional support for childcare. For that reason, the Bill contains powers for the Government to bring forward regulations that would enable local authorities to use levy proceeds in this way for funding wider local priorities.

We have published a technical consultation on the infrastructure levy, which considers how the levy regulations could be taken forward in a way that ensures that we are able to prioritise delivering at least as much affordable housing as under the current system, and to deliver priority infrastructure, which is needed to mitigate the impact of development. We are keen to hear from local authorities, developers and communities, through the consultation, to strike the right balance on this issue. I hope noble Lords agree that these stakeholders have an important voice here, and that the Government should give them an opportunity to speak before making a final decision on how to address the matter in regulations.

I thank the noble Baronesses, Lady Hayman and Lady Taylor, for proposing Amendments 314 to 316 and 363, which concern the publication of assessments on the infrastructure levy, relating particularly to the impact on public transport, railway restoration and social infrastructure, and on how the new levy compares to the existing community infrastructure levy. As I emphasised previously, the new levy will aim to capture land value uplift at a higher level than the current system of developer contributions. That means that there will be a greater contribution from the developers to strategic infrastructure, such as enhanced public transport routes and new or improved walking and cycling routes, to support the development of an area. National planning policy is clear that new developments should give priority to pedestrian and cycle movements and facilitate access to high-quality public transport where possible. We want to ensure that the new levy works to support those policy aspirations. Under the provisions in new Section 204N, it is clear that infrastructure can also include improvements to local transport infrastructure, such as roads or railways. A local authority could also choose to spend the levy on improving community facilities and similar social infrastructure. It will be up to the local authority to decide what local infrastructure needs it has and to direct its levy funds to those areas.

Infrastructure delivery strategies will provide scrutiny and transparency as to how levy proceeds are spent and will ensure that the relevant infrastructure bodies have the opportunity to input into how levy revenues are spent, alongside their communities. Our technical consultation on the infrastructure levy explores the design and operation of infrastructure delivery strategies further.

On the publication of a comparison with the community infrastructure levy within 120 days of the Act being passed, I note that much of the detailed design of the community infrastructure levy is set out in the Community Infrastructure Levy Regulations 2010, and the infrastructure levy will be similar in that

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regard. We are currently consulting on policy questions to inform the design of the regulations and will further consult on the draft regulations once they are prepared. That means that it will take time for a full comparison to be made and for that comparison to be meaningful.

All local authorities are currently required to publish an infrastructure funding statement, setting out the developer contributions they have secured. We intend to maintain similar reporting requirements under the new levy; it will support the development of direct comparisons between the two regimes. Under the test and learn approach, only a small number of local authorities will adopt the levy initially, so that the policy really benefits from the process of iteration. The local authorities will be supported to introduce their levy charging schedules and their infrastructure delivery strategies, and we will assess what further support they may need during the implementation.

I reassure the Committee that the test and learn approach will be conducted with openness and transparency. The Government will be keen to work with a wide range of stakeholders to make sure that the new levy works as intended. I can commit to publishing an evaluation which will allow us to judge the effectiveness of the levy at an appropriate time. The department has already commissioned a scoping study to develop an approach to the evaluation of the planning elements set out in the Bill, which we expect to report on following Royal Assent. The full evaluation, informed by the findings of the scoping study, will then be commissioned. I hope this provides reassurance that the approach to the implementation of the new levy reduces the need for the formal reporting envisaged in this group of amendments, and that I have persuaded the noble Baronesses opposite that the test and learn approach addresses the underlying concerns raised by the amendments.

Amendments 329 and 360, tabled by my noble friend Lord Greenhalgh, raise the important issue of how the Government intend to apply the levy to publicly funded infrastructure, such as the provision of emergency services. I very much agree with my noble friend that it would not make sense for infrastructure that is provided for the benefit of the general public to be charged a levy for providing additional public benefits. New Section 204D(5)(h) in Schedule 11 provides powers to set out levy exemptions or reduced rates in regulations. It is our intention that publicly funded infrastructure will not be subject to the levy, and we are currently exploring this as part of our levy consultation. That would include infrastructure delivered by the emergency services. Even with such an exemption, all development, including publicly funded infrastructure, will be required to deliver the infrastructure that is integral to the functioning of the site. That may include, for instance, sustainable drainage or safe internal road layouts on emergency services sites. We propose to retain the use of planning conditions and a restricted use of Section 106 agreements to secure such matters.

Amendment 360 also seeks to create an exemption for infrastructure provided by the emergency services in the existing developer contributions system. Local authorities may negotiate a Section 106 agreement only where it is necessary in planning terms. For the reasons I have already mentioned, it remains important that the direct impacts of public infrastructure can be addressed, under both the new and existing systems. Local authorities are also able to zero-rate public infrastructure in their community infrastructure levy charging schedules.

Amendment 360 also seeks to make further changes to how the existing system takes account of requests for Section 106 and community infrastructure levy funding from emergency services providers, and to when payments towards infrastructure are made. Issues concerning how the existing developer contributions system works are dealt with in policy and statutory guidance for all other infrastructure providers. We do not say anywhere in primary legislation that, when making decisions about developer contributions, local planning authorities should give particular weight to the representations of a specific infrastructure provider. That would unnecessarily constrain local authorities' discretion.

However, I am content to put on record that the department will happily engage with my noble friend Lord Greenhalgh and representatives of the emergency services to explore how revisions to existing national policy and statutory guidance could address the concerns he raised. I understand that the Housing Minister has already written to him to this effect. While it is not the aim of the Bill to introduce changes to the existing system, I appreciate that it is important that payments under Section 106 and the CIL be made at the appropriate time and that local authorities have the tools to negotiate the timing of infrastructure delivery at the right point. We keep the operation of the existing system under continuous review and my officials will continue to engage with the sector to see if anything else may be needed.

Lord Greenhalgh (Con): I really appreciate that response, but the emergency services replied to the letter from the Housing Minister with a way forward. They are very concerned that the existing community infrastructure levy and Section 106 system is not working. Although, as the Minister pointed out, emergency services are mentioned in the schedule, the principal concern is how the historic system works, as it will take up to a decade for the new system to come into play. Will the Minister respond to the latest representations, so that we can agree a way forward?

Baroness Scott of Bybrook (Con): I completely understand my noble friend's issue and, as I have said, we are very happy to have a meeting to look at what can be done in the existing system. We know what is going on with the proposed system, but I understand the issues and we will meet further on this with the emergency services.

Turning to Amendments 331 and 346, I thank the noble Lord, Lord Shipley, for speaking on behalf of the noble Baroness, Lady Pinnock, and my noble friend Lord Greenhalgh for tabling these amendments. I agree that ensuring that development is accompanied by the timely provision of the right infrastructure is important to local communities where development is taking place. However, requiring a full payment of the levy up front would impact the viability of development and result in fewer homes, and therefore fewer affordable

homes, being delivered. Large developments can be built out over periods of a decade or more, and it is not necessary for all mitigating infrastructure to be delivered in the early stages of that development.

Lord Thurlow (CB): The viability of development, particularly larger schemes, does not put the developer's position at risk. The increased costs of—in this case—the infrastructure levy come out of the value of the land: in other words, the landowner, who, at the stroke of a pen in a local authority, has seen their agricultural field, for want of an example, rise from £4,000 or £5,000 an acre to £750,000 an acre. That is where the loss of value will occur—in the simple viability of a large development.

Baroness Scott of Bybrook (Con): I thank the noble Lord for that. As I said, large developments can take a decade or more to build out and we do not want to build infrastructure, only for it to stand idle for a long time. This would increase costs for developers, reducing the amount of money that can therefore be put towards other infrastructure and affordable housing, without generating additional benefits for the communities. I agree that infrastructure must be delivered in a timely way, but that means neither too early nor too late. I will turn in a moment to the powers in the Bill that will allow this.

1.45 pm

Turning to my noble friend Lord Greenhalgh's Amendment 346, I clarify for the Committee that new Section 204O in Schedule 11 allows for regulations to be made that require local planning authorities to pass levy receipts to specified bodies. These are the powers that enable a proportion of levy receipts to be passed to bodies such as parish councils, thus retaining the ability for a neighbourhood share to be set up under the levy, rather than the spending of funds more generally. I believe that my noble friend raises a wider point here, making sure that levy payments are made in a way that allows infrastructure to be in place before a development is occupied and begins to impact on the capacity of services such as emergency services.

In relation to both amendments, I can reassure the Committee that we already have powers in the Bill that can be used to deliver important infrastructure at the right time. This includes powers in new Section 204R(2), in Schedule 11, to allow levy regulations to require early levy payments, or payments by instalment, if this is considered appropriate by the local authority. We are currently consulting on how these powers should be used.

Furthermore, it will be possible for local authorities to build up a reserve of funds from multiple sites to deliver infrastructure when it is needed, or to borrow against future levy receipts. For the largest, most strategic sites, Section 106 agreements will continue to be used to secure the delivery of infrastructure at an appropriate time, in line with the agreement. On all other sites, infrastructure integral to the design and function of the site will continue to be delivered by the developers.

Moreover, if a local authority requires an additional sum to be held in bond for remedial works, there are powers for it to do so in existing legislation through Section 278 of the Highways Act 1980 or, if necessary, through Section 106 of the Town and Country Planning Act. Local authorities will continue to be able to use these powers under the levy, in circumstances allowed by regulations, so no new legislation is required to achieve this. I hope I have provided noble Lords with the reassurance that the issues raised can be addressed through the current drafting of the Bill and through the levy regulations.

I move now to Amendments 336, 337, 338, 339, 354 and 355. This group of amendments, tabled by the noble Lord, Lord Best, and the noble Baroness, Lady Taylor, relate to the preparation, examination and monitoring of infrastructure levy charging schedules. I will begin with Amendment 336, which would require the consideration of the viability of different types of development, including older people's housing, when setting rates. Delivering housing for older people is important. Both the Department for Levelling Up, Housing and Communities and the Department of Health and Social Care provide capital funding to incentivise the supply of housing options available to older people. Our planning rules already mean local authorities must consider the needs of older people when planning for new homes.

However, we recognise that there may be many different types of development undertaken in an area, and that the economics of these developments are different. The Bill already makes provision which enables charging authorities to set different levy rates for different types of development in their infrastructure levy charging schedules, and requires that they have regard to the viability of development when setting rates. When the levy is introduced, local authorities will need to ensure that all types of development remain capable of being delivered. We also have the ability to prescribe what evidence must be taken into account when setting rates. Therefore, viability is already central to the local authority's considerations on rate setting. It is up to local authorities to find the right balance when setting rates to capture as much value as they can while ensuring that development still comes forward because it is viable.

Furthermore, infrastructure levy charging schedules will be subject to an examination in public to ensure that appropriate care has been taken in setting rates. Amendments 337, 338, 339 and 354 seek to remove this protection. Having an examination in public is an important procedural mechanism. This ensures that people impacted by the rates have the right to be heard when rates are set, that local authorities pay due regard to their stakeholders and that they take all relevant considerations into account when setting rates. The existing community infrastructure levy has the same process for independent scrutiny of proposed rates, and this works well.

The noble Lord, Lord Best, asked what the point of costly charging schedules was. The independent examination should reduce the risk of JR, rather than increase it. We want the procedural system to be fair, transparent, consistent and robust. The examination process will deliver this and will also reduce the likelihood of legal challenges being brought on procedural grounds, as I said.

Lastly, new Section 204Y(1) to be inserted into the Planning Act sets out the instances where the Secretary of State may require a charging authority to review its

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levy charging schedule. Amendment 355 would limit the circumstances in which the Secretary of State could direct such a review. Reviews are important to provide confidence that the charging schedule remains appropriate or alternatively identifies the need to start a process of revision if the rates are not considered to be effective for securing value. This will be important for both local communities and developers, so that the rates and minimum thresholds that have been set remain appropriate and up to date. Historically, we know that local planning authorities have not always reviewed and updated key documents, such as local plans, in a timely fashion. We also consider it important to retain flexibility to be able to regulate for other future circumstances when it may be necessary to direct a review of a charging schedule to be undertaken.

The levy is a long-term transformation programme, which needs to be able to deal with not just the markets of today but the markets of tomorrow. New development models may come forward, new methods of construction may impact on costs, and new sectors of the economy may appear, which have their own unique challenges. I hope I have persuaded the noble Baroness of why the power to direct reviews is valuable, and how important it is to have this flexibility.

I turn now to Amendments 342, 347, 348, 351 and 352, tabled by my noble friend Lord Greenhalgh and the noble Baroness, Lady Scott of Needham Market, which relate to how levy funds can be spent. I am sure all noble Lords will agree that the emergency and rescue services are fundamental to the safety and security of our country, as we have heard today. To support appropriate provision alongside new development, the infrastructure levy will be able to be spent on facilities and equipment for emergency and rescue services.

New Section 204Q(11) requires levy regulations to determine the consultation process and procedures that must be followed when a local authority is preparing its infrastructure delivery strategy. This can include which bodies must be consulted in order for charging authorities to determine their infrastructure priorities for the spending of the levy. These matters of detail will be determined through regulations. I agree with noble Lords that it is entirely appropriate that emergency and rescue services should be among the bodies consulted on the infrastructure delivery strategies and should be listed in regulations for that purpose.

An important question is the weight that must be given to representations made by particular bodies, such as the emergency and rescue services, when spending or passing infrastructure levy receipts to another body. Specifying a particular infrastructure body whose representations must be given significant weight in the Bill would suggest that this body should be given preferential treatment over other bodies, such as healthcare, education and highways, which are also fundamental to creating sustainable developments. It is important that the planning authority must ultimately make its own decisions about the allocation of limited resources, taking into account all local needs and preferences, in the round. I hope I can persuade noble Lords that it is better for local authorities to make these decisions themselves than for central government to single out certain interests.

New Section 204Q(6) requires that regulations must make provision for the independent examination of infrastructure delivery strategies, and new Section 204Q(8) allows regulations to determine what the examiner must, may or may not consider, and the procedure that must be followed. This examination will ensure that the charging authority has fulfilled its obligation to consult, and properly taken account of the consultation responses and any national policy or guidance.

Requiring the final strategy to be approved by the infrastructure bodies would add an unnecessary burden to the process and, most critically, would take the decision-making powers away from the local authority. If such a power were granted to the emergency services, it would also be sought by all other infrastructure providers, all of which would be seeking funding. If participants had, in effect, a veto, it would be unlikely that any infrastructure delivery strategy could be agreed and produced in a timely fashion, if at all.

I recognise the importance of a fair process. The development of an infrastructure delivery strategy, combined with its examination to ensure that it has been properly undertaken, is our means of delivering it. I hope I have persuaded noble Lords that this strikes the right balance between empowering a local authority to make appropriate decisions, while ensuring that they are transparent and subject to oversight.

The list of kinds of infrastructure at new Section 204N(3) is intended to be a non-exhaustive list of what is considered to be infrastructure. It is indicative of some of the things that local authorities may like to consider but it is not intended as a checklist or mandatory list. It is far more important that local planning authorities engage with relevant infrastructure-providing bodies about what is needed in their local area.

With regards to passing funds to parish councils, the Government are committed to empowering communities through the planning system. Under the community infrastructure levy, where all or part of a chargeable development is within an area of a parish council, the charging authority must pass 15% of the receipts to the parish council, and this increases to 25% where there is a neighbourhood development plan in place. The levelling up White Paper commits the Government to continuing the neighbourhood portion of CIL as it introduces the new infrastructure levy. This commitment will be achieved under new Section 204O, inserted by Schedule 11, which provides powers for regulations to be made that may require charging authorities to pass levy receipts on to other specified persons. This replicates the existing framework for CIL, set out in Section 216A of the Planning Act 2008, as amended.

It is important that parish councils do not lose out through the introduction of the new infrastructure levy. However, the amendment tabled by the noble Baroness, Lady Scott, would represent a significant increase of levy funds compared with the existing system. It is important to emphasise that, in the existing system, Section 106 agreements, for which there is currently no neighbourhood share, secure about 85% of all developer contributions, while CIL secures about 15%. The new infrastructure levy will capture much of what is currently secured through the Section 106 agreements. This means that the total revenue collected through the new infrastructure levy will be much greater than CIL. If we

were to set the neighbourhood share of the infrastructure levy at a percentage equal to or higher than that of CIL, funding currently secured through Section 106 would be diverted to parish councils. Such an approach would inevitably result in a decrease in affordable housing and revenue for local authorities' infrastructure needs.

We are consulting on what proportion of levy proceeds parish councils should expect to receive under the new system when chargeable development takes place in their area, and that will be provided for in regulations. Our position, however, is that the value collected as neighbourhood share should not result in less money being allocated for neighbourhoods than in the existing system.

2 pm

The noble Baroness is also concerned with the level of flexibility that is afforded to parish councils in how they spend levy receipts. In the Bill, we already have powers which would give more flexibility to parish councils in the levy context, in terms of their spending choices—this is set down in the existing provisions in new Section 204O(3). We can provide in regulations for councils to spend specified amounts of money on other things that are not related to infrastructure and not related to supporting development.

Through regulations, we will ensure that parish councils have flexibility in how the neighbourhood share of the infrastructure levy can be spent. This will enable parish councils to focus on priorities that matter most to communities at the hyper-local scale.

For the reasons I have set out I hope I have provided noble Lords with reassurances on how the levy will be spent.

Before I go on to the government amendments, I will make a couple of points. The noble Earl, Lord Lytton, brought up the issue of bus shelter problems in 106 being lost—Section 106 obligations usually have to be used in line with the original intentions as set out in the obligation itself. This can mean that local authorities must return funds if the original purpose is no longer relevant. The levy will answer this—local authorities will have flexibility over how they spend funds when circumstances change and will not have to return the charge.

The noble Baroness, Lady Taylor of Stevenage, asked how we are going to stop the Secretary of State top-slicing the infrastructure levy. There is a new requirement for local authorities to publish an infrastructure levy strategy—as we have already been saying—setting out their approach to spending the levy. I can assure the noble Baroness that spending will be led by local authorities, with decisions only shaped by national policy—so no top-slicing.

Moving on to the government amendments, the Government recognise that the new infrastructure levy represents a significant change. Amendments 335A and 357A are minor clarifying amendments to the Bill to support this transition. These amendments will allow local authorities currently charging the community infrastructure levy to use those receipts to fund preparation and admin costs for the new levy. Similarly, they will make provision to enable sums obtained from developers via the 106 agreements to be used in connection with the new levy. These amendments therefore make it clear that local planning authorities can use cash collected under the existing developer contributions system to support the administration and set-up costs related to the new levy.

Amendment 335A makes a clarifying amendment to new Section 204Z(1) in Schedule 11 to enable the levy regulations to make provision treating CIL as if it were the infrastructure levy. This can be relied on, for example, to make provision for CIL to be applied to fund the administration costs and set-up costs of the new levy, such as work to develop new charging schedules.

In a similar vein, Amendment 357A amends new Section 204Z1(1)(c) in Schedule 11 of the Bill to make it clear that local authorities will be able to use sums obtained through Section 106 agreements to support the set-up and administrative costs of the new infrastructure levy.

Both these amendments are minor clarifying amendments, as they may express what is arguably implied within existing powers. Together, these amendments are an important part of the Government's plans to introduce the new infrastructure levy in an effective, transparent and coherent way.

Lord Shipley (LD): First, I am very grateful for the very lengthy reply the Minister has given us. I listened very carefully to all she said, but could she confirm that the new system, which she referred to as a "long-curve transformation programme", will actually end up building more affordable homes? That seems to me to be a central requirement of the infrastructure levy. I seek her confirmation that the outcome of all she has just said will be that more affordable homes will be built in this country.

Baroness Scott of Bybrook (Con): What we have said is that this will deliver no fewer affordable homes. Of course, the number and type of affordable homes that are built will be a local decision. If local authorities want more homes—I suggest that we need more homes in this country—we should be able to deliver more homes.

Baroness Taylor of Stevenage (Lab): I thank the Minister from our side for the very detailed response she gave to all the contributions that have been made. In response to the question from the noble Lord, Lord Shipley, we have a further group on this, so I am sure we will debate it further in the course of that group. The combination of the lack of clarity around what the new infrastructure levy is going to deliver in affordable housing and the removal of housing targets looks like a terrible contribution. I know the Minister said that this would not mean fewer affordable homes, but the number that have been built in the last few years is woeful. We want that to improve; we want to get more affordable housing out of this. I know we will discuss this again in a subsequent group, but it is really important. I hope we can get some clarification in that group about how this new infrastructure levy system is going to help us deliver the affordable homes that we all know we need.

Baroness Scott of Bybrook (Con): This is about not just the new infrastructure levy but the whole Bill. We know that where local authorities have local plans,

[Baroness Scott of Bybrook]
they build more houses. The Bill is there to enable and encourage local authorities to have local plans. It is the combination of all these things within the Bill that should deliver more houses.

Lord Russell of Liverpool (CB): Well, my Lords, time certainly flies when you are talking about local government. I pay tribute to the stamina of the many people here who have a background in local government. I also congratulate them because I think this is the first time I have heard a debate on local government where about five people have not popped up, one after the other, and stated that they are a vice-chair of the Local Government Association. Eureka—we seem to have got away from that. I do not know whether the Minister is grateful to the Government Whips' Office for putting such a compact group of amendments together; maybe it is an efficient way of dealing with this. I pay tribute to her for her stamina, for being on her feet for nearly 50 minutes and for being as detailed as she has been. I think all of us genuinely appreciate that. She deserves lunch really quite soon.

I thank the noble Lords who spoke specifically about my Amendment 290. Your Lordships will be relieved to hear that I am not going to go into detail on any of the other amendments. What I would like to come back to is the fact that I think all of us who are concerned about the level of provision of childcare services would really appreciate a detailed letter which very explicitly says what is covered, what is completely clear and what may be slightly less clear. We are in a situation where it simply is not working at the moment.

If we are going to get value from the Chancellor's huge expansion in free childcare services, we have to be sure that we have enough places to put the children in, in the right places. We also need to be completely clear that we need both capital funding, where it is required to ensure that we have new childcare facilities, and funding to actually make it possible for them to be run. Part of that is about ensuring that the fees charged cover the costs and, in most cases, leave a degree of profitability for those services—most of which are private—otherwise they will continue to go out of business. We would be most grateful if we could have a really detailed response on that.

I am sure other noble Lords will follow up on their amendments as well. Again, I thank the Minister for the length and thoroughness of her response. I beg leave to withdraw my amendment.

Amendment 290 withdrawn.

Amendment 291

Moved by ***Baroness McIntosh of Pickering***

291: After Clause 123, insert the following new Clause—

"Sustainable drainage

The Secretary of State must make provision under section 49 of the Flood and Water Management Act 2010 so as to bring Schedule 3 to that Act (sustainable drainage) into force in relation to England before the end of 31 December 2023, insofar as it is not already in force."

Baroness McIntosh of Pickering (Con): My Lords, I am delighted to speak to Amendment 291 and others, including Amendment 312K in my name. I declare my interests as on the register. I am also co-chair of the All-Party Parliamentary Group on Water, and I have been involved recently in a project yet to be published on bioresources, which was undertaken by CIWEM, Water UK and others. I have co-authored two reports, with a third on bricks and water, together with the Westminster Sustainable Business Forum.

Turning to Amendment 291, I am particularly grateful to the noble Baroness, Lady Bakewell of Hardington Mandeville, not just for co-signing the amendment but for agreeing to step in had I not been able to get back from my physio appointment at the hospital. I thank the NHS for my treatment since I injured my ankle earlier this year. Amendment 291 seeks to add a new clause to the Bill relating to sustainable drainage. It asks that provision be made, under Section 49 of the Flood and Water Management Act 2010,

"so as to bring Schedule 3 to that Act (sustainable drainage) into force in relation to England before the end of 31 December 2023 insofar as it is not already in force".

It is important to note at the outset that the same provision already applies in Wales, so to me it is a fairly simple matter to introduce this. I am asking for a degree of urgency on the part of the Government to do so.

I wrote to my noble friend Lord Benyon on 9 December 2022 and received a reply from my honourable friend the Minister for Environmental Quality and Resilience in the other place, Rebecca Pow, on 20 April, some four months later. That, again, reflects the lack of urgency in this matter. I was delighted that the Government announced, and published on 10 January, results of their review, deciding to make sustainable drainage systems—SUDS, as I will call them—mandatory in all new developments. However, the less than ambitious timeline set out is to deliver this sometime during 2024, but that is by no means certain.

Two things are important about Schedule 3 to the Flood and Water Management Act 2010. One is to end the automatic right to connect, to stop the possibility that water companies are virtually obliged to connect to major new developments. As we know, these are substantial developments. The Government are committed to building some 300,000 new homes a year, and for the most part these homes are four or five-bedroomed houses. When I am not here, I spend my time mostly in rural North Yorkshire, and we have a particular need there for one or two-bedroomed homes in villages wherever possible. I do not know quite why there is an obsession to build four and five-bedroomed homes other than that is what developers seek to do.

One can imagine that four or five-bedroomed homes produce a lot of wastewater: let us call it sewage, for the avoidance of doubt. We are asking water companies to connect major new developments to antiquated piping: some of it is Edwardian and most of it is Victorian, but it needs to be replaced. It is not going to be replaced any time soon. It is grossly unfair that we are asking—obliging—water companies to fit sewage from five-bedroomed houses to pipes that, in many circumstances, simply cannot take them. I raised this at the time of the passage of the Environment Bill, now the Environment Act, because it is potentially leading to a public health disaster.

2.15 pm

Much of this sewage and wastewater is spilling over on to highways. For some reason, highways authorities are not responsible for flooding and sustainable drainage, so if there is a source of flooding, highways authorities—I accept that, for the most part, they may be local authorities too—do not contribute to the cost of easing the potential risk of flooding. That is the first purpose of this amendment: to end the automatic right to connect. It was first required by Sir Michael Pitt following the floods of 2007. That led to surface water flooding, a relatively recent concept, being recognised for the first time and being added as a new source of flooding to the well-established sources of flooding, such as river flooding—fluvial flooding—pluvial flooding and coastal water flooding.

Ending the automatic right to connect is the first problem; it is part of Schedule 3 but has not yet been implemented. This means that sewage can back up not just on to highways but into existing developments. That forces the residents of such developments to leave their homes for three to six months because, obviously, sewage is a public health hazard and their houses have to be cleaned, redecorated and so on. They have to be rehoused during that time.

The second part of the problem is that these new developments are being built without sustainable drains. Such drains could be ponds or something more significant, but they tend to be—indeed, we encourage them to be—natural ways of retaining water. It could be a little culvert or a little pond but it has to take excess water so that, when flood-water comes, it does not mix with sewage and lead to what I described earlier.

For this very reason, it is important to bring Schedule 3 forward at the earliest possible date to end the automatic right to connect and to make sure that SUDS are planned and implemented on an arbitrary but mandatory basis for all new developments. I urge my noble friend the Minister to use her good offices to bring the government consultation forward to the summer. A consultation normally takes 12 weeks. There is then a response and every opportunity to bring forward what I imagine will be a statutory instrument.

We do not need weeks, months or a year to bring this forward. My modest amendment could form part of this Bill; it is a very good opportunity to raise this issue. Schedule 3 could be implemented by December—that is, the end of this year. I take this opportunity to urge my noble friend the Minister on the urgency of this situation and to ask her to bring forward the consultation and the legislative process. If Wales has been able to do it, I cannot understand why it is beyond the wit of my own Government to bring it forward in England.

This is a modest amendment. It will enable sustainable drains to be built on a mandatory basis as a natural part of all new developments. There are more ambitious schemes, such as those with which I was associated as part of the Slowing the Flow project upstream of Pickering, which has prevented Pickering flooding. I hope that less ambitious schemes than that can be implemented in other areas. We also need to have all partners involved.

I accept the point made by my noble friend Lord Benyon in answering a recent Oral Question—on the last day we debated this Bill, in fact—to the effect that this is a complicated subject and a decision has to be taken on who maintains SUDS once they have been put in place. The question we have to ask is this: who maintains them and implements the maintenance of them in Wales? Perhaps we can learn from the Welsh experience.

I turn briefly to Amendment 312K in my name. It has been drafted to ensure that houses built before 2009 are covered by the Flood Re insurance scheme, or the Government must mandate local authorities to stop building in inappropriate places. The fact is that, if a person does not require a mortgage and buys a property without one, they may be unaware that that property is not covered by insurance, if it was built after —sorry; is it before or after?

Baroness Hayman of Ullock (Lab): It is after 2009.

Baroness McIntosh of Pickering (Con): I am very grateful to the noble Baroness. If the house is built after 2009, it will not be covered. I believe this is a gap in the legislation. When we were both in the other place, I visited the noble Baroness's constituency, which was very heavily flooded in 2009. I was aghast by the number of people who could not even insure their properties for contents if they were tenants, because of the cost of that insurance. So this provision is very important indeed. I hope that my noble friend looks very kindly on Amendment 312K, to which I intend to return at a later stage.

Finally, I lend my very strong support to the other amendments in this group in the name of the noble Baroness, Lady Hayman of Ullock. She has prepared them very well and I think I know where they came from. Many of them are the unfinished business of the Pitt review of 2007 and many reflect the conclusions we reached in not just the reports of the Environment, Food and Rural Affairs Committee of the other place, which I had the honour to chair, but the recent reports of *Bricks and Water* and *Bricks and Water 2*, and the recommendations we are going to make in *Bricks and Water 3*. They are that building regulations can achieve a lot towards greater resilience to future floods in properties, but we need the data that the noble Baroness is asking for in these amendments.

I believe that flood mitigation should reduce insurance premiums, where actions have been taken to make the property more resilient. There is obviously a gap in the data available but, where that data exists, we must urge all organisations to share it. I entirely support the Flood Re scheme and Build Back Better. I would like to end with a tribute to the ABI and all the work that it has done since the Flood Re scheme was introduced. With those words, I beg to move.

Baroness Hayman of Ullock (Lab): My Lords, I thank the noble Baroness, Lady McIntosh of Pickering, for her introduction to this group. As she and other noble Lords are aware, I have a particular interest in flooding issues because where I live, near Cockermouth in Cumbria, we have had some particularly appalling flooding in recent years. The whole issue of flooding and adaptation resilience is becoming more and more important for the Government to consider, as we start to see the impact of climate change on our weather

[Baroness Hayman of Ullock]
systems. It strikes me that the planning section of the Bill is an opportunity to try to build that kind of resilience and adaptation considerations into legislation.

I will first make some comments on the noble Baroness's amendment on SUDS. She mentioned that surface water flooding is a relatively new risk, mainly because of the way our planning system works and how we build and what we build. This has now resulted in 3.8 million properties in England at surface water flood risk. That is a huge number. In the Government's plans to boost the supply of new homes, sustainable drainage systems can play a pivotal role in ensuring that new properties are built in a manner that helps to manage surface water flood risk at the local level. The noble Baroness explained this extremely well in her introduction. We absolutely support her amendment on this.

We also believe that there is an urgent need to implement the Government's policy on floods under the Flood and Water Management Act 2010, as the noble Baroness mentioned. We need to ensure that we have mandatory installation in all new-build developments. It does not matter what size they are: this has to be part of the development. We welcome the Government's recent announcement to make sustainable drainage mandatory in new developments, but they need to urgently progress with the necessary implementation phase. As the noble Baroness said, if they can do it in Wales, why can we not just get on with it here? I see the Minister nodding. With her Welsh connection, she knows what Wales can do.

The noble Baroness, Lady McIntosh, reminded us just how important this is and what a difference it could make if we just got on with it. It is frustrating that the Government so often come up with really important suggestions and things that we need to do and then we seem to just sit on those. Perhaps the Minister could explain why this has not been introduced. When will we see progression on it?

I have one last point on this. It is essential that the Environment Agency guidance on surface water flood risk is fully considered as part of the planning process. I will be interested to hear from the Minister whether the Government have plans to include this within the progression.

I turn to my amendments in the group, of which I have a number. Amendment 303 would require the Government to set minimum standards for flood resilience, flood mitigation and flood waste management in all building regulations. Amendment 304 would place a duty on the Government and local authorities to make data about flood prevention and risk available for the purpose of assisting insurers and property owners. Data is absolutely crucial if we are going to get to grips with this issue. People need to understand exactly what is what, whether they are looking for insurance or to purchase a property. Amendment 305 would require the Government to establish a certification scheme for improvements to domestic and commercial properties in England made for flood prevention or mitigation purposes and an accreditation scheme for installers of such improvements.

On that point, one of the very frustrating things after the last floods we had in West Cumbria was that when property owners, particularly in the Cockermouth area, were looking to insurers to replace the damage—whether doors, kitchen equipment, flooring or electricity installations—a certain number of insurers would not look at adaptation and mitigation for the future and would only replace like for like. That is not a sensible way forward. One reason I was keen on this amendment was to ensure that, when a building has flooded and the insurers comes in, the money is spent wisely, to either prevent flooding in the future or to make sure that costs are cheaper. For example, you do not replace a wooden kitchen or floor with the same but look at how you can improve the condition of that building for future risk.

I noticed that Amendment 312K, from the noble Baroness, Lady McIntosh of Pickering, is quite similar to some of our amendments. We strongly support what she is saying here.

I want to cover the reasoning behind my amendments. The main thing is that we believe we need much more robust planning policy around development in flood risk areas, and we need to increase our resilience to climate-related flood risk. The measures in the Bill to put greater emphasis on environmental outcomes in the planning process, and recognition of the need to protect areas at high flood risk, are very welcome, but we believe that adapting to climate change and managing flood risk is a challenge for the whole of our society.

2.30 pm

We see this Bill as an opportunity to improve the planning system to ensure net-zero alignment. That includes reducing inappropriate development in high flood risk areas and ensuring that new homes are resilient to climate risk. Developers have to get real about this as well. When we had huge floods in Tewkesbury in 2007, there was a huge development called "Water Meadow View" or "Water Meadow Flats" by the river —or something similar, I cannot remember. After the flooding, the name was changed and "Water" had gone. It was cynical and we should not allow that kind of practice. Developers need to be part of these discussions, not just communities and insurance companies.

We also need to make sure that that is underpinned by a long-term funding commitment to investing and maintaining the UK's flood defence infrastructure. While we welcome the recognition of flood risk in the national development management plan proposals, the legislation could go further to establish environmental protections in statute, rather than just relying on further consultation of the NPPF after the passage of the Bill. A review of the NPPF presents an opportunity for the Government to close the loophole in the current guidance that accompanies the framework. That loophole means that developers can build and sell properties in flood risk areas simply if they leave space for flood defence measures to be installed in the future. This loophole needs to be closed to ensure that the developer is held responsible for any measures necessary to ensure that properties are protected from flood risk to the highest possible standard.

I also have Amendment 306 in this group. It requires the Financial Conduct Authority to make rules requiring insurance companies to take into account flood prevention or mitigation improvements that are either certified or have planning permission requirements taken into account

when setting insurance premiums. This is incredibly important. I live in an old mill house. The only reason that we can get insurance is because it takes into account the fact that we have a proper flood wall defence system. If the insurance company just asked whether the property had flooded before or just looked at the flood maps, it would cause us huge problems. If one has invested to make one's property resilient, that should be taken advantage of.

Before I move on to further issues, I shall just mention the students from Hull—from Ron Dearing UTC—and Skegness who met me recently. They wanted to tell us a story about what it is like living in Hull under constant flood risk and the impact on young people living with the fear that their town could suffer serious damage from flooding at any time. We need to listen to young people because this is their town and their future. They have a campaign called #WeAreHere if anyone interested wants to have a look. It was very moving listening to them.

My next amendment, Amendment 307, requires the Financial Conduct Authority to make rules requiring insurance companies to take into account certified flood prevention or mitigation improvements or planning permission requirements in setting insurance premiums. The insurance sector is very productive and brings a huge amount of money into the UK economy. However, those companies are on the front line, responding to the physical risks of the climate crisis, particularly the increased risk of flooding. I thank the ABI, the Association of British Insurers, for its briefing on this part of the Bill. The figure that the ABI gave me is that, in response to the damage caused by storms Dudley, Eunice and Franklin that hit much of the UK in February 2022, insurers were expected to pay out nearly £500 million in dealing with 177,000 claims. That gives some feel for the level of damage, insurance and response. This is not going to get better. It is important we look at how we deal with this. The ABI says that that followed on the back of payments of more than £540 million in response to flooding from storms Ciara, Dennis and Jorge in 2020.

The ABI has been calling for the Government to ensure that there are no inappropriate developments in flood risk areas and to encourage a more transparent planning application process with clear monitoring and reporting by local authorities on planning decisions. It believes that to increase resilience the Government should consider clearly linking future residential and commercial developments to building regulations approved documents and has long been calling for greater alignment between Defra and DLUHC on planning and development policy. It would be interesting to know from the Minister what work Defra and DLUHC have been doing, what work they are planning to do and whether she believes they could work together more closely.

My final amendment, Amendment 308, would require the Government to expand the Flood Re scheme to premises built since 2009 that have property flood resilience measures. The noble Baroness opposite mentioned the problems this has caused. When Flood Re came forward, it was incredibly important. For the first time, people who had been struggling to get insurance for their property were able to get insurance, so I want to say how much we supported Flood Re coming in and the work it has done. It had been very difficult for home owners to get affordable insurance. It is not that insurance was not offered; it was just offered with a £10,000 excess, which made it completely unaffordable if you had a two-bedroom terrace house. If we look at the figures, 94% of the UK home insurance market provides access to policies backed by Flood Re, and we know that many thousands of flood risk properties have benefited from it since it was introduced.

However, as the noble Baroness, Lady McIntosh, said, Flood Re does not provide cover for properties built after 1 January 2009. I met the head of Flood Re to discuss this with him after our flooding, and he explained that the 2009 exemption is an extension of previous agreements between the insurance industry and the UK Government and that such properties were purposefully excluded from the scheme to ensure that inappropriate building in flood risk areas were not incentivised. In other words, we do not need to include properties built after 2009 because they will not flood. We have seen that that is simply not the case, and—I was going to say it has left a number of properties high and dry but, unfortunately, it is exactly the opposite—it has left people with no cover. We have to revisit this because it simply is not fair.

The insurance industry says that to amend Flood Re retrospectively would send the wrong message on building in flood risk areas. I can see that from the point of view of the insurance company, but if you think about it from the home owner's side, they need to be properly protected and able to insure their houses. Will the Minister take this back to the department to see whether it will review insurance policies around houses built since 2009?

Finally on that point, we also need to look at how we move forward with insuring businesses because Flood Re does not cover commercial properties, properties in multiple occupation over a certain size or tenants, necessarily. It is working successfully for those for whom it was set up, but there are a number of gaps. It is important that we revisit them because the next time we have huge floods, not only will there be huge costs for insurance companies, but there will be huge costs for people who have been unable to get insurance so far.

The Earl of Caithness (Con): I very much support what has been said about adaptation and drainage because of the flooding situation. I shall mention one incident to my noble friend on the Front Bench because it goes to the point made by the noble Baroness, Lady Hayman of Ullock. At a development in Sherborne in Dorset—the development is now nine years old, so it was built after 2009—there have been considerable flooding problems from surface water, which raises the question: why did the local authority not insist on a better scheme to begin with? All the home owners have now had to pay more into the annual service charge to remedy the defect. The developer obviously put in the minimum amount of drainage that it thought it could get away with, which indeed it did, but now it is up to the home owners to meet the bill. It is so much easier to mitigate something right at the start than after a development has been completed.

[The Earl of Caithness]

My noble friend Lady McIntosh is right that we fought this hard on the Environment Bill when it was going through the House. I hope my noble friend the Minister will be enthusiastic in her support for my noble friend's amendment so that we get better control over drainage. Will she please confirm that she is checking that local authorities are scrutinising developers' plans properly now and making allowances for the increase in sudden heavy downpours, which was not necessarily the case 15 years ago when these developments were being promoted?

Baroness Bakewell of Hardington Mandeville (LD): My Lords, Amendment 291 in the name of the noble Baroness, Lady McIntosh of Pickering, to which I have added my name, seeks to bring forward the date of the implementation of the requirement that the Government have announced to make sustainable drainage systems—SUDS—mandatory on all new developments from the end of 2023. Flooding is a terrible scourge and needs to be sorted out now, not next year or some time beyond. The Government appear to have committed to a leisurely timetable, with a consultation this year but no legislation before implementation, expected in 2024. That means that many developments that are currently being planned and built will not have SUDS in place, thus bringing a greater risk of flooding for them, and indeed for existing developments that may experience flooding in future as a result.

The noble Baroness, Lady McIntosh, is a passionate supporter of SUDS and other forms of natural defences, and has spoken extremely well on the subject on many occasions. Sustainable drainage is vital for preventing flooding or the risk of flooding. When a new planning application comes forward, the role of SUDS in dealing with surface water on a new development is crucial. Sadly, it is not always the case that a proper sustainable drainage system is integrated into the planning permission, despite it being in place since 2010 under Section 49 of the Flood and Water Management Act.

The essential role of SUDS in assisting the management of surface water and preventing localised flooding is vital. It is astonishing that even today not every developer is prepared to install proper sustainable drainage systems in its schemes. Having this amendment in the Bill is vital for ensuring that in future every single local authority takes note of the need for an effective and robust SUDS to be in place for even a small development, right up to large multipurpose housing and business developments. I fully support the amendment.

The group of amendments in the name of the noble Baroness, Lady Hayman of Ullock, Amendments 303 to 308, also relate to flooding, and seek measures to alleviate and prevent the misery that it causes to home owners. I am particularly keen to support Amendment 308, which would extend the time and remit of flood reinsurance scheme eligibility to businesses, something that we have debated in this Chamber on previous occasions. The noble Baroness is right to raise the issue of the flood resilience of properties known to be likely to flood. Home owners as well as developers have a responsibility to be aware of this and to take steps to mitigate the effects of flooding.

I turn to Amendment 312K, in the name of the noble Baroness, Lady McIntosh of Pickering, which I have not signed but wish to support, regarding preventing residential properties being built on functional flood plains or other areas at high risk of flooding. Those domestic properties built after 2009 are not covered by Flood Re. It has in the past been the case that developments proposed on the flood plains in Somerset have been refused planning permission by the local authority, only to have this overturned by the then Secretary of State granting permission on appeal. As the saying goes, when the rains fell, then the floods came up, to paraphrase a parable in the Bible.

2.45 pm

It is not that long ago that, in 2014, Somerset was underwater for a very considerable spell of the winter, and attracted visitors, from royalty, Government and Opposition leaders to hundreds of waterfowl. Many home owners have suffered terribly because their houses were built on areas with a history of flooding, which developers decided to ignore. It really is time that developers stopped building homes in inappropriate places, especially on flood plains. As the noble Baroness, Lady McIntosh, has already said, either Flood Re should be extended to include houses built after 2009 or houses should no longer be built on functional flood plains or in any area where the Environment Agency recommended against such development. I completely support this view.

Baroness Bloomfield of Hinton Waldrist (Con): My Lords, Amendment 291, in the name of my noble friend Lady McIntosh of Pickering, seeks to require the Secretary of State to bring into force Schedule 3 to the Flood and Water Management Act 2010 before the end of 31 December 2023.

I understand the intention behind this amendment. However, in January, the review for implementation of Schedule 3 to the Flood and Water Management Act 2010 was published and recommended making sustainable drainage systems mandatory for new developments in England. The Government are now looking at how best to implement Schedule 3, which we aim to do in the course of 2024. An ambitious timeline has been set, which considers parliamentary processes, to deliver this as quickly as we can. It is essential that we allow time to engage with stakeholders to help shape the details of the implementation. A public consultation will then take place on mandatory standards, statutory instruments and impact assessments before new statutory requirements are brought in.

It is clear that bringing in a standardised approach to SUDS is needed to increase their uptake and maximise the benefits they bring. We also need to set technical statutory standards for what an acceptable SUDS is in different circumstances. We need to establish SUDS-approving bodies in unitary or county councils, and provide guidance, as well as legal criteria and processes for fees, appeals and enforcement. I have some information on the Welsh introduction of SUDS—obviously, my favourite subject. Wales has recently completed its post-review implementation and has identified a number of issues that have not worked as well as had been hoped. In England, we are analysing these results, and

are able to take these findings into consideration, such as ensuring the best way to fund the maintenance of SUDS.

I hope I have provided adequate reassurance that action is being taken to bring into force Schedule 3 to the Flood and Water Management Act 2010, and therefore the Government are unable to support this amendment at this stage.

The noble Baroness, Lady Hayman of Ullock, tabled six amendments, and I shall take each in turn. Amendment 303 would impose a new duty on the DLUHC Secretary of State to make new building regulations within six months of the day the Act is passed for property flood resilience, flood mitigation and waste management in connection with flooding. Statutory guidance to the building regulations in Approved Document C already promotes the use of flood-resilient and -resistant construction in flood-prone areas. While the building regulations set requirements for the drainage systems of individuals, the main sewerage system is governed by the sewerage undertaker for the area; for example, Thames Water.

The sewerage undertaker, as the statutory consultee, and local planning authority have ultimate responsibility for ensuring that drainage systems for new developments are built to a standard that minimises flooding. These duties sit outside the building regulation system. I thank the noble Baroness for suggesting these amendments and I hope that I have reassured the Committee to some extent that the Government already have well-established means of managing flood risk in the building regulations and associated guidance. Also, new developments are not approved where there is an unacceptable flood risk. The local planning authorities and relevant statutory consultees, including the Environment Agency, are the right bodies to oversee the maintenance of existing flood mitigation measures. For these reasons, the Government do not believe that introducing new requirements in the building regulations is necessary. As I have said, statutory guidance to the building regulations in *Approved Document C: Site Preparation and Resistance to Contaminants and Moisture* already promotes the use of flood resilient and resistant construction in flood-prone areas.

Amendment 310 would place a duty on the Government and local authorities to make data about flood prevention and risk available for assisting insurers and property owners. The Government agree that communities should have access to the information they need to manage and prepare for their level of flood risk. For example, the Environment Agency publishes flood risk data and maps for England. Lead local flood authorities are required to have a strategy for managing local flood risks in their areas. This must include an assessment of local flood risk. This information is publicly available; therefore, we do not feel that creating new legislative duties on government and local authorities to publish data is necessary. We hope that this explanation will provide enough reassurance to allow the noble Baroness not to move this amendment.

Amendment 305 would require the Government to establish a certification scheme for improvements to domestic and commercial properties in England made for flood prevention or mitigation purposes and an accreditation scheme for installers of such improvements. There are a range of enablers, including improving standards and skills, that need to work effectively to support the property flood resilience market. These will help ensure that the foundations are in place to support communities to be better prepared through the effective use of property flood resilience. We need to work together to overcome these challenges, with all sectors and industries playing their part.

In February 2020, a code of practice on property flood resilience delivery was published by the Construction Industry Research and Information Association, with support from the Defra industry round table. It complements British standards on flood resilient construction and retrofit and resistance products. The property flood resilience round table is actively considering how best we can embed the code of practice. The Government have supported training in collaboration with the Chartered Institution of Water and Environmental Management. Alongside this, the Government have also committed to set policy direction for property flood resilience measures that support consumer and industry confidence and therefore take-up. I hope that this explanation will provide some comfort, and enough to allow the noble Baroness not to move this amendment.

Amendment 306 would require the Financial Conduct Authority to make rules requiring insurance companies to take into account flood prevention or mitigation improvements that are either certified or planning permission requirements in setting insurance premiums. The Government's long-term policy statement committed the Government to ensuring that all homes currently at high risk of flooding are better protected or better prepared. Property flood resilience—PFR—is a nascent market. There are a number of barriers that need to be overcome in order to increase the uptake of PFR, including giving customers confidence in the products and their installation.

There is currently no mechanism to capture data about PFR installed. A process needs to be developed to identify and verify households with PFR. The Government have committed to set policy direction for property flood resilience measures that supports consumer and industry confidence, and therefore take-up. We are working closely with Flood Re, the PFR round table and the insurance industry to determine how best we can achieve this. Again, I hope I have been able to provide some reassurance such that the noble Baroness, Lady Hayman, will not move this amendment.

Amendment 307 would require the Financial Conduct Authority to make rules requiring insurance companies to participate in the currently voluntary Build Back Better scheme launched by Flood Re in April 2022. Build Back Better has been introduced on a voluntary basis. Insurance companies that cede to the Flood Re scheme can choose whether to offer BBB to their customers. At this early stage, we want insurers to adopt BBB and to embed it in their processes. Providing Flood Re with the power to pay claims funding resilient repair over and above normal reinstatement, as the noble Baroness, Lady Hayman, mentioned, will help to drive a cultural shift across the insurance market, driving positive changes in the supply chains and raising awareness of and demand for PFR, helping the market to grow and develop.

Customers of a significant number of insurers, including two-thirds of the household insurance market, are already able to benefit from Build Back Better, and

[Baroness Bloomfield of Hinton Waldrist]
government has encouraged other household insurers to participate in the scheme. In April last year, the Government made legislative changes to the Flood Re scheme to drive the uptake of PFR. Flood Re can now pay claims from insurers ceding to the scheme, which includes an amount of resilient repair, up to a value of £10,000, over and above the cost of like-for-like reinstatement after actual flood damage. While this has been introduced on a voluntary basis, Flood Re requires insurers choosing to participate in Build Back Better to offer it across their home insurance offerings, rather than just on insurance policies ceded to Flood Re.

As I said, property flood resilience is a nascent market, but we want to encourage innovation and learning by doing, and the Government will continue to consider the impact and effectiveness of the current approach. However, Build Back Better is in its early days and has not yet been fully embedded or tested, as a result of relatively benign weather recently. I therefore ask the noble Baroness not to press this new clause.

Amendment 308, also tabled by the noble Baroness, Lady Hayman of Ullock, would require the Government to extend the Flood Re scheme to premises built since 2009 that have property flood resilience measures that meet minimum standards, and buildings insurance for small and medium-sized enterprise premises. Expanding the scope of Flood Re to cover properties built after 2009 would be inconsistent with planning policy. Inappropriate development in flood plains should be avoided. Where necessary, it should be built resiliently so that households can access insurance.

Changes to planning policy in 2006 set out that inappropriate development in flood plains should be avoided. Where development is necessary in a flood risk area, it should be made safe for its lifetime, without increasing flood risk elsewhere, and it should be appropriately flood resilient. There is currently no mechanism to capture data about property flood resilience installed, but we recognise that a process needs to be developed to identify and verify households with property flood resilience.

Baroness Hayman of Ullock (Lab): I apologise, but that is not good enough. I know people living in properties built after 2009 who are completely stuck and cannot get insurance. The Minister talked about the need to come back to planning legislation, but surely this is the place to do it: we are talking about planning legislation, and this is the big opportunity to do something.

Some of these properties have been impacted by developments built in the field next to them, with the water then pushed across. When they were built, they maybe were not considered a flood risk, but unfortunately they now suffer flooding. The current set-up simply does not cover all the properties that it needs to. I urge the Minister to go back to her department and push these points.

Baroness Bloomfield of Hinton Waldrist (Con): I understand the noble Baroness's concerns, and I will take that back to my colleagues in the department.

Flood Re was designed to provide available and affordable insurance for households. It does not cover businesses. Business insurance operates differently from household insurance: it is often bespoke, based on the individual nature of the business. Flood Re is funded via a levy on UK household insurers. Expanding its scope to cover businesses would create a new levy on businesses and could result in businesses across the country—and, indirectly, customers—subsidising profit-making organisations in locations at flood risk. Often, businesses placed near rivers or the coast benefit from their position.

There is no evidence of a systematic problem for businesses at high flood risk accessing insurance, but I appreciate that this is an issue for some. Businesses in high flood risk areas can shop around for the best insurance quote and can use alternative brokers. A number of innovative products are offered to businesses by the industry, including insurers that offer increased flood excess with reduced premiums, and parametric insurance, which allows property owners to set the level of premiums in line with an agreed level of risk.

3 pm

The Government are working with the insurance industry and the wider commercial sector, through the joint government and industry property flood resilience round table, to help businesses become more resilient to flooding. The Government have also committed to set policy direction for property flood resilience measures that supports consumer and industry confidence, and therefore increases take-up. I hope that this explanation provides enough reassurance to allow the noble Baroness not to move her amendment.

I turn now to Amendment 312K, tabled by my noble friend Lady McIntosh of Pickering, which would prevent planning permission for residential development in high-risk flood areas and functional floodplains, which are described as flood zone 3a and flood zone 3b, as assessed by the Environment Agency. The Government recognise that flooding presents a risk to people, homes, villages, towns and cities; it goes right to the heart of our communities, so the Government take this risk very seriously. The National Planning Policy Framework sets out a clear, overarching policy on flood risk. It states that inappropriate development in areas at risk of flooding, whether an existing or a potential risk, should be avoided, and that, where possible, alternative locations at a lower flood risk should be identified—this is known as the sequential test. Where development is necessary, and where no suitable sites are available in areas with a lower risk of flooding, the proposed development should provide wider sustainability benefits to the community which outweigh the flood risk and be made safe without increasing flood risk elsewhere, and, where possible, reduce flood risk overall—this is the exception test. Where those strict tests are not met, new development should not be allowed.

Three national flood zones are identified by the Environment Agency's flood map for planning. Flood zone 3, which is commonly referred to as high risk, is split into two separate zones by the local council: flood zone 3a and flood zone 3b. The latter is classified as a functional floodplain and has the highest likelihood of flooding. Large parts of many major towns and cities comprise land classified as flood zone 3. However, I must stress that building on land assessed as high risk is not the same as building on land assessed as a

functional floodplain. It is clear that new housing and most other forms of development are not appropriate in a functional floodplain—flood zone 3b—where water has to flow or be stored in times of flood. The framework is clear that a site-specific flood risk assessment should accompany all proposals in flood zone 3.

This policy approach recognises that it is unrealistic to ban completely all development in flood risk areas, as it would mean that land that could be built on safely could no longer provide the economic opportunities that our coastal and riverside settlements depend on. Instead, trusting our local authorities to make sensible decisions about what development is appropriate in their area ensures that some development can go ahead when it is in the interests of the surrounding area. In addition, where a major development within flood zone 3 is proposed and the Environment Agency raises objections on flood risk grounds, the local council is required to consult the Secretary of State if it is minded to grant planning permission. That provides the Secretary of State an opportunity to call in the decision.

The National Planning Policy Framework was amended in 2021 to make sure that all sources of flood risk need to be considered, including future flood risk, to ensure that any new development is safe for its lifetime, and without increasing the risk of flooding elsewhere. This is supported by the planning practice guidance on flood risk and coastal change, which was significantly revised in August 2022 and advises on how to take account of, and address the risks associated with, flooding in the planning process. Through the reforms to the national planning policy consultation, which closed on 2 March this year, we will keep the important flood risk and coastal change aspects of national policy under review to ensure that it is sufficiently robust to keep future development safe from floods and not to increase risk elsewhere.

My noble friend Lord Caithness asked specifically about the flood resilience measures relating to climate change and storm overflows. A significant amount of funding has already been made available to local government, providing it with the opportunity to take a place-based response to climate change reflecting local circumstances.

We will continue to support local government by investing a further £200 million over six years from April 2021 to pilot innovative actions that can improve the long-term flood and coastal resilience of 25 local areas. The building regulations specify that systems which carry rainwater from the roof of a building to a soakaway or some other suitable rainwater outfall area must be adequate for these purposes. Furthermore, they specify the use of flood resilient and resistant construction in flood-prone areas. Therefore, while I appreciate the spirit of these amendments, the Government do not feel they can support them, given the strong use of planning policies and because the amendments may prevent much-needed development from taking place in areas which can be made safe without increasing flood risk elsewhere.

I hope that I have given my noble friend Lady McIntosh enough reassurance not to press her Amendments 291 and 312K, and for the noble Baroness, Lady Hayman, not to press her Amendments 303 to 308.

Baroness McIntosh of Pickering (Con): My Lords, I am grateful for what has been a very wide-ranging debate. It was pleasing to see the support for all the amendments in this group; I am grateful for that and thank those who have spoken. I am grateful to my noble friend the Minister for her attempt to reassure those of us who have tabled amendments in this group, but I for one found it a bit depressing.

We recognise that surface water flooding is a relatively new concept; it was really recognised only from 2007. Flood Re was set up in 2009 and I take my noble friend Lord Caithness's point that perhaps it did not take on board the potential for the level of floods that would follow. My noble friend has accepted that the Secretary of State is calling in these developments and we have heard that there have been a number of developments where the Environment Agency has ruled against them, the planning authority has ruled against them and the Secretary of State has approved them. This simply cannot go on, and I urge my noble friend to take away at least one of the thoughts that emerged from the debate, from the noble Baroness, Lady Hayman of Ullock, that there should be more co-ordination and discussion between her department and Defra, which put through the Flood and Water Management Act 2010 and the Environment Act, now implemented.

We cannot have a situation where, 14 years on from Flood Re, developments are still being built when we know that the water will be displaced and will go into existing developments, and there will then be public health aspects that cause people to leave their homes. It is only when, like the noble Baroness, Lady Hayman of Ullock, and me, you have visited homes and seen people in a state of severe distress that you can begin to understand the human despair. We are in a position to do something with this Bill, so I urge my noble friend to take what we have discussed back to her department and Defra and come back with government amendments before Report. Otherwise, I shall bring amendments back at that time. For the moment, I beg leave to withdraw the amendment.

Amendment 291 withdrawn.

Amendment 292

Moved by ***Lord Carrington***

292: After Clause 123 insert the following new Clause—

"Duty of care

(1) It is the duty of any body using compulsory purchase to act fairly towards the owner of any property being acquired and any claimant of compensation.

(2) The Secretary of State must issue a code of practice specifying how the duty in subsection (1) is to be discharged."

Member's explanatory statement

This amendment will ensure that legislative provision for compulsory purchase, and the actions of the acquirer, always achieve a correct balance between the interest of the state and that of the property-owning individual.

Lord Carrington (CB): My Lords, I declare my rural interests as set out in the register. My Amendment 292 would establish a statutory duty of care that makes the acquirer consider and possibly reduce the impact of a compulsory purchase proposal on the claimant,

[Lord Carrington]
their property and their business. The intention is to safeguard property owners against the excesses of acquiring authorities, many of which are large, commercial and profitable companies or government bodies. HS2 comes to mind in this respect: stories of its excessive use of compulsory purchase powers are numerous in the part of Buckinghamshire in which I live.

Property owners are affected by compulsory purchase in many ways. Some lose their whole property. Many lose only a proportion of their property but have to suffer the impacts of construction for many years or decades, having to maintain a viable business throughout that time.

The acquirer's responsibility is to compensate the landowner or business owner for their loss. This is nearly always paid after the land has been taken, and in some cases many years after. This delay only adds to the loss. Many property owners affected by compulsory purchase feel that their interests are ignored by acquirers keen to deliver the scheme, together with any environmental mitigation, but with little consideration for the person or business that may have occupied that area for generations. For an individual, this really is David and Goliath.

A statutory duty of care to consider and mitigate the impact on landowners and businesses affected by the scheme would rebalance the interests of delivering the scheme and reduce the impact. A duty of care would not delay or prevent schemes but it would ensure that the impacts on property owners and businesses are considered as a key part of the scheme, rather than being an afterthought considered only when compensation is due some time later.

The Secretary of State will have to justify how this duty of care is delivered, but an appeal to an independent person or ombudsman would give the proposal legal force. I look forward to the Minister's response on this constructive amendment designed to take much of the aggravation out of compulsory purchase while enabling sensible schemes to progress with considerations of the interests and livelihoods of the owner.

Moving on in this group, I now call for the deletion, or at least complete redrafting, of Clauses 174 and 175, as well as government Amendment 412D, which proposes a new clause after Clause 175. The compulsory purchase provisions contained in these three clauses are immensely complicated to the layman, including myself, so I will contain my remarks to an overview and the principles at stake. In opening this debate, I would be interested to hear from the noble Baroness how these clauses relate to the Law Commission's review into compulsory purchase reform, as it seems odd to be legislating before receiving the outcome.

By way of background to these clauses, the Government in June 2022 initiated a consultation process largely covering the contents of the clauses. We finally received the Government's response to those consultations last week, some nine months after the close of the consultation. Under consultation principles the response should be within four months. Please also consider the fact that this Bill was introduced to the other place in May last year. What was the point of the consultation if the Government had already decided what to do?

Broadly speaking, the comments are highly diverse and no consensus was reached on any of the questions, and the negative and "not sure" views were the majority in most cases. The main comments highlight issues such as unfairness created by a two-tier property market, the vague definition of public interest, absence of clarity leading to additional costs and delays, human rights, mental health and stress, the European Convention, and potential wider effects on housing developments.

The clauses bring into question the long-held principle that anyone forced to sell land should expect to be put in the same position as would be the case if the land had not been taken from him. In other words, he should be paid market value. The purpose of Clause 174 is to cap the cost of acquiring land for affordable housing in a compulsory purchase situation by eliminating "hope value" in certain defined circumstances through the use of directions by the Secretary of State. I quote:

> "In assessing the value of land … it is to be assumed that no planning permission would be granted for development on the relevant land".

In other words, the value would be existing use rather than market value, which might incorporate hope value, which is the value attributed to the expectation of development in the future. This market value currently applies to any purchaser, whether compulsory purchase or a commercial sale. In the case of compulsory purchase, any hope value included in the purchase price paid would have to be justified and have sound basis, as it can be challenged at a tribunal.

3.15 pm

In Amendment 412D, the Government are now proposing to restrict the payment of market value in certain defined circumstances in compulsory purchase situations where there are benefits to acquiring the land at reduced value, if it is in the public interest, such as enabling the provision of affordable housing and health or education facilities. Hence, there will be a two-tier system, with private sales at market value and compulsory purchase sales at less than market value. This is hardly fair and is open to all sorts of challenges, from human rights to calculations on public benefit. Surely a better way of dealing with this perceived problem is through either the conditions of planning, such as Section 108 or CIL, or alternatively the tax system, so that all land sales are treated equally.

There are several huge issues that have not been addressed. First, if the purpose of this amendment is land-value capture, why are we looking just at this sector of the market? How can it be right that someone who owns land next door to land that is subject to a direction and compulsory purchase can sell at market value whereas his neighbour is capped?

Secondly, it is very important not to make the common mistake that compulsory purchase affects only rich landowners. Many of those affected will be small householders or businesses. Capping to existing use value denies them the benefit of planning for a change of use or an extension. They will receive only existing use value. Is this fair and justified when those not affected by compulsory purchase will get market value? Suppressing or ignoring market value is a fundamental change, and means that private owners will subsidise public schemes. I see visions of a repeat of the Crichel Down affair.

Thirdly, most of the independent estimates of the cost of land acquisition that I have read put this figure at less than 10%, although a figure of 38% has been quoted by Civitas. Clearly, there is a requirement for proper research on this issue, as it should be quantified before any action is suggested. Also, land is only one component of development cost. What about the other 90% of costs and, indeed, revenues that affect the public benefit calculation? The cost profile of a scheme changes over time. The ring-fencing of public benefit is impossible. It is also important to remember that affordable housing in commercial developments is paid for out of normal house sales. How could this work in a CPO situation? Where is the money coming from?

Fourthly, what is the effect on private housing development? Surely a private developer will be highly reluctant to initiate and work up a scheme if there was any possibility of a local authority obtaining a direction and CPO, as that developer would then lose all his sunk costs, which could be very considerable. It could lead to local authorities having to do more of their own developments with all the many costs and resources involved, and we all know that local authorities are underresourced in this area.

Fifthly, although the Government are limiting the application for a direction to local authorities and other public sector organisations, they will need to enter contracts with private sector companies to build the houses or hospitals. Is it the intention of the Government to insist that the building is done at cost price only, as why should the builder add a profit margin on to his contract when the landowner has been made to forego his own margin of profit through the compulsory purchase at existing use value?

Sixthly, capping would apply if justified in the public interest, but how will this be judged? What are the guidelines? What objective criteria would be used to justify that below-market value should be used to benefit the public? Surely, reliable, detailed evidence from actual schemes is the only way to quantify the public benefit? The Government have promised guidelines, and we should examine them closely before approving this legislation.

Seventhly—and, noble Lords will be glad to hear, finally—the Government have promised guidelines as to how the landowner can challenge the directions. Surely we need to see these guidelines before going any further? The Minister writes of safeguards, but these appear to work only after 10 years in the circumstances where the development has not been in accordance with the direction—a long wait for any compensation.

In summary, I will quote the Compulsory Purchase Association:

"The CPA does not consider that there are many, if any, instances where the capping proposals would operate to render schemes that were otherwise unviable viable, or where they would deliver materially improved public benefits as a result. Nor does it consider that it would be practically possible to ringfence compensation sums 'saved' for the delivery of particular benefits, given the changing cost profile of schemes over their lifetime".

I turn to Clause 175, which deals with prospects for planning for alternative development in compulsory purchase situations. Where identification of a future use can be difficult—for example, where there is no up-to-date local plan—a claimant can apply for a certificate of alternative development from a local authority which will say what alternative development could be accommodated on that land, should the scheme not go ahead. This application can either be specific—in other words, for housing—or for any development, and the local planning authority has to respond saying what land use might be acceptable. This process is supposed to be easy for the applicant and to give an indication of appropriate future uses. If an application for a certificate for alternative development is refused, it can be appealed through the Upper Tribunal.

However, under Clause 175 a claimant will have to apply for a certificate for certain development and put considerable effort and resource into justifying the proposal that may be similar in quantum to making a full planning application, rather than seeking a broad indication, as is the case at the moment. This could involve the applicant paying several thousand pounds on professional fees to build up the best case possible, which may then be refused because of the vagaries of the planning system and local authorities.

There may be instances where a local authority will turn down a certain application and a claimant may then have to submit a further application for a different type of development—a further risk and cost that the claimant has to suffer, although the applicant still has the ability to appeal the original decision to the Upper Tribunal. This moves the onus away from the local authority to the applicant or claimant at a time when they are already suffering the considerable impacts of the scheme—consultations, surveys, inquiries, loss of land, construction impacts, severance, et cetera—this is scarcely equitable.

In conclusion, I fear that there are many questions in what I have just said, and I look forward to the considered response of the Minister. In particular, we need to know the Government's promised guidelines on how a scheme will deliver public benefits, how removal of hope value is justified in the public interest, and what is meant by "public interest" and "public benefits". I ask the Minister to provide objective definitions.

We also need to have a convincing matrix analysing the real costs of delivering these schemes; in other words, who gets what? Without this information, it seems somewhat irresponsible to focus only on the landowner, who may account for only 10% of the expenditure. What about the other 90%? There is currently too much information missing to approve these clauses.

My final remark is whether this rather poorly considered proposal—in my opinion—to cap certain land sales is equitable and whether the right solution, if the underlying problem is land value capture, is not best addressed through planning conditions or general taxation. I beg to move.

Baroness Taylor of Stevenage (Lab): My Lords, the noble Lord, Lord Carrington, warned me that we may go head to head on this, and I fear that that might be the case this afternoon. This group of amendments addresses a very important set of conditions about compulsory purchase and the skewing effect of hope value, which we consider is vital to address to help the delivery of genuine regeneration schemes and social and/or truly affordable housing.

[Baroness Taylor of Stevenage]

Definitions are important here, which is why the first amendment in my name in this group probes how the Secretary of State will work with local authorities to determine an appropriate definition for regeneration. Too often, this has been left in the hands of developers so that existing communities feel, at best, that their views about how they would like the area to be regenerated are ignored and, at worst, that they are being displaced by regeneration schemes, as developers are relentless in their pursuit of uplifting the values of properties for their own benefit.

I understand the amendment in the name of the noble Lord, Lord Carrington, and I am sure that there are cases which result in the kinds of circumstances he has described, but the boot is quite often on the other foot. However, I support his comments about how many important sections of the Bill are subject to consultations running in parallel with the progress of the Bill through Parliament. It does not give us much confidence that listening is going on, and it means that we are trying to incorporate all the pre-legislative processes as we are going through the process of the Bill. So the consultations are running, and we should then have pre-legislative scrutiny—which we have ended up having to do as we go through the Bill—and then legislation. I think that is why we have had such a long set of proceedings on the Bill. There are issues here.

The amendment in the name of the noble Baroness, Lady Bennett, includes a power of acquisition for local authorities, specifically for the purpose of social or affordable housing. I believe that there are powers already under previous Acts of Parliament that allow this, but it is important that those powers are sped up or enhanced in some way. Part of the "Today" programme on Radio 4 this morning was about social housing in Wales. Before the Minister is tempted to come back and say that that is to do with Labour running Wales—which I do understand—this situation, of a gentleman who had been waiting some 20 years for social housing, occurs across the country. One of the responses from Shelter, which also appeared on that programme, was that local authorities need a fast-track route to purchase empty homes for social housing. The power is already there, but it can take for ever. I have been dealing with a case in my own borough where, 22 years later, we have still not managed to purchase a very dilapidated house because of the various circumstances attached to that case. It makes it very difficult. Where it is possible, local authorities should be helped and assisted to do that.

My Amendment 412 aims to ensure that compulsory acquisitions by a local authority do not materially change the housing provision in an area. It is important to clarify that we do not intend this amendment to suggest that the housing has to be re-provided on the same site, although that may be a choice that the local authority wishes to make. If it is not, the housing should be re-provided elsewhere in the local authority area and be specified at the time of planning for the site in question.

3.30 pm

On the question of Clauses 174 and 175 standing part, we are grateful to the noble Lord, Lord Carrington, and the noble Earl, Lord Lytton, for highlighting these two clauses. We look forward to the Minister's intentions on this, but we may have some further discussions on how these are going to work later in the Bill. I hope we have understood the purpose of government Amendment 412D correctly, in that it seems to indicate that the Minister agrees with us that hope value should not accrue to land where it is to be used for the purpose of affordable housing, health or education. If the Minister could, for the sake of clarity, confirm that it is also intended to mean social housing, that would be very helpful.

My Amendment 413 is intended to ensure that data is collected, so that the extent of the compulsory purchase of land that has hope value attached to it can be collated and understood. I am very grateful to the noble Lord, Lord Shipley, for adding his name to our Amendment 414, which is a detailed clause that has the effect of ensuring that local authorities do not have to pay hope value for land for properties for social rent where they are able to demonstrate the need for that development. I am very grateful to Shelter, which continues to make the case for taking away the anachronistic hope value that results in making delivery of affordable and social homes unviable. The problem with hope value is that land is already so expensive that it is very hard for anyone to build genuinely affordable or desperately needed social homes.

Hope value is one of the key factors that make land too expensive. Councils can compulsorily purchase land in order to build much-needed homes for their community, but they are then forced by law to pay that hope value. This is calculated by the amount the land could be worth if it was sold, for example, to build luxury private homes. Because hope value is so lucrative, many landowners will refuse the council's initial offer because they know that the council has no power to buy the land at a lower price. This is not intended to depress land values, because the land is always subject to a proper valuation process. Rather, it is intended to address the up to 80% that can be added for hope value. We understand that it was always intended that the LURB would address this, and we look forward to hearing the Minister's response on it.

I hope that, before Report, we can work with the Government and other noble Lords to ensure that we identify a detailed amendment in relation to the circumstances in which hope value should not apply. I note that noble Lords during debates on this section of the Bill have concerns about social uses, affordable and social housing, health and education needs and emergency services provision. This is not intended to deprive landowners of the real market value of the land; it is intended to make it viable to build social and affordable housing on that land and not increase the value of the land by 80% or some other high percentage that takes all the viability out of developments.

Baroness Jones of Moulsecoomb (GP): My Lords, I rise to speak to Amendment 411, in the name of my noble friend Lady Bennett, who cannot be here at the moment. Before I do that, I would like to pay tribute to the Government Front Bench and the Opposition Front Bench for showing real stamina, tenacity and forbearance on this Bill. It is far too big and the only good thing about it—well, it does introduce some good things—is that it stops us discussing even worse Bills.

On 411, I am a former councillor and I had thought that this was possible for councils—but, if there is any doubt at all, we have to make sure that it goes in, because it is incredibly important that we start to increase our supply of affordable housing and social housing. The whole right-to-buy privatisation was very successful for some but, of course, those houses have never been replaced, and with a rising population it is incredibly important that people have a home that is affordable and secure.

The rental sector is failing at the moment. I gather that a lot of people who have bought to rent are leaving the market because it is so complex. So there are houses, but they are mostly going up for auction and being sold mostly to developers; I have absolutely no idea whether that will help.

I am not convinced about hope value, I am afraid. It sounds like an extremely Tory motivator to increase the value of your property immediately before it gets bought. It sounds like greed to me—forgive me—so I will not support any of those amendments.

On Amendment 411, if there is no clarity on whether it is possible to buy land in that way, we will bring this back on Report.

The Earl of Lytton (CB): My Lords, I rise to speak to the question of whether Clauses 174 and 175 should stand part and, to some extent, to government Amendment 412D. I thank the noble Lord, Lord Carrington, for his masterly introduction.

I intend to focus more on what I hope will be the technical side. I have a sort of background here. I dare say that I am the only person in this House—probably in the Palace of Westminster—who had to deal with a development land tax calculation when I worked in public service. I recall those years very well, because the entire land supply dried up during that period. I will try to give a bit of technical background without making it overly complicated.

I, too, am grateful to the Compulsory Purchase Association and Mr Raj Gupta of Town Legal for their comments. Mr Gupta kindly gave me permission to quote from one of his emails, which I may do later.

This is all to do with the question of hope value. If I can loosely paraphrase, this is regarded as an excessive element of value that is so far divorced from current purpose, use and enjoyment that it is regarded as offensive. The first thing you have to know about hope value is that there is a lot of it about. On the outskirts of every village and town in every municipality, there is land that is tied up by legal agreements or whatever that are to do with this inflated hope value. So the first thing we need to bear in mind is: what do you do about the bits where stuff is already in the pipeline? If you put a block on that, it will have consequences.

Hope value does not exist in isolation from the umbrella of market value. Market value combines various things; it may be a current use value, an alternative use value and a hope value. Wrapped together, they form this construct of market value. Things such as hope value are not objectively measurable in their own right, which becomes a bit of problem; I remember that problem from dealing with development land tax calculations, where the question was about the current use value that had to be entered on the form on which one was making the calculation.

However, market value has a clear, established, internationally recognised definition. It is capable of independent corroboration by what is happening in transactions, which are evidenced—that is, the evidence can be produced from within the marketplace. I will leave aside the complexities of specialist things such as going concern value, but this question of hope value rests on the belief that an asset is capable of being made to be worth more, with value being added in some way, such as through works or changes of use, possibly with the prospect of development but possibly by simply bettering what is already there.

Development, by definition, also includes permitted development rights; it is a form of development. The question about that is how to single out those things that society, until now, has regarded as being part of the entitlement of ownership—namely, permitted development rights—from these other excessive sums, if "excessive" is the right term.

The rules for compensation for compulsory purchase have been developed over nearly 180 years and, in modern terms, use market value as their baseline. They sit alongside issues of human rights in relation to, first, the reasonable enjoyment of one's property and, secondly, the right not to have it taken away other than for demonstrably compelling reasons of public interest—of which more anon—and then only on the basis of fair compensation determined, in the event of a dispute, by an independent adjudicator. So far, so good, as I am not for one minute suggesting that human rights justify a hugely disproportionate level of value. But this is tied into this construct of market value. If one were to start filleting out market value, there would have to be a better definition or one closer to that referred to by my noble friend Lord Carrington.

Pivotal to all this is the concept of equivalence, and it will become apparent why I am talking about this. Equivalence is the ability to buy an equivalent asset from the money gained from the compulsory process. Put another way, the compensation should put the owner in the same position, as near as money can make it, as they would have been but for the compulsory acquisition. That principle was established long ago in a case called Horn v Sunderland.

Particular things need to be borne in mind here. First, the special interest of the acquiring authority is always to be disregarded where it could be realised only as part of the authority's scheme. That is a given and has been a factor for a long time. Secondly, any reduction in value by virtue of the acquisition being compulsory should also be disregarded, and that is at both ends of the spectrum. Also, the compensation is to be paid in full at the time of taking the land or else interest runs thereon, and any reasonable costs or losses associated with and arising from the act of it being a compulsory acquisition should be paid as part of the compensation.

Clause 174 refers to "no-scheme" minor amendments, but in amending the Land Compensation Act 1961 it seems to go further than the strict purpose of simply eliminating those aspects of value that could be realised only by a scheme involving compulsory powers. It seems to dig deeper than that. The question is how deep and where that process ends. It also amends the definition of compulsory purchase purposes to a point

[The Earl of Lytton]
where what it defines could be seen as part of the normal current use rights and not the sole preserve imported by the acquisition scheme itself. I refer to the words "re-development, regeneration and improvement", which is a very broad definition.

Clause 175 sets out to reinforce this in relation to assumed developments under certificates of alternative development. This is clearly something that the Government want to make harder for claimants and, conversely, easier for acquiring authorities. I will not go any further on that, because my noble friend Lord Carrington covered it pretty well.

Government Amendment 412D introduces a new scheme of Secretary of State direction enabling acquisitions to be made at existing use value in certain circumstances. However, the provision is rather complex and has a sting in the tail in that, after 10 years, if the land has not been used for the specified purpose, which has to be specified up front, there is a potential claw-back. As I see it, it also muddles the justifications of public interest and the rationale for having CPO powers. The two are not the same.

With regard to the ostensible aim to provide more affordable housing, here are some home truths: the amount that the owner of bare, undeveloped land gets after the costs of obtaining the planning assent is typically in the range of 8% to 12% of the finished product value, otherwise known as the gross development value. The complaints about high land values—I know this from having analysed spreadsheets with all this information on them—often come from housebuilders and ignore the effect of the additional rolled-up cost of obtaining planning permission and the very substantial costs on risk of speculatively financing these. The whole planning process makes it more expensive.

3.45 pm

If land were sequestered without compensation at all from the landowner, you would typically be talking about a modest, single-figure percentage of the ultimate gross development value. The noble Lord, Lord Carrington, is right about that. The process of the development—the complexity of the finance, materials and labour—over extended timeframes makes this a really complicated piece of discounting to arrive at net present values for. The whole thing is speculative, in the sense that you are trying to predict what might happen over a period of time—not in terms of the end values, because those are present day, but, particularly on larger sites, the risks associated with developing them out and the rate at which they can be developed out without swamping the local market in the process.

The noble Lord, Lord Carrington, referred to affordable housing requiring market housing to fund its construction. That is true. Mostly, this is reflected in the landowner receiving a lower value for the property.

By and large, local authorities do not build the houses themselves; they enter into commercial agreements with developers to construct them, and these commercial entities make profits, typically not less than 20% of the finished product value. I would be glad if that would lodge in noble Lords' minds: we are talking about single figures of GDV for the landowner and 20% for the developer. That is a common figure and is embedded in many viability assessments that go to local authorities. Whether it is visible is another question, but it seems worth comparing.

These are readily discernible by anybody familiar with development appraisal and construction economics and practice. But there is an increasingly grey area, which the noble Lord, Lord Carrington, referred to, between what is properly regarded as public interest and what may be termed government commercial objectives, which may be driven by political priorities and the mercantile advantages thus facilitated. To give one example, the Government used the 2017 Electronic Communications Code to reduce rents, to benefit a category of investor who were investors in the leaseholds on these various sites. They made a killing commercially, it would appear, but have so far produced no measurable operational benefits to the network, let alone to the consumers who sign up for their mobile service.

The Government claim to have consulted on the measures. As the noble Lord, Lord Carrington, said, the consultation results have been published. I am grateful to Mr Raj Gupta for his summary. He says, first, that the outcome of the consultation demonstrates that

"there is very limited support for any form of abolition".

Secondly, he said:

"There were some ludicrous responses given",

in one or two areas;

"For example, one respondent said that a Crossrail 2 study had shown that the abolition of hope value would fund 50% of the cost of the new railway when a PWC study commissioned by TfL said that total land acquisition was less than 10% of the cost".

They cannot both be right, but I would put my money with PWC. He thought that

"The response to question 5 is really telling. The Govt noted that hope value was more likely to be paid for transport schemes and regeneration of brownfield land—but it is not proposing capping for those kind of schemes".

And so it goes on.

I will bring my comments to a close. An existing use value needs to be defined. What among the prospects of free markets is it that the Government propose should now be disregarded? The net result of this could be highly irregular in terms of the pattern of values. Existing use value means different things to different people. A piece of bare land in a village or urban fringe might have a low scheme land value—I suppose it might have utility for the protection of the view for owner A, horse grazing for owner B, a wildflower meadow for someone else, or be part of an agricultural holding or amenity land, all of which have different valuation criteria. The list goes on. It means different things to different people. I said that I make no judgment about property owners and whether they should get inflated or other levels of value, but the Government need to explain and consider market sentiment or the result risks being the precise opposite of what they are setting out to achieve by these measures.

The Earl of Caithness (Con): My Lords, the whole compulsory purchase issue is a complex and niche part of the law, as has been well explained in the debate today. I am hugely grateful to the noble Lord, Lord Carrington, for setting out his amendment in detail.

I have some interests to declare. It is 50 years—yes—since I was last involved in compulsory purchase procedures as a land agent, and the law has moved slightly since then. But I do remember how fiendishly complicated it was; just when I thought I had got my head around it, I moved jobs and went off to do something else.

The nub of the Government's proposals is to change a long-settled aspect of compulsory purchase in this country. It was put into words by Lord Justice Scott in Horn v Sunderland. He said that the landowner

"has the right to be put, so far as money can do it, in the same position as if his land had not been taken from him".

That tenet—that vital basic principle for compulsory purchase—is now being demolished by the Government, with the support of the Labour Front Bench.

It is now clear that there is considerable blue water on this issue between us and those who want to deprive a landowner or somebody of the rightful value of their property. It can start with land but it is a slippery slope. Once it is established that somebody is not getting the full market value for their land, and that the state can take that from them, it will go on into other issues that affect people. I deeply regret that my Government have headed down this road. I hope that my noble friend the Minister will be able to explain why she wishes to destroy that principal tenet of compulsory purchase.

The noble Lord, Lord Carrington, talked about the process of consultation. He was far too kind to the Government about that. On the previous amendment, interestingly, my noble friend Lady Bloomfield said that the Government could not accept it because a consultation would have to be had to go through it in detail before they could possibly come to Parliament. We come to this amendment and now we find that there was a consultation process, but the Government introduced it after the Bill had been read for a first time in another place; not only that, but they put down amendments contrary to the consultation process. So those who answered the consultation process were not actually answering the question that the Government are now posing.

If this was not so serious, it would actually be quite a funny skit about how badly the Government are behaving. This is an appalling way to govern. It reduces confidence among all the professionals in this area—and if it reduces the confidence of these professionals, it will not be long before the Government start reducing the confidence of other professionals.

The government amendments to the Land Compensation Act and the Acquisition of Land Act change significantly the basis of that consultation procedure. We have now got the results of the consultation—merely a week before we came to discuss it, and I think that was partly due to the very useful meeting that we had with the Minister's officials, for which I am extremely grateful. At that meeting I posed them the question, "When are you going to publish the results of the consultation?" There was a scratching of heads and the answer, "Let's see; we'll go back to the department and think about it". I am very grateful to the officials for having thought about it, but it proves that the consultation was a total waste of everybody's time and a lot of paper.

Furthermore, the Government have asked the Law Commission to look at the whole of the compulsory purchase procedure laws. I spoke to the Law Commission this morning on this. It has started work on it; it aims to produce its report and the proposed Bill in 2025. Would it not be better, before the Government tread into this minefield of compulsory purchase, to wait for the Law Commission to come forward with its report before disturbing this issue?

I would like to ask my noble friend the Minister three questions. Nearly all schemes that are affected by compulsory purchase will include a developer; the local authority does not have the resources or the ability to do it on its own. So if a developer is involved, how can the Government justify allowing the developer to make a profit? As the noble Earl, Lord Lytton, has just said, it is something in the region of 20%.

I was a developer in the late 1970s and early 1980s, and all our schemes had a minimum of 20% when we started them. How can you justify giving a developer 20% profit when the landowner is not getting the market value for the land? That is a severe infringement of human rights. I appreciate that, as the noble Earl, Lord Lytton, said, the planning procedure is very expensive. If I remember rightly, I read in the papers yesterday that the Government have spent £800 million so far on costs regarding the proposed new Dartford crossing—and not a spade has been put in the ground yet. That is expensive, and it is equally expensive, but on a lesser scale, for landowners; proportionately, it is about the same.

If there is going to be a direction under the proposed legislation, will the local authority have to prove that the development could not proceed unless the land was bought at existing use value, not at market value? If the answer to that is no, then this is state robbery. If the answer to it is yes, my third question to my noble friend the Minister is whether the local authority will be required to publish detailed costs of the proposed development. It is only by getting the detailed costs that one will be able to challenge the efficacy of the proposal. One will need a considerable amount of detail from the developer and the local authority to show that compulsory purchase is the only method by which that proposed development could proceed.

4 pm

If the answer to my questions is no, as I said, that becomes state robbery. If it is yes, no one will enter into any scheme with developers. Developers are not going to take up options on land and the supply of land for social and affordable housing will dry up, as it has done in the past. This is cyclic. I have now seen it twice in my lifetime: Governments wish to encourage something and think they are doing it, either through the rent Acts or land supply, but the result is completely the opposite; the land supply dries up and there is less of what they and we all want at the end of the day —more social and affordable housing; and then a future Government have to unwind it and start the process all over again.

If the result is going to be as dire as the noble Earl, Lord Lytton, the noble Lord, Lord Carrington, and I fear and the supply of land is going to dry up, why are the Government undertaking this measure? This is far

[The Earl of Caithness]
too complex and detailed an issue to be tackled in the way that it is, and the consequences are going to be huge and very political.

Baroness Bloomfield of Hinton Waldrist (Con): My Lords, I beg to move that the debate on this amendment be adjourned.

The Earl of Caithness (Con): Why do we have to adjourn when we are in the middle of an important debate? For the continuity of that debate, surely if the Minister replies now, that will be fine.

Baroness Bloomfield of Hinton Waldrist (Con): There are a number of other speakers to speak in the debate. The list of speakers is quite long and we would probably be allowing another hour before the next business could be taken, which has been timetabled for around 4 pm.

House resumed. Committee to begin again not before 4.52 pm.

UK Concussion Guidelines for Grass-roots Sport

Commons Urgent Question

The following Answer to an Urgent Question was given in the House of Commons on Tuesday 2 May.

"The UK concussion guidelines for grass-roots sport mark an important step in making sport safer for millions of people. Taking part in sport has many benefits. It is great for people's physical and mental health, and it brings friends and communities together. We want to protect that and encourage more people to enjoy being active and to play a sport.

As I set out in my Written Ministerial Statement published today, the vast majority of people participate in sport safely, but head injuries do occur. We want to reduce the risks associated with concussion and make sport even safer for everyone. Research has shown the importance of fast, effective, tailored treatment, and we are issuing this expert guidance to help people spot and treat head injuries. Our guidance is a tool for the thousands of people who enjoy sport at the grass-roots level. Whether it is used in a local leisure centre during a swimming lesson or in the second innings of a village cricket match, this landmark guidance has the chance to make a real difference to people across the UK.

The guidance was developed by a world-leading panel of medical experts, and I am grateful to the whole expert group for giving so freely of their time while drafting the guidance. I pay tribute to the efforts of the group and to the valuable input of the Sport and Recreation Alliance, which has worked tirelessly to produce this excellent guidance. All that builds on the world-leading work conducted in Scotland by raising UK-wide awareness of the issue of concussion and making sport safer for all who take part. Fundamental to the guidance is an overriding simple message: "If in doubt, sit them out".

Finally, this guidance is an essential but first step. The Government remain committed to working with the industry to help to make sport safe and enjoyable for everybody, including on technological solutions and the prevention of concussion."

4.04 pm

Lord Bassam of Brighton (Lab): My Lords, we on these Benches strongly welcome this guidance and hope the Government will ensure that anyone suffering from a head injury is able to get swift access to the treatment and continuing support that they need. In the Commons yesterday, the Minister said he was "sure" that his Department of Health and Social Care colleagues would make announcements "in due course". I wonder whether the Minister can be any more specific on timings today.

The introduction of concussion protocols in many elite sports has undoubtedly helped increase awareness of the subject, but we sometimes see players ignore the advice of medical professionals and attempt to play on. Indeed, I remember my son as a teenager being fouled and a penalty being given, and he was badly concussed. He was determined to take the penalty spot kick, and his mother and I had to wrestle him off the pitch.

We know that these things are important, so does the Minister agree that governing bodies need to keep their own protocols under review and that players themselves should be mindful of their status as role models? What more do the Government plan to do to ensure that this advice gets the profile it needs at all levels of sporting endeavour? These are important moves forward, and we broadly welcome them.

The Parliamentary Under-Secretary of State, Department for Culture, Media and Sport (Lord Parkinson of Whitley Bay) (Con): My Lords, I am grateful to the noble Lord for the support of the party opposite. World-leading experts have informed this guidance and it is important that we give it to the many people who are engaged in recreational sport across the country. The example that the noble Lord gives from his own family is illustrative of the issues that we need to make people aware of, so that people can intervene where needed and make sure that there is support for those who require it.

As my right honourable friend the Sports Minister said yesterday in another place, he has committed to continuing to work with his colleagues in the Department of Health and Social Care to ensure that the relevant advice is given to people, including those who want to contact the NHS through the 111 service. Many health experts from lots of sporting backgrounds have been involved in the preparation of this advice.

The noble Lord is right to point to the role of financial governing bodies in disseminating the advice that is appropriate in the context of their sports. Last year the English and Scottish Football Associations banned heading the ball in training for primary school-age children, an example of work that has been taken on. We are working with national governing bodies to make sure that the guidance is disseminated to everyone who needs to see it.

Lord Addington (LD): My Lords, will the Minister clarify one or two points? First, as is said in the document and is well-known, the younger you are, the

more serious concussion can be. The school-aged people that we are primarily talking about tend to play a lot of sports. There must be thousands of people who have the experience of the child who plays in three school teams and maybe also on a Saturday.

What is the responsibility of the parent to make sure that, if you have been banged on the head playing rugby, you do not simply go off and play something else? Swimming is a good example. You can injure you yourself when swimming; diving carries a risk of concussion. What is the reference across that they are giving out to parents and coaches in all these sports about all the people involved? Are they going to make sure that everyone knows they have to talk to each other and who the conduit is for passing on that information? That is an important factor.

Secondly, when it comes to the governing bodies—which will be the way that information will be disseminated to people in the individual sports—what role does the Department of Health have in making sure that the guidance is technically correct and follows a consistent pathway? Any one of three Ministers could have answered this Question, and it just happens to have fallen to the noble Lord. What co-ordination is there to make sure that we have a consistency of approach across all departments?

Lord Parkinson of Whitley Bay (Con): The noble Lord is right that this is work that engages other government departments and many institutions in education and healthcare. A range of government departments and representatives from the education sector and medicine have been engaged in the process, and the guidelines will be published through all those channels to make sure that schools, teachers and doctors are aware. As I say, it is for the national governing bodies of each sport to make sure that this baseline guidance is tailored to the specific context and setting of their sport, and we would like to see that built on. It is for them to give any additional messages. The guidance is an essential first step, and fundamental to it is the simple overriding message: if in doubt, sit them out.

Lord Hayward (Con): My Lords, I have returned from a three-day rugby tournament, excellently organised by the Birmingham Bulls, which involved 47 teams participating this weekend. I am interested by the use of the word concussion or brain injury. Can my noble friend clarify why the term concussion is persistently used when, in effect, what we are actually talking about is potential brain injury?

Lord Parkinson of Whitley Bay (Con): I send my congratulations via my noble friend to the Birmingham Bulls and everyone involved in the Union Cup. We have chosen to use the word concussion because it is what is most widely understood. Certainly, as a non-medical and not particularly sport-playing person, it was the term which was most self-evident to me. As we want to get the guidance out to as many people as possible, using layperson's terms such as that seemed like a good way to do it.

Lord Watson of Wyre Forest (Lab): My Lords, it is over 20 years since the coroner recorded a verdict of death by industrial disease in the case of England striker and West Bromwich Albion legend Jeff Astle. That campaign has taken two decades for the Astle family; I am sure the Minister would congratulate them. This welcome guidance is testament to the campaign that they have run to convince parliamentarians in all Houses and on both sides that this is important. But does he agree that concussion is still not understood in schools and in amateur sport? Actually, concussion is a brain injury, and if we use that language, we might get that understanding of how serious these injuries really are for our young people.

Lord Parkinson of Whitley Bay (Con): I indeed congratulate all those who have campaigned on this from bitter personal experience. I hope that the guidelines, and the greater awareness and understanding that they will lead to, will help avoid more situations and heartache for families like theirs. The guidelines are clear that a concussion is a brain injury; we have used the term that is understood so that we can build on people's awareness and bring in greater understanding. Scientific and medical knowledge of this is evolving, so the guidelines will evolve as it does, but the guidelines have been informed by medical experts from around the world and people involved in a variety of sports. I am glad that we have been able to get them out, and look forward to all noble Lords helping us to draw further attention to them.

Lord Lansley (Con): My Lords, I am sure my noble friend will share with me a strong welcome for these concussion guidelines. Would he be able to speak to his colleagues in the Department of Health and Social Care and in the NHS to encourage them to direct those who look up concussion or sports injury with concussion on the NHS website to the guidelines themselves? What there is on the NHS website at the moment is perfectly accurate but does not include much of the additional information available in the guidelines, and it could direct people to that. The present website is updated only to October 2021.

Lord Parkinson of Whitley Bay (Con): My right honourable friend the Sports Minister has committed to continue to work with our colleagues at the Department of Health and Social Care to make sure that the relevant advice is available to those contacting the NHS through 111, online and in other ways. We have fully engaged with the NHS during the process, and it supports the approach taken in the guidance. The Department of Health and Social Care is also formulating the Government's new strategy on acquired brain injury, and DCMS is engaged in that work to ensure that people who play sport are well represented in that process too.

Lord Grade of Yarmouth (Non-Afl): Does my noble friend the Minister know whether the Government have any plans to outlaw boxing?

Lord Parkinson of Whitley Bay (Con): We do not, but we hope that the guidelines will encourage people who play sport, whichever sport it is, to do so safely.

Lord Walney (CB): I suffered a two year-long concussion while I was representing Barrow and Furness in the other place, and looking back, I was staggered

[Lord Walney]
by the lack of knowledge even among fairly senior professionals in the medical industry about this, so the guidelines are very welcome. Does the Minister not share my fear that we may be at the start, and not towards the end, of a profound period of change with these guidelines, and that future generations may look back with horror at the way in which people playing sport, particularly younger people, are subjected to risk of severe brain injury with practices at the moment?

Lord Parkinson of Whitley Bay (Con): We know that physical activity, playing sport, is good for people's physical and mental health, and good for society. We want more people to be active and to play sports, but to do so in a way which is safe. The guidelines are an important first step and a baseline for national governing bodies to make sure that people who play sports, whichever sport it is, can do so safely and enjoyably.

Gambling Act Review White Paper

Statement

The following Statement was made in the House of Commons on Thursday 27 April.

"With permission, Madam Deputy Speaker, I would like to make a Statement about the Government's proposals for gambling reform.

Gambling is a hugely popular pastime, which has been part of our British life for centuries. Ours has always been a freedom-loving democracy where people are entitled to spend their money how they please and where they please, and millions choose to spend some of their hard-earned money on the odd bet on a match or a race without any problems. This popularity has seen our betting companies balloon in size and become big contributors to both our economy and, in the taxes they provide, to our public services.

But, with the advent of the smartphone, gambling has been transformed: it is positively unrecognisable today, in 2023, from when the Gambling Act was introduced in 2005. Temptation to gamble is now everywhere in society, and while the overwhelming majority is done safely and within people's means, for some the ever-present temptation can lead them to a dangerous path. When gambling becomes addiction, it can wreck lives: shattered families; lost jobs; foreclosed homes; jail time; suicide. These are all the most extreme scenarios, but it is important to acknowledge that, for some families, those worst fears for their loved ones have materialised: parents like Liz and Charles Ritchie, whose son, Jack, took his own life while travelling in Hanoi after years of on/off addiction. Gambling problems in adults have always been measured in terms of money lost, but we cannot put a cost on the loss of dignity, the loss of identity and in some cases the loss of life it can cause.

We need a new approach that recognises that a flutter is one thing, but unchecked addiction is another. Today we are bringing our pre-smartphone regulations into the present day with a gambling White Paper for the digital age.

Before I go into the details of how we remove some of the blind spots in the system, I pay tribute to my right honourable friends the Members for Croydon South (Chris Philp) and for Maldon (Sir John Whittingdale) and my honourable friends the Members for Mid Worcestershire (Nigel Huddleston), for Folkestone and Hythe (Damian Collins) and for Sutton and Cheam (Paul Scully), as well as my predecessors my right honourable friends the Members for Hertsmere (Oliver Dowden), for Mid Bedfordshire (Ms Dorries) and for Chippenham (Michelle Donelan), who have all led the work at various stages, and in particular the Minister for sport, gambling and civil society, my right honourable friend the Member for Pudsey (Stuart Andrew), who has driven this work in government over recent months. There have also been some outstanding contributions to the debate from individual Members of this House, including my right honourable friend the Member for Chingford and Woodford Green (Sir Iain Duncan Smith), my honourable friends the Members for Tewkesbury (Mr Robertson), for Shipley (Philip Davies), for Stoke-on-Trent North (Jonathan Gullis), for Stoke-on-Trent South (Jack Brereton) and for Stoke-on-Trent Central (Jo Gideon), and the honourable Members for Swansea East (Carolyn Harris), for Inverclyde (Ronnie Cowan) and for Sheffield Central (Paul Blomfield), and from the other place.

The proposals encapsulated in our blueprint draw on that knowledge and combine it with the best available evidence and insights in the 16,000 submissions received in response to our call for evidence. That is what this White Paper will deliver, with proposals for reform that cover six key areas. These proposals build on our strong track record of acting in punters' interests through measures such as: cutting stakes on fixed-odds betting terminals in 2019; banning credit card gambling and reforming online VIP schemes in 2020; introducing new limits to make online slots safer in 2021; and upgrading rules on identifying and intervening to protect people showing signs of harm in 2022.

First, we want to tackle some of the challenges unique to online gambling. Campaigners have told me that one element that differentiates problem gambling from many other forms of addiction is that it often takes place in secret, so we will force companies to step up their checks on when losses are likely to be unaffordable or harmful for punters. Companies must already intervene when they know that a customer is spending vast sums, but this change will better protect those least able to afford even small losses. We also plan to bring online slots games more into line with bricks-and-mortar equivalents by introducing a stake limit on online slots of between £2 and £15, subject to consultation.

Secondly, we know that many addicts find that each time they break free from the temptation to gamble, they are drawn back into the orbit of online companies with the offer of a free bet or some free spins. To help to stop problem gamblers being bombarded, the Gambling Commission has beefed up its rules on online VIP schemes—which has already resulted in a 90% reduction in the number of those schemes—and will now consult on ensuring that bonus offers are not being deployed in ways that only exacerbate harm.

That brings me to the third item, which is our regulator. We can all agree that we need a robust, data-savvy and proactive regulator that can stand up to the giant companies that it regulates, so my department will ensure that the Gambling Commission has the

appropriate resources to support this work and deliver the commitments in the White Paper. No one should be denied an innocent flutter, but the public should not have to bear the cost of treatment when a punter becomes an addict. One important element that will be introduced—backed by campaigners and also by many in the House—is a statutory levy to turn the tables on problem gambling, requiring gambling companies to fund more ground-breaking research, education and treatment.

Fourthly, we need to redress the power imbalance between punters and gambling companies when things go wrong. People who find that they have lost out owing to operator failures need to know that all is not lost. We will work with industry and the Gambling Commission to create a non-statutory ombudsman who will give customers a single point of contact.

I know that the fifth element—doing more to protect children—unites the whole House. Gambling is an adult activity, and it must remain an adult activity. That is one of the main reasons why I applauded the decision taken by the Premier League a fortnight ago to remove gambling sponsorships from players' shirt fronts in the coming seasons, and it is the reason why we are ensuring children cannot engage in any form of gambling either online or on widely accessible scratchcards.

Finally, we know that the status quo disadvantages casinos, bingo halls and other traditional premises in comparison with their online equivalents. A number of assumptions that prevailed at the time of the 2005 Act now appear increasingly outdated, so we plan to rebalance regulation and remove restrictions that disadvantage the land-based sector.

Nearly every Member of Parliament will have met constituents whose lives have been blighted by gambling harm. The online world has transformed so many parts of life, and gambling is no exception. It is our responsibility to ensure that our rules and regulations keep up with the real world so that we can protect the most vulnerable while also allowing everyone else to enjoy gambling without harm. I look forward to working with every Member of the House to bring our gambling rules into the digital age, and I commend this Statement to the House."

4.15 pm

Lord Bassam of Brighton (Lab): My Lords, colleagues will know that I hail from Brighton—for film noir buffs, the home of "Brighton Rock", with its famous racecourse scenes. My city has excellent amusement arcades, two casinos, a Premier League football team—rather good this year—, a horserace track, a dog track and a variety of other activities and sports that have strong links to the gambling sector.

We all like a flutter, and a night at the bingo or a weekend at the races are traditional British pastimes. Clearly, none of us want to change that. However, the publication of this important White Paper comes in part because of the relentless efforts of those with personal experiences of problem gambling. As gambling has moved into the digital age, far too many people have suffered from outdated regulation which has left them or their loved ones, friends and family exposed to significant and sustained gambling-related risk. People will have lost many thousands of pounds because existing safer gambling initiatives were not properly implemented or enforced, sometimes over several years. Many will have fallen into desperate debt, not just for themselves but, of course, impacting on family life. Tragically, some have paid an even bigger price. We should reflect on the fact that lives have been lost completely and unnecessarily.

While this White Paper may not contain all that campaigners hoped for, I pay tribute to them today for their tenacity. We have waited a significant amount of time for this Statement. The Government launched their review of the Gambling Act 2005 back in December 2020. Yes, these matters are complex; yes, the department received a significant number of responses, and yes, there is a balance to be struck, as many people enjoy gambling in moderation. Of course, the sector itself supports in excess of 100,000 jobs. But why has it taken so long for the Government to bring these proposals forward? We have seen multiple Ministers with responsibility for the review; at my last count, six Gambling Ministers and four Secretaries of State for Culture, Media and Sport have promised this White Paper imminently. We have had only a marginally smaller number of Prime Ministers: three, possibly four. So, can the Minister blame those who feel that their suffering has not been a priority for the Government? Can he understand the concerns of some in the sector that uncertainty has been allowed to last for such a long time?

Despite the delays, we welcome the fact that various measures been announced, with many being things that we have long called for and campaigned for. We are glad that the White Paper recognises the significant difference between bricks-and-mortar bingo halls and low-risk gambling and gaming centres, and the unique dangers of the online world. We welcome proposals relating to how online gambling sites will operate, the introduction of a levy and the expansion in the remit of the Gambling Commission. If properly implemented, these changes can make a significant difference to the amount of gambling-related harm people encounter, and improve the services available to those who have been affected by it.

However, and as ever, we need to see some more detail. While it is important that some measures are subject to further consultation, we hope it will not take another three and a half years for further decisions to be made. In another place, the Minister said that many of the changes in the White Paper will be brought forward via statutory instruments to speed up implementation. That is welcome, but is the Minister able to comment on how many SIs will be required and when we are likely to see them?

For matters that require primary legislation, can we expect to see a Bill in the next Session? The White Paper contains no fewer than 30 references to "when parliamentary time allows"—hardly an indication that these matters are being prioritised.

While I am asking questions, could the Minister have a go at answering some which were not addressed by his Commons colleague last week? Will the Gambling Commission be given additional resources? The National Audit Office previously raised concerns about the body's capacity. If its remit is being extended without appropriate resourcing, that problem can only get worse. Who will set rules in relation to new affordability

[Lord Bassam of Brighton]
checks? Will they be set independently of the sector or will it be up to providers? What other initiatives, if any, are the Government looking at for under-18s who encounter loot boxes and other in-game features, which may not qualify as gambling but exhibit or promote similar qualities and behaviours?

Once again, we welcome this important White Paper. Reducing the harm caused by gambling is vital. We are glad that this will seemingly be done in a way that does not disadvantage the lower-risk premises that sustain communities across the country, especially in rural and coastal towns. Far too much time has already been wasted, so we hope that the Government and the Gambling Commission will now move quickly to implement the key reforms and consult smartly on the rest.

Lord Foster of Bath (LD): My Lords, I declare my interest as chairman of Peers for Gambling Reform. We have known since the advent of the smartphone, giving everyone a casino in their pocket, that gambling legislation and regulation were out of date. Online gambling and wall-to-wall TV and radio advertising, coupled with online marketing—not least inducements such as a free bets and VIP offers—have led to thousands of lives being ruined.

For too long the Government have failed to hold big gambling companies to account—companies that, as we saw from the recent William Hill case, prioritise their annual £14 billion profits over customer care and that get the majority of those profits from problem gamblers. We have at least 350,000 such problem gamblers, including almost 60,000 children. This has, in turn, ruined the lives of around 2 million other people. Tragically, over 400 people a year take their own life because of gambling. Of course, it has also cost the nation billions of pounds.

The Government promised reforms back in 2019, but this White Paper has been constantly delayed by chaos, infighting and—as we have just heard—six gambling Ministers since the review was launched. So hundreds of people in that time have tragically taken their own life and thousands more have seen theirs devastated. None the less, the proposals in the White Paper are important and welcome steps in the right direction. At last, they are based on the recognition that gambling should be treated as a public health issue.

They respond directly to the key measures proposed by Peers for Gambling Reform and other campaign groups. Measures recommended by your Lordships' Select Committee on gambling some three years ago included light-touch affordability checks, stake limits online, a statutory levy—so that all gambling companies contribute fairly and adequately to research, education and treatment—more effective redress mechanisms for individual gamblers and further limits on advertising and marketing. Online gambling products are designed to be addictive, with features such as high stakes and prizes, fast speed of play and the illusion of player control. We strongly welcome proposals to address these issues.

Does the Minister agree there should be parity online with, for instance, stakes in land-based venues, so that casino slot limits are set at £2? It has already taken too long, as we have heard. We should be implementing these and other proposals. What is the timeframe for consultation on these measures and when will they actually be in place?

In relation to affordability checks, given that the average household disposable income is £500 a month and the industry itself classifies gambling more than £75 a month as high spend, can the Minister explain why the White Paper's proposed unsustainable loss trigger is 10 times that amount?

Given that the White Paper acknowledges that online gamblers use accounts with several different companies, why do the proposals consider only the "possibility" of a single, cross-company approach? Should there not be a single, independently run system of affordability checks?

We strongly welcome the proposals for a statutory levy. However, the White Paper is silent on the detail. Does the Minister at least agree that it should be a smart levy, based on the polluter pays principle, so that those that cause the most harm pay the most? How much money do the Government want to see raised?

We understand that primary legislation is needed to introduce a fully-fledged ombudsman, so we welcome the proposals for interim improved player redress. Will the Minister commit to introducing the necessary legislation to go even further as soon as possible?

We also welcome proposals to address some of the gambling companies' marketing activities, such as free spins, free bets and bonuses. However, we are extremely disappointed that very little is being done to reduce the way in which we are all bombarded by gambling advertising. The Premier League's voluntary decision to phase out gambling logos on shirt fronts is surely an acknowledgement that advertising is harmful—although, of course, you will still see gambling advertisements around the grounds, in matchday programmes and even on players' shirtsleeves. There is clear research showing that advertising leads to people starting to gamble, leads existing gamblers to gamble more and leads those who have stopped to start again. Why would the industry spent £1.5 billion a year on marketing if it was not to boost its profits? Other countries are taking action to ban or restrict gambling advertising. The majority of the British public want us to do the same. Why is more not being proposed in this country?

Like the noble Lord, Lord Bassam, I say that my biggest concern is the delay in implementation. Can the Minister confirm that there are to be at least 12 separate consultations requiring the Gambling Commission to have no fewer than 30 workstreams? How long must we wait for the outcome of all this work? The review of the Gambling Commission's funding is not planned until next year: will this not further delay the commission recruiting extra staff to do the necessary work, causing further delay?

Overall, while there are some welcome proposals, it is absurd that so many are subject to further consultation, given that there is already a wealth of information and research evidence and there has been plenty of time to look at the details of these measures. Further delay will lead to more lives, families and communities being ruined. Surely the Government should stop dithering and implement.

The Parliamentary Under-Secretary of State, Department for Culture, Media and Sport (Lord Parkinson of Whitley Bay) (Con): My Lords, I am grateful for the broad welcome in both noble Lords' remarks for this work. I am conscious that I have stood at this Dispatch Box many times and promised that it will be coming soon, so it is a relief for me to be able to change the script and talk now on some of the detail—and I know it will be a delight to your Lordships' House as well.

The noble Lord, Lord Bassam, began by talking about the importance of the industry to seaside towns and communities. As I am from a seaside town, I share his sentiments on that. We are conscious, in taking the action that we have, that we are talking about an industry that provides many jobs and contributes to the UK economy, and in which millions of people participate with no harm.

We are conscious too of the huge changes we have seen in gambling since the 2005 Act, not least with the advent of the smartphone and the availability of gambling opportunities for people in their pocket, as well as the changed nature of the advertising and exhortations to play. That is why the consultation we held deserved careful thought, and why many people fed into it. We are very grateful to all who did. It is why it is right that gambling Ministers and Secretaries of State—there has been more than one during the process—have had time to interrogate that information and bring it forward. I am grateful to your Lordships' Select Committee and to Peers for Gambling Reform, who I met earlier with the noble Lord, Lord Foster, and to others who have fed into that process and who continue to do so.

The noble Lord asked why further consultation is needed. The White Paper sets a clear strategic direction, based on the call for evidence and the consultation we held, but the Government have a duty to follow due process and to consult on detailed proposals, including their impact. There is a difference between the consultation that led to the White Paper, on what to do and whether to do it, and the consultation now on how to do it. That will make sure that we get the details right in complex areas such as the levy, and minimise the risk of legal challenge, which would only cause further delay and frustration to people such as the noble Lord.

We will work with the Gambling Commission, the industry and others to implement these proposals as swiftly as possible. We will ensure that the consultations have timeframes that are no longer than needed for fair consultation. The consultations will be published by the summer, and we intend all the main measures to be in force by next summer. We expect to make announcements on some measures within weeks.

I turn to the questions about the Gambling Commission. As I said when last speaking on this topic at the Dispatch Box, the Gambling Commission has shown that it can regulate the industry effectively and stand up to the biggest operators when required—it is taking more direct action. Of course, we work with the commission regularly: Ministers meet its chairman and chief executive on a regular basis. The review took a close look at the commission's powers and resources, and the White Paper sets out a range of actions that will be taken.

On resources, the Secretary of State's Oral Statement in another place addressed the point raised by the noble Lord, Lord Bassam. She said that

"my Department will ensure that the Gambling Commission has the appropriate resources to support this work and deliver the commitments in the White Paper",—[*Official Report*, Commons, 27/4/23; col. 942.]

but we will continue to discuss that with the Gambling Commission.

On stake limits, anyone can walk into a betting shop and play anonymously, but all online gambling is account based. Operators have a detailed understanding of the person playing and whether they are at risk of suffering harm. We will consult on a limit between £2 and £15 and on options including a lower limit for people under 25, who the evidence suggests can be at a higher risk of harm. We look forward to the information that will be fed in there.

On affordability checks, we considered a range of data and the Gambling Commission's advice in deciding the proposed thresholds for consultation. This included the current levels of harm, estimates of disposable income and current spending patterns. Light-touch checks start at £125 net loss per month, to help protect people for whom even relatively modest losses could be harmful. They escalate to more detailed checks at a higher level. But these proposals are subject to consultation by the Gambling Commission. I know that will frustrate noble Lords who want to see swift action, but we want to make sure that we get this right and take into account the challenges here. We are mindful of the impacts that this has on people and their families.

As noble Lords have heard me say, while doing that work we have not delayed taking the action we can take in the meantime: we have cut the stakes on fixed-odds betting terminals, banned gambling on credit cards, brought in reforms to online VIP schemes, introduced new limits to make online slots safer, and upgraded rules on identifying and intervening to protect people who show signs of harm online. We want to tackle some of the challenges that are unique to online gambling. I look forward to continuing to work with noble Lords, with more to get our teeth stuck into now. I am grateful to them for their work so far.

4.33 pm

Lord Grade of Yarmouth (Non-Afl): My Lords, I welcome unequivocally the direction of travel of this White Paper. How could I do otherwise, when all the Government's recommendations were among those of your Lordships' Select Committee on gambling harms, which I had the privilege of serving as chairman?

I heard what the Minister said about consultation. This reminds me of the great saying in the film industry, "Hurry up and wait", when you get to the location and everybody is standing around, ready, but nothing happens. We are ready to go with this. None of the recommendations I saw in the White Paper requires primary legislation; they can be got on with. I heard what the Minister said about the need for consultation, but there were 60,000 responses to the consultation that led to the White Paper. How long will it take to have more consultations? That is a concern.

My overriding concern is that the track record of the Gambling Commission hitherto has been very dilatory. A lot of the toxicity in the gambling sector was due to the Gambling Commission being asleep on the job in those days. It has certainly improved its

[Lord Grade of Yarmouth]
performance, but I seek assurances from the Minister that its feet will be held to the fire in a way that they have not been hitherto, given the need to reduce harm as soon as possible. I am sure that the message from the House at the end of this session will be: please get on with it now.

Lord Parkinson of Whitley Bay (Con): I had the pleasure of serving on your Lordships' committee that looked into this matter, under the chairmanship of my noble friend. I am pleased to say that the more than 50 recommendations of its report have been taken forward in this work. We want new protections to be in force quickly. As your Lordships' committee, and my noble friend, pointed out, many of these new protections do not require waiting for primary legislation. We will bring forward changes through Gambling Commission licence conditions for operators and through secondary legislation. For measures that require primary legislation, that will be when parliamentary time allows.

The commission has taken a more interventionist and aggressive stance. In 2022-23, operators were required to pay more than £60 million in penalties, with William Hill recently paying a record £19.2 million because of its failings. The commission is taking the action we need, and Ministers meet its chief exec and chairman regularly to continue to discuss that.

Baroness Armstrong of Hill Top (Lab): My Lords, I remind the House of my interests: I am a trustee of GambleAware, I am on the advisory group of the Behavioural Insights Team, I am a vice-chair of Peers for Gambling Reform and I also served on the Select Committee. There is lots to welcome. I do not want to go through every issue, but one that I am concerned about is the position of young people who are tempted into gambling through some sports, particularly football. There is simply not enough in the White Paper that deals with that.

From research, we know that nearly half of 11 to 17 year-olds report seeing gambling adverts on social media at least weekly. We know that half of children's sections in football matchday programmes feature gambling sponsors. Anybody who goes to football on a regular basis knows that the whole game has been almost taken over by the gambling industry: you cannot go to a match without having it in your face. What the Premier League will do, welcome as it is, is far too partial and small, and it is not for all of football. We need to do this so that many young people are not led into things that they then cannot control. Nothing in the White Paper helps us with that.

Lord Parkinson of Whitley Bay (Con): I am grateful to the noble Baroness—we had the opportunity briefly to discuss this with some officials earlier, and I know that she will continue to take the opportunities to do that as we implement this. She is right to point to the importance of sponsorship in sport and its impact on children. With the reforms we have made to advertising that has the greatest appeal to children, we have taken action in this area.

The most prominent branding on players' kits is of course on the front of their shirts. It is not just what people see on the television; it is on the shirts that young supporters buy and wear. So we welcome the action taken to remove that; it is the most effective restriction to break the association. The White Paper sets out further detail: sports bodies are working together to design and implement a cross-sport code of conduct to raise standards for gambling sponsorship across the sector. There is detail in the White Paper and more work to be done.

Viscount Astor (Con): My Lords, I have two questions for my noble friend the Minister. I congratulate him on finally producing the White Paper, which has 256 pages. However, there are two bits missing, so to speak, the first of which is about how these policies will be subject to parliamentary oversight. It is not clear how the Gambling Commission will receive policy decisions from the Government and how it will be accountable to DCMS and Parliament. Secondly, careful reading of the White Paper reveals that, "when parliamentary time allows", the Government will replace the requirement for the Gambling Commission's fees to be subject either to the Secretary of State's approval or to secondary legislation. Does that mean that the Gambling Commission will be able to set any fee it wishes without any oversight from Parliament? The Gambling Commission has not covered itself in glory in the last few years, and it will have to raise its game if it is to take on these significant responsibilities. I declare that I am a member of the All-Party Parliamentary Racing and Bloodstock Industries Group and that I own a horse, which I hope to put a bet on when it runs next month.

Lord Parkinson of Whitley Bay (Con): The precise design of the levy will be decided by consultation, following which we will introduce the levy by secondary legislation, affording an opportunity for debate in your Lordships' House and in another place. The Act is clear that all spending on the levy must be approved by DCMS and His Majesty's Treasury. We do not direct the Gambling Commission on its regulation of gambling more widely—it is an independent regulator—but we work closely together on matters pertaining to this review, and DCMS Ministers will continue to be involved as financial risk checks are developed.

Lord St John of Bletso (CB): My Lords, I declare my interest as an adviser to Betway, as declared in the register. I join in welcoming the White Paper. At a time when over 22 million people enjoy a bet each month and when problem gambling has fallen to 0.2% from 0.3% the previous year, can the Minister elaborate on the measures being taken to promote a level playing field for the betting and gambling industry? More specifically, what measures are being taken to reduce the unregulated black market, where there are no protections for young children, no affordability checks, no ombudsman and no tax levied?

Lord Parkinson of Whitley Bay (Con): The noble Lord is right and, as my right honourable friend the Secretary of State set out in her Statement in another place, we are conscious that this is something that millions of people do for enjoyment with their own money and without harm. We are also conscious of the significant changes to gambling since Parliament last legislated on this matter in a substantial way through the 2005 Act.

That is why we held the consultation, have taken action and are carrying on with that work in the meantime. The noble Lord is also right to point to the dangers of the black market. We are very mindful of where people will turn if we do not get this right.

Baroness Bakewell of Hardington Mandeville (LD): My Lords, I declare my interest as a member of the executive of Peers for Gambling Reform. I welcome the contents of the White Paper on gambling, which, at last, takes us forward in helping those trapped by addiction to gambling. However, I was extremely disappointed to see that gambling advertising continues unabated; it is virtually impossible to avoid. TV advert breaks all include the dubious benefits and enjoyment of gambling. Similarly, radio stations are peppered with adverts for the large sums of money that can be claimed for the price of a £2 phone call. Can the Minister say why that invidious advertising has not been tackled in the White Paper?

Lord Parkinson of Whitley Bay (Con): We have been led by a close assessment of the latest evidence on the impact of advertising, which suggests that there is little evidence to show that exposure to advertising leads directly to harmful gambling. However, we recognise that it can have a disproportionate impact on those already suffering harm, and our aim therefore is to tackle aggressive practices. Robust rules are already in place to ensure that advertising is socially responsible and that it cannot be targeted at children, as I mentioned earlier. New rules were introduced recently to strengthen protections for children and vulnerable adults. Targeted restrictions on advertising are just one part of our wider approach to protections, which also includes making products safer and introducing financial risk checks.

Lord Davies of Brixton (Lab): My Lords, there is much to be welcomed in the White Paper, but I share the concerns expressed by the previous speakers, including, in particular, the timetable. What I welcome in the White Paper—and, in doing so, I declare my interest as a member of the advisory committee of the Money and Mental Health Policy Institute—is that it recognises that the harm caused by gambling is psychological as well as financial. We need to understand better the relationship between gambling and poor mental health. It is bidirectional: gambling leads to mental health problems; people with mental health problems have problems with gambling.

The White Paper identifies the need for better research, particularly longitudinal research and research into the causal relationships involved. It is a shame that the Secretary of State did not include a reference to the psychology of gambling in the original Statement, so can the Minister say something about that? There is also the issue of treatment. If we establish the principle that the polluter pays, there must be an important role for the gambling industry to fund the development of a treatment, which is so clearly needed to help those caught in its grasp.

Lord Parkinson of Whitley Bay (Con): I mentioned some of the work which has already been taken forward to help vulnerable people. The noble Lord is right to point to people with mental health difficulties and the differential impact that gambling can have on them. Through some of the action we have taken on VIP schemes and other schemes, we know that when addicted people break free from the temptation to gamble, they are drawn back into the orbit of online companies with offers of free bets or free spins, so that is another area in which we are taking action. The research continues, and it will continue to inform the approach we take. The latest evidence available was fed into the review we have concluded, but, as further research is conducted, we look forward to analysing it too.

Baroness Lampard (Con): My Lords, I refer to my interest as the chair of GambleAware. Like many others, I too welcome the publication of the White Paper and the greater provision of protections from harms caused by gambling. People in the most deprived neighbourhoods are more than twice as likely to experience gambling harm than those in the least deprived; and, despite being less likely to gamble, those from minority communities are far more likely to experience gambling harm than those from white British majority groups. These disparities of harm show how important it is to ensure that gambling harm prevention and treatment are treated as a serious public health issue. However, tackling this effectively as a public health issue requires collaborative working across central and local government, the NHS and the third sector. It also requires long-term strategic planning and secure, long-term funding, including, for instance, the training and recruitment of specialist staff. The current unfairness and uncertainty—as well as the distractions and, frankly, the jockeying for position associated with the current voluntary funding arrangements—have been obvious and have persisted for too long. So, while I welcome the Minister's assurance that the consultations will be concluded as swiftly as possible, I ask that thought be given to whether the statutory levy, which will allow for the certainty required to tackle gambling harms, might be one of the provisions introduced prior to next summer. We simply cannot wait that long.

Lord Parkinson of Whitley Bay (Con): I pay tribute to the work my noble friend does with GambleAware in this important area. We welcome the efforts we have seen from the industry to increase contributions to research, education and treatment, but it is vital, as she says, that the system provides long-term funding certainty for organisations that are delivering crucial services, and that the money is completely trusted. We know that the NHS and some researchers will not take money from the voluntary levy, for fear of being compromised by the industry. So, we will consult on how the levy is constructed and how the funding might be directed. As the Gambling Act requires, it will be collected by the Gambling Commission, with spending signed off by the Treasury and DCMS. As I said earlier, we will launch a detailed consultation this summer on the details of the statutory levy, and our priority is that sufficient funding is available and being used effectively where it is needed most.

The Lord Bishop of St Edmundsbury and Ipswich: My Lords, I echo the concerns that have been expressed about advertising, particularly the susceptibility of

[The Lord Bishop of St Edmundsbury and Ipswich] youngsters to it, but I want to raise a different question. Can the Minister explain the rationale for increasing the number of gambling machines, which are already deeply unpopular with local authorities, require more policing due to the antisocial behaviour associated with them, and often, as was said by the previous speaker, are targeted at poorer areas?

Lord Parkinson of Whitley Bay (Con): Submissions to our call for evidence were clear that online slots are likely to be the highest risk products, hence the work outlined in the White Paper addressing the risks of those and other products. Restrictive regulations on the number of gaming machines in a venue no longer make sense when it is possible to use a smartphone to gamble anywhere, 24/7. In fact, they can increase harm by making players reluctant to take breaks. What is important is the quality of supervision and monitoring that customers receive in land-based venues. We are maintaining and strengthening the protections for customers that are required in these venues, and we are still requiring operators to offer customers different types of gambling opportunities.

Lord Walney (CB): I refer the House to my entries in the register of interests, including concerning analysis of the sector's economic impact on communities across the UK. What will be the Government's criteria for the success of the single customer view pilot, and how long does the Minister expect that analysis to run?

Lord Parkinson of Whitley Bay (Con): I cannot give the noble Lord precise answers to that, but I will write to him with the details I am able to furnish at this point.

Lord Bellingham (Con): My Lords, while I welcome most of the White Paper, why was there only scant and brief reference in it to the National Lottery and society lotteries, which are an incredibly important part of raising money for charity, particularly society lotteries, which raise a great deal of money for good causes in local areas? They face a major disadvantage compared to the National Lottery because of the limits placed on them: for example, the current legal limit for society lotteries is a maximum prize of £25,000 or 10% of the draw proceeds, plus a strict annual limit. There are even tighter limits on smaller society lotteries. Why can we not bring society lotteries in line with the National Lottery, so as to encourage more local people to support these really good local causes?

Lord Parkinson of Whitley Bay (Con): My noble friend is right to point to the importance of society lotteries for fundraising, and indeed of the National Lottery. As Minister for Heritage, I have the privilege of working with the National Lottery Heritage Fund, which distributes many millions to excellent causes across the United Kingdom. The National Lottery is unique and has its own regulatory framework, with player protection at its heart. There are bespoke levers for player protection purposes, licence conditions, the Gambling Commission's duties and powers and conditions of approval for individual National Lottery games. Evidence shows that National Lottery games are associated with the lowest risks of problem gambling of all gambling products considered, but we have still raised the age for taking part in the National Lottery to 18, to make sure that we continue to afford the protections to the youngest players which all noble Lords want to see.

Lifelong Learning (Higher Education Fee Limits) Bill

First Reading

4.55 pm

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

Levelling-up and Regeneration Bill

Committee (12th day) (Continued)

4.56 pm

Debate on Amendment 292 resumed.

Lord Thurlow (CB): My Lords, I want to make a brief comment on the subject of hope value, following the very interesting observations by a number of Peers. I fear there has been a bit of a misunderstanding about the concept. Market value for property is simply what someone will pay for it, no more and no less. If that happens to include a bit of a bet that there might be an uplift for a change of use or for a planning consent or development, they may take that risk, and they may or may not be rewarded. It is a subjective matter, not something a valuer can readily simply calculate, with the usual variables. It is a risk.

What has not been mentioned in this part of the debate is that the infrastructure levy we are discussing will reduce hope value. The means by which this will occur are simply that when the infrastructure levy arrangements become clearer, the cost of the levy to a developer in that example, which is the one we have been talking a lot about, will be deducted from the price offered for the land—the farmer's field or whatever it may be. I agree with the noble Lord, Lord Carrington, that it cannot be right to force a sale at something less than the property is worth. It is a fundamental human right, a principle of the rule of law. So, I just want that to be more clearly understood: hope value is not some evil thing; it is a risk and it may or may not be taken by a purchaser.

5 pm

The Parliamentary Under-Secretary of State, Department for Levelling Up, Housing & Communities (Baroness Scott of Bybrook) (Con): My Lords, Amendment 292, tabled by the noble Lord, Lord Carrington, would place a new statutory duty on all acquiring authorities to act fairly towards anyone involved in the compulsory purchase process and would require the Secretary of State to issue a compulsory purchase code of practice setting out how the statutory duty to act fairly must be discharged by acquiring authorities.

I assure noble Lords that the Government understand the concerns raised on ensuring there is a fair balance between the interests of a body exercising compulsory

purchase powers and the person whose interests are being compulsorily acquired. Used properly, compulsory purchase powers can contribute to effective and efficient regeneration, essential infrastructure, the revitalisation of local areas and the promotion of business leading to improvements in quality of life and the levelling up of communities. However, acquiring authorities should only use compulsory purchase powers where there is a compelling case in the public interest and the use of the powers is clearly justified. The justification for a CPO must provide sufficient evidence to demonstrate that the benefits of the compulsory acquisition of land outweigh the harm to any individuals. It is for the acquiring authority in each CPO to determine how best to do this.

The Government's guidance on compulsory purchase is clear that negotiations should be undertaken by acquiring authorities in parallel with preparing a CPO to build relationships and demonstrate that the concerns of landowners and further claimants are treated with respect. The guidance sets out that a benefit of an acquiring authority undertaking early negotiations is to identify what measures it can take to mitigate the effects of the scheme on landowners. It also requires that, when making and confirming an order, both acquiring and authorising authorities should be sure that the purposes for which the CPO is made justify interfering with the human rights of those with an interest in the land affected. For these reasons, the Government consider the proposed duty is unnecessary. The existing compulsory purchase legislative and policy framework has safeguards in place to protect individual interests and ensure a fair balance is maintained between an acquiring authority and the person whose land is being acquired.

Amendment 410, tabled by the noble Baroness, Lady Taylor of Stevenage, would insert a new subsection into Clause 165 to provide that the Secretary of State may define by regulations the meaning of "regeneration" in new Section 226(1B) of the Town and Country Planning Act—inserted by Clause 165—providing that local authorities have been consulted. I thank the noble Baroness for raising this constructive amendment as it allows me to clarify to the House the reason for the introduction of Clause 165 of the Bill.

Local authorities have a wide range of existing powers to compulsorily acquire land in support of their functions. Clause 165 adds "regeneration" to the planning compulsory purchase power under the Town and Country Planning Act to put it beyond doubt that local authorities can use these powers for development with a clear regeneration benefit. The Government are making it clear through Clause 165 that local authorities' existing planning compulsory purchase powers for facilitating development, redevelopment and improvement also include regeneration activities. The term regeneration is not specifically defined in legislation to not overly restrict use of the broad planning compulsory purchase power.

However, the Government's guidance on compulsory purchase indicates how regeneration can be achieved through CPOs: for example, bringing land and buildings back into effective use; encouraging the development of existing and new industry; creating attractive environments; and ensuring that housing and social facilities are available to encourage people to live and work in the area.

The Government believe that setting out in regulations a definition of the meaning of regeneration risks unnecessarily constraining and narrowing use of the planning compulsory purchase power, which could limit its effectiveness for local authorities. This would run contrary to the Government's objective of encouraging use of CPO powers by local authorities where there is a compelling case in the public interest to bring forward development, including for housing, regeneration and infrastructure. I trust I have given the Committee reassurance that the purpose of Clause 165 is to provide local authorities with suitably broad compulsory purchase powers enabling the delivery of regeneration benefits.

Amendment 411, tabled by the noble Baroness, Lady Bennett of Manor Castle, would insert a new clause which would amend Section 226(1) of the Town and Country Planning Act to extend use of the CPO power under that section to where a local authority wishes to compulsorily acquire land to facilitate the provision of affordable housing or social housing. I thank the noble Baroness for bringing this amendment. As alluded to in my response to the previous amendment, local authorities have a wide range of existing powers to compulsorily acquire land to support their functions, and Clause 165 of the Bill is making it clear that the CPO power under Section 226 of the Town and Country Planning Act may be used for regeneration purposes too.

Use of this extended power by local authorities could, among other things, involve the construction of affordable or social housing forming part of a large-scale regeneration scheme or the reconstruction of buildings to deliver affordable or social housing. Local authorities also have compulsory purchase powers available to them under the Housing Act 1985. These powers may be used to compulsorily acquire land, houses or other properties for the provision of housing accommodation which must achieve a quantitative or qualitative housing gain. This could include, for example, the provision of affordable or social housing.

I hope I have given the Committee reassurance that Clause 165 of the Bill gives local authorities a broader compulsory purchase power which may be used to facilitate affordable or social housing forming part of a regeneration scheme. Also, local authorities already have powers available to them to compulsorily acquire land or properties to support their housing functions.

Amendment 412, tabled by the noble Baroness, Lady Taylor of Stevenage, would insert a new clause which would add a new subsection to Section 226 of the Town and Country Planning Act. I thank the noble Baroness for raising this amendment as again it allows me the opportunity to outline to the House the existing compulsory purchase powers available to local authorities to increase the number of residential properties in their areas. As I have said, under the Housing Act 1985 local authorities have specific compulsory purchase powers which, when used, must achieve a quantitative or qualitative housing gain in their areas. These powers may be used by local authorities to compulsorily acquire land, houses or other properties for the purpose of increasing housing accommodation in their areas.

Under the Town and Country Planning Act, local authorities have further compulsory purchase powers to deliver a range of types of development and

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infrastructure. Requiring local authorities to deliver replacement and extra housing in addition to the main purpose for the compulsory purchase is likely to increase the costs of providing essential infrastructure and beneficial development. This will discourage the use of compulsory purchase and run contrary to the Government's objective of encouraging use of CPO powers by local authorities where there is a compelling case in the public interest to bring forward development, including, as I say, for housing, regeneration and infrastructure. I hope I have given the Committee reassurance that local authorities already possess specific compulsory purchase powers for the purpose of increasing the quantity and quality of residential development in their areas.

I move now to the question of whether Clause 174 should stand part. Perhaps I could begin by directing the Committee's attention to the provisions of Clause 174 in the round, which are in the technical area of compulsory purchase compensation, and to respond to concerns raised by the noble Lord, Lord Carrington. The Land Compensation Act 1961 contains the principal rules for assessing compulsory purchase compensation. Under the current rules, when assessing the open market value of land to be acquired, there are statutory assumptions which must be taken into account. This includes discounting the effect of the compulsory purchase scheme, known as the no-scheme principle. The landlord receives a value for the land which they would have received if the CPO and associated investment had not existed. The Government want to ensure that the improvement of land enabled by a transport project is equally able to benefit from the definition of the scheme under Section 60 of the 1961 Act and the scope of the no-scheme principle, as the regeneration and redevelopment of land currently can. There is no reason why the improvement of land should be excluded from the scope of this definition, and the Government are seeking to achieve this through Clause 174.

Clause 174 amends Section 6D of the 1961 Act by inserting a definition of development which includes redevelopment, regeneration and now the improvement of land. The change further aligns the wording of Section 6D with the amendment the Government are making to local authority CPO planning power under Section 226 of the Town and Country Planning Act 1990, at Clause 165, for English local authorities to use consistent terminology. I understand government officials have met the noble Lord, Lord Carrington, to discuss his concerns with Clause 174, and I hope my explanation of the clause's purpose has given the Committee reassurance that its focus is on the consistent application of the statutory no-scheme principle to the improvement of land, alongside the redevelopment and regeneration of land.

I move now to the question of whether Clause 175 should stand part. Clause 175 is another clause in the technical area of compulsory purchase compensation. As I outlined in my response to the noble Lord, Lord Carrington, on the previous amendment, the Land Compensation Act 1961 contains the principal rules for assessing compulsory purchase compensation. Under the current rules, when assessing the open market value of land to be acquired, there are statutory assumptions which must be taken into account. Not only does this include discounting the effects of the compulsory purchase scheme, known as the no-scheme principle, but it requires that the planning prospects of the land being acquired must be considered. One method of assessing the planning prospects of land is to establish appropriate alternative development; namely, development which would have got planning permission if the acquisition of the land through compulsory purchase was not happening. Where appropriate alternative development is established, it may be assumed for valuation purposes that planning permission is in force. This is known as the planning certainty, and, assuming the value of the appropriate alternative development is greater than the existing use value, it creates an uplift in the value of the land.

The 1961 Act allows parties concerned with the compulsory purchase to apply to a local planning authority for a certificate to determine whether there is development which, in its opinion, would constitute appropriate alternative development. These certificates, known as CAADs, are used as a tool to establish whether there is an appropriate alternative development on the site, and thus planning certainty for valuation purposes—namely maximum uplift in value attributed to the certainty that development would be acceptable and granted permission in the no-scheme world. Under current rules, there is no requirement to apply for a CAAD to establish planning certainty and secure any resulting uplift in the value of land. The purpose of Clause 175 is to ensure that the compulsory purchase compensation regime does not deliver elevated levels of compensation for prospective planning permissions, which would result in more than a fair value being paid for the land.

5.15 pm

Clause 175 makes changes to the Land Compensation Act 1961 to address this. Specifically, planning certainty is claimable only via the issuing of a CAAD. Where planning certainty cannot be demonstrated through a CAAD, the likelihood of a future permission is assessed, and a proportionate value can be reflected in the compensation for land. Compensation associated with the prospects of planning permission will still be claimable under the 1961 Act. However, the effect of Clause 175 will be to bring the assessment of value connected with the appropriate alternative development more in line with the position in a normal market transaction, where the prospect of planning permission would be treated as a certainty for valuation purposes only if that permission had been applied for and obtained.

Clause 175 will introduce changes to the compulsory purchase compensation regime to ensure elevated levels of compensation for prospective planning permissions are not delivered. This will help ensure more public sector-led schemes are viable and can deliver levelling-up benefits which are necessary in the public interest. I understand government officials have discussed this issue with the noble Lord, Lord Carrington, and I hope I have given reassurance that the purpose of Clause 175, to ensure compulsory purchase compensation connected with appropriate alternative development, is fair and better reflects the conditions of the sale of land on the open market.

At this point I will respond to a few questions brought up by the noble Lord, Lord Carrington, and my noble friend Lord Caithness. I know that when I read through *Hansard* there will be a number of other questions from what has been quite a complex and long debate. We will write a letter in response and put a copy in the Library. There were a couple of specific questions I would like to answer now.

The noble Lord, Lord Carrington, asked if the Government intend to do the building at cost price only. When applying for a direction, we expect acquiring authorities will have to provide evidence of their viability appraisals for their schemes, and this includes the gross development value of any scheme.

The noble Lord, Lord Carrington, asked what is meant by public interest and public benefit. The Government's guidance on compulsory purchase will be updated to provide advice on public interest and public benefit. This work will be undertaken in collaboration with stakeholders and published as measures are brought into force.

The noble Lord also asked what the Secretary of State will take into account when deciding whether to make a direction. The Secretary of State will expect public sector authorities, when seeking a direction, to supply clear evidence in support of their public interest justifications, including—these are examples but there will be others—viability appraisals for their schemes, details of grants or other funding, details of why they are not able to deliver the scheme without a direction, the estimated land value that would be captured, how individual landholders would be affected, and how the estimated land value captured would deliver public benefits which strike a fair balance between the private rights of the landholders and the wider interests of the community.

The noble Lord, Lord Carrington, and my noble friend Lord Caithness asked about the Law Commission's review and why we are looking at this before the results of the review come out. The reason is that the review on compulsory purchase is about procedure and compensation, and it will focus on consolidation of legislation and technical modernisation. The work of the Law Commission will not consider policy reform as we are doing in the Bill. As such, our reforms will be taken forward via the LURB.

The noble Lord, Lord Carrington, asked why we are not considering transport as one of the issues that we will be looking at. This is because a consistent theme raised in response to our consultation was the identification of affordable and social housing, education and health as the types of public sector-led development where restricting the payment of hope value is most likely to be justifiable in the public interest, as direct benefits to local communities can be clearly identified and delivered. A direction measure focused on broader transport or infrastructure schemes would be more difficult to justify in the public interest as a direct benefit to those local communities that we are talking about.

The noble Earl, Lord Caithness, asked how developers make profits when a landowner does not get market value. The Government's response made it clear that they do not consider it proportionate for a direction to remove hope value compensation to assist the profits of private developers. He also asked whether the local authorities would need to publish development costs. We expect that when applying for a direction acquiring authorities will provide evidence of their viability appraisals for their schemes as part of their justification evidence. This will include the gross development value of any scheme.

Amendment 413, tabled by the noble Baroness, Lady Taylor of Stevenage, would require the Secretary of State to publish a report on an annual basis to highlight the extent that compulsory purchase compensation awards incorrectly reflect the value of property. The amount of compulsory purchase compensation paid to an individual landowner is private information and not a matter of public record, unless it has been determined by the Upper Tribunal, which, even then, involves only a small number of cases each year.

Where compensation has been determined by the Upper Tribunal, this usually relates to only one head of claim and does not cover all aspects of compensation for the compulsory purchase; for example, compensation for disturbance or home loss payments, which is particularly relevant for larger schemes. As such, there is no publicly available source of collated, comprehensive information on the payment of compulsory purchase compensation.

The assessment of compulsory purchase compensation should be undertaken by a qualified valuer and is a matter of judgment. It involves the determination of the market value of a property at the relevant point in time, which requires knowledge of the particular local property market. As such, there is no one "correct" value that can be ascribed to a piece of land. Assessing whether compensation paid was consistent with reasonable valuation judgments would be a time-consuming task requiring valuer experience and expertise. I hope I have convinced the Committee that the purpose which the noble Baroness is seeking to secure through her amendment is not achievable in practice.

Amendment 414, tabled by the noble Baroness, Lady Taylor of Stevenage, would insert a new clause which permits public authorities to seek a direction from the Secretary of State disallowing the prospects of appropriate alternative development, although not the prospects of planning permission, from being considered in the assessment of compulsory purchase compensation relating to a specified scheme for the construction of, or redevelopment for, social rented housing.

The Government agree with the need to address issues around the payment of hope value in compulsory purchase situations but are unable to support the amendment. This is because the Government have tabled their own amendment which has similar effects. The Government's amendment enables directions to be sought to remove hope value where it can be shown to be in the public interest, not just in affordable or social housing schemes but in education and health schemes.

Government Amendment 412D relates to compulsory purchase land compensation. It seeks to build on the compulsory purchase compensation reforms already included in Clause 175. I understand that government officials met Peers to discuss their concerns on the principle underpinning this amendment, which I hope to reassure the Committee on today.

[Baroness Scott of Bybrook]

Criticism has been made, including by the Levelling Up, Housing and Communities Committee in the other place, of the current land compensation rules in that they unnecessarily embed and raise expectations of hope value in the assessment of compulsory purchase compensation. It has been asserted that this can lead to claims for higher than necessary land settlements, which can make it more expensive for public authorities to deliver schemes in the public interest through the compulsory purchase of land; and, furthermore, that this can prevent public authorities using their compulsory purchase powers to deliver important development.

The Government are committed to addressing this issue, and to improving public authorities' confidence in the use of compulsory purchase orders to bring forward much-needed housing, regeneration and other vital development.

The Government consulted on a proposal to cap compulsory purchase payments of hope value via directions, which generated significant debate, and published their response on 27 April. In response, the Government are seeking to introduce Amendment 412D to allow directions to be sought from the Secretary of State on a scheme-by-scheme basis to restrict the payment of hope value in certain types of schemes; that is, schemes that enable affordable and social housing, or education- and health-related development. In all cases, the acquiring authority must be able to demonstrate a compelling justification in the public interest to secure the direction.

The Government have designed the targeted direction approach to concentrate on those types of CPOs as they respond to current societal priorities. They also consider that it is for schemes of this type that public sector acquiring authorities are most likely to be able to provide the necessary evidence to demonstrate that payment of compensation below market value would be justified in the public interest.

The Government do not consider it proportionate to remove hope value compensation in all compulsory purchase instances. However, they believe that there will be cases where the non-payment of hope value compensation will enable vital affordable housing or other development, such as education or healthcare facilities, to be brought forward that otherwise may not be. They also believe that the non-payment of hope value will enable land values to be captured and directed back into schemes to ensure their delivery, giving public authorities upfront certainty. This will enable them to have more confidence in the viability of their schemes and their ability to deliver benefits in the public interest.

While the making of directions will provide more certainty to public sector authorities, landowners will continue to be able to claim other types of compensation. These include full development value for actual, extant planning permissions on their land, disturbance, and home loss payments, as well as severance and injurious affection payments.

Landowners will also be able to seek additional compensation if the acquiring authority does not build out its scheme as proposed at the time of securing the direction. Where this occurs, the Secretary of State will be able to make a direction allowing landowners to claim additional compensation based on the difference between the compensation they initially received and what they would have received had the original direction not applied.

The Government believe that Amendment 412D will deliver reform to the compulsory purchase compensation regime, which will enable more land value to be captured by public authorities and invested for the public benefit. Amendment 412D, together with the compensation reforms in Clause 175, will ensure that local authorities and other acquiring authorities have the right land assembly powers to deliver much-needed housing, regeneration and infrastructure.

Government Amendments 412A, 412B and 412C relate to consequential amendments in the area of compulsory purchase and amend Clauses 168, 170, 171 and 219. The amendments are in consequence of the introduction of the power to conditionally confirm CPOs in Clause 168 and of confirmed compulsory purchase powers being exercisable for a period longer than three years in Clause 171 and government Amendment 412D.

5.30 pm

The consequential amendment to Clause 168 introduces a new schedule before Schedule 15 and omits one of the provisions in Clause 168 which is superseded by the new schedule. The new schedule brings together various amendments to existing primary legislation, and the Historic Environment (Wales) Bill, which are in consequence of the introduction of the power under Clause 168 for confirming authorities to conditionally confirm CPOs. As a consequence of the new schedule, Clause 170 has been superseded and should no longer stand part of the Bill.

The amendment to Clause 171 relates to amending Section 582 of the Housing Act 1985 to ensure its consistency with the new power under Clause 171 for confirmed compulsory purchase powers to be exercisable for a period longer than three years where the confirming authority considers it necessary. For the reasons I have outlined, I hope the Committee will support government Amendments 412A, 412B and 412C.

The Earl of Caithness (Con): My Lords, I am grateful for that very full reply from my noble friend, which I will want to read, but a number of points in it concern me. I hope that she will find time for a meeting between now and further stages, because there are some quite serious issues which are unclear.

My noble friend was absolutely right when she spoke about the need for the local authority to build relationships. All I can say to her is that these proposals are shattering relationships. A lot of work will have to be done to try to get them back.

Does a CPO override a conservation covenant? If my noble friend has a conservation covenant on her stud with her horses and the local authority wants to pinch a bit of land with state theft for some affordable houses, who is going to win? Perhaps she might have to write to me on that one. I have some more questions—

Baroness Scott of Bybrook (Con): I just want to make sure that the Committee knows I own no land and rent no land. Certainly, on a question such as that, I would rather give a written answer to my noble friend.

The Earl of Caithness (Con): My Lords, my noble friend slightly confused me when she mentioned education, health and affordable housing and then in another sentence said that education, health and affordable housing were the sorts of development which opened the door to other developments coming in. We need to look at that. Can she tell me when we will get all these updates from the Government? Will they be discussed by Parliament? Are we allowed to amend the updates? If the Government come forward with ideas, surely Parliament ought to be able to discuss and amend them.

My noble friend went on to say that it could be more expensive for the local authority in paying hope value, but that does not mean that the scheme is uneconomic. Am I right in thinking that if a local authority thinks that it can get the land by compulsory purchase rather than by negotiation, and for slightly cheaper, it will go for compulsory purchase, rather than negotiation, as a regular way of getting land? These are important issues.

The Deputy Chairman of Committees (Baroness Finlay of Llandaff) (CB): Does the noble Earl wish to withdraw his amendment?

The Earl of Caithness (Con): It is not my amendment; it belongs to the noble Lord, Lord Carrington.

Lord Carrington (CB): I thank the noble Baroness for her extremely comprehensive response to this debate. I suspect that, in an hour or two's time, we will all be able to complete an examination on this extraordinarily complicated subject. It really is not easy for anybody. I thank the noble Earl, Lord Lytton, for his review from a professional point of view as to what the effects of these amendments might be, and I thank the noble Earl, Lord Caithness, for his extremely useful contribution. I also thank the officials whom we met some three or four weeks ago to discuss the amendments.

However, I want to make the point, which I did right at the beginning—I am sorry for making it again—that there was a consultation process. I am not talking about the Law Commission; I am talking about the consultation with the experts in this industry. The experts came from all sides, including local authorities, landowners and everybody in between. The consultation took place at the same time as the Bill started its progress through both Houses, and the Government's response arrived last week. I cannot believe that much issue was taken by the Government on any of the points raised during that consultation process.

Our meeting with the officials was largely about that consultation process. We got the result last week. However, we have not really had any proper discussion on what was said in those comments. As I have said before, most of them were somewhat negative or very negative. I would welcome a meeting with the Minister and my colleagues to go through some of those responses in greater detail, because they bring up huge matters of principle in the property industry. In such an important industry, it is very important that there is confidence in how compulsory purchase and property ownership take place, and how we look at hope value, development value, et cetera. All that needs a little bit more work.

I still think that we are using the wrong instrument to crack this issue of hope value. It should be done through the taxation system, whether it is through the community infrastructure levy or Section 108, et cetera. All landowners need to be treated on an equal basis; we cannot have some people being taken out and hung out to dry. I would welcome that meeting. On the basis that we can have it, I beg leave to withdraw my amendment.

Amendment 292 withdrawn.

Amendments 293 and 294 not moved.

Amendment 295

Moved by ***Baroness Young of Old Scone***

295: After Clause 123, insert the following new Clause—

"Purposes of green belt land

An area may be identified as green belt land in a development plan for one or more of the following purposes—

(a) to check the unrestricted sprawl of large built up areas;

(b) to prevent neighbouring towns merging into one another;

(c) to assist in safeguarding the countryside from encroachment;

(d) to preserve the setting and special character of historic towns;

(e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land;

(f) to support climate mitigation and adaptation;

(g) to combat the decline of biodiversity and enhance its conservation;

(h) to promote natural capital and ecosystem services;

(i) to enable the public to access and benefit from green open spaces close to where they live."

Member's explanatory statement

This clause transposes the existing purposes of green belt land from guidance in the National Planning Policy Framework into statute and adds new purposes in regard to climate change, biodiversity, natural capital and public access.

Baroness Young of Old Scone (Lab): My Lords, I declare my interest as chairman or president or vice-president of a range of environmental organisations. I apologise to the Committee; Sod's law says that I have three groups in a row, in the evening, before a holiday break, at a time when the huge number of supporters that I had lined up to speak to these amendments, alas, have had to depart.

Amendments 295 and 312E—one in my name and one in the name of my noble friend Lady Hayman of Ullock, and both supported ably, as I am sure we will hear, by the noble Baroness, Lady Willis—are about green belts. A green belt sounds like a thoroughly good thing, and it has been a pretty good thing. It is big—it is nearly 13% of the land surface in England—and it surrounds some of our key towns and cities. It was invented to prevent urban sprawl, which it certainly has done very successfully. It has prevented the sort of ugly ribbon development that you see in other countries, ensured a clarity between what is town and urban and what is country, and safeguarded the rurality of our countryside. The green belt was introduced 70 years

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ago, but it has not really changed very much or kept up with the times. We need to expect more of that 13% of our land resource, because it is very substantial.

At the moment, 85% of the green belt has no environmental or landscape designation at all. To be honest, the green belt is not very green. Apart from restraining urban sprawl, it is mostly farmland—arable, horticultural or improved grassland—and does not do very much at all to contribute to halting the decline of biodiversity. A recent study on green belt in the north-east showed that only 1.34% of it had public access through rights of way, so it is really not fulfilling some of the Government's key priorities. For example, it has recently been reported that 8 million households in this country are not able to access green space within a 15-minute walk, which is a recent government target. The green belt would be a huge resource to help fulfil that target, as it would others, such as on biodiversity, human health and the whole range. It is not joined up in any way in policy terms with other government priorities for land use, such as biodiversity net gain, net-zero carbon, local nature recovery strategies, natural flood risk management projects or water protection—I could go on and on. We need to see change in the purpose of the green belt.

The purposes of the green belt are currently not even in statute but simply enshrined as guidance in the National Planning Policy Framework. My amendment would change that: it would transpose the existing purposes of green-belt land and add some new purposes relating to climate change, biodiversity, natural capital and public access. This would join up green-belt policy with other government policies and commitments that exist, for example, not in the Bill but in the levelling up White Paper that preceded it. The concept of ensuring that our land delivers multiple benefits is vital to the future definition of green belt. It is also vital that it focuses planning authorities on the delivery of multiple benefits from all of the land within their plan when they are framing local plans. The green belt is vital to joining up policies at local level as well as national level.

I hope that the Government will address the question of what the green belt is for when they publish their land use framework, which we have been promised for 2023. I have some concern that that might not be the case, since the land use framework is rumoured to focus very much on Defra issues of agriculture, climate change and biodiversity, rather than joining up with DLUHC issues of planning and environmental outcomes. It seems to me that this is a real opportunity now, rather than waiting for anything that might or might not happen in the future, to place clear, multifunctional objectives for green belt in statute, and that that is the safest way forward in the absence of a land use framework.

5.45 pm

I turn now to Amendment 312E, in the name of my noble friend Lady Hayman of Ullock, which basically addresses the same issue but through a different route. It would require the Government to report on further secondary legislation that might be necessary to improve the utility of the green belt. I am sure that my noble friend's amendment is more statesmanlike than mine, and would enable there to be a period of consultation on joining up planning, environment, climate change and access policies across a range of departments. However, after 70 years of very little change in the purposes of the green belt and the relevant policy, and umpteen calls from a whole variety of reports and agencies to widen green-belt objectives, I personally favour the direct route of bringing a wider range of objectives into statute and leaving only the detailed clarification of that subsequently to secondary legislation.

No doubt if the principle of these amendments—widening and clarifying the purposes of the green belt—is supported in the Committee, we could come back at Report with a middle way between these amendments; or if they were persuaded that this is a fine thing to do, the Government might come forward and table their own amendment at Report. I hope that the Minister will be able today to commit to the real need for widening the objectives of the green belt to meet the broader objectives for our land which the Government are already committed to. Perhaps the Minister could give us some indication, if bringing this into statute is not supported by the Government, of how and when they intend to review and expand the objectives of the green belt. I beg to move.

Baroness Taylor of Stevenage (Lab): My Lords, I will speak to the amendment submitted in the name of my noble friend Lady Hayman of Ullock, who does not yet have London-style transport in Cumbria and so unfortunately this evening has had to leave to get her last train. I hope she will get there eventually.

Green-belt land makes up nearly 13% of England's land, as my noble friend Lady Young has said, yet there is no statutory basis or even guidance for the role of green belts in contributing to net zero and environmental targets. This is a major problem, and almost certainly contributes to public confusion about what is green belt, what is a green-field site and what is green space.

Contrary to public perception, the green belt is not protected for the environment. There is no green-belt policy with weight directing or requiring that green-belt land be green or valued for its environmental quality. The laudable fundamental aims and purposes of the green belt designation within the National Planning Policy Framework are focused on protection and separation to keep land open, preventing urban sprawl and regenerating cities, not on the quality of the land itself. With no standard of environmental quality expected, there are many parts of the green belt which are left to deteriorate and become threatened due to "scrappy bits of land" being targeted by developers.

This point was summarised squarely in the report of the House of Lords Land Use in England Committee, which noted that

"policies to improve its beneficial and multifunctional use are lacking. Central to this is the disconnect between planning policy which is responsible for green belt, and the range of emerging policies which seek to improve the benefits we get from nature".

As my noble friend Lady Young said, there is disconnect between planning policy and all the environmental policies that we are thinking about.

Our green-belt land must work harder. We know that green belts, which make up 13% of our land, are potentially a spatially protected reservoir of natural capital assets and ecosystem services. The green belt's

multifunctional uses and benefits could be enhanced to increase the connectivity of woodlands and hedgerows; to restore wetlands and grasslands; to create new habitats and enhance biodiversity; to clean our air and water; to improve soil quality; to increase sustainable food production; to provide cooling to counter the urban heat island effect; to provide physical and mental health benefits for citizens; to protect our communities from floods and storm surges; to store excess water; to recharge our aquifers; and, crucially, to sequester carbon. In short, there is now a strong case for a more proactive and socially productive role for our green belts.

The existing aims and purposes of the green belt are as crucial as ever but, unless they are widened to include environmental quality—including biodiversity and climate change adaptation and mitigation—and recreational access for public health, green-belt land will have no anchor purpose to give material weight for greening. Nor will it provide an explicit link to the emerging nature policies such as local nature recovery strategies, biodiversity net gain delivery sites, local nature recovery networks and proposed wild-belt designations, which we discussed in our debate on a previous group of amendments.

The Government clearly recognise the importance of greening green-belt land, as referenced in the levelling up White Paper, the Bill before us, the Environment Act 2021, the 25-year environment plan and the *Environmental Improvement Plan 2023*. This was reinforced in, among other things, the Committee on Climate Change's recommendations for mitigation and adaptation, the Dasgupta review and the post-2020 global biodiversity framework at COP 15. Public Health England has also identified the role that green spaces, including green belts, play in raising levels of health and well-being, reducing health inequalities and improving social cohesion.

In effect, almost 13% of England's land could contribute to an integrated and holistic solution to the challenges posed by climate change, urbanisation, human health and biodiversity loss, while also strengthening urban and ecological resilience. Our amendment seeks to establish this. It sets out how, in order for green-belt land to play an integral role in meeting national environmental and health objectives and targets, there needs to be a clear, weighted policy with statutory backing and a new purpose that includes, but is not limited to, environmental quality and access to nature. The "not limited" part ensures that this is in addition to the existing fundamental aims and five purposes, and would not replace them.

The amendment would ensure the consideration and identification of further legislation and policy steps in relation to the green belt. It addresses the key barrier to the Government's objective to green the green belt, and does so through direct consideration of widening its fundamental aims and purposes with regard to its role in contributing to the national environmental agenda.

To support the implementation of this Bill, my amendment asks a Minister of the Crown to publish a report on the possibility of further legislation to widen the purpose of green-belt land in relation to its environmental quality and access, in addition to strengthening related existing and proposed policy provisions. This can be achieved through secondary legislation. This amendment also seeks to ensure that green-belt land policy aligns with and contributes to the Government's legislative agenda on net zero and biodiversity. In short, the policy needs teeth through recognition in legislation, national policy and the national development management policies. Ultimately, this will direct local authorities to consider green-belt land as an available and critical resource to use in response to climate change, biodiversity loss and demand for access to nature for recreational and health objectives, beyond the benefits of keeping land open.

This report is important as there are a number of parallel consultations and changes across legislation and policy that all relate to or impact green-belt land. The report would consider the recommendations holistically and avoid some of the contradictory outcomes that we have seen in the past. The Bill's policy paper recognises the imperative

"to make the Green Belt even greener".

A first step is recognising that statutory purposes for nature recovery, climate change and access to recreation need to be delivered through legislation, which will be considered and proposed through this report.

The amendment represents an opportunity to provide clarity on what this legislation should look like, such that it can align with and contribute to the Government's environmental policies, targets and delivery mechanisms to address the climate and biodiversity emergencies. As such, we urge the Minister either to consider accepting it or to look at bringing forward a similar amendment on Report.

Amendment 295, moved by my noble friend Lady Young of Old Scone, would provide the statutory basis needed. As she said, it would transpose the existing purposes of green-belt land from guidance in the NPPF into statute, and would add new purposes with regard to climate change, biodiversity, natural capital and public access. This addition to the current fundamental aims and purposes of the green belt would update it to realise the Government's agenda for greening green-belt land and enhancing its multifunctional uses and benefits to contribute to the Government meeting their targets and pledges, such as 30 by 30 and the 25-year environment plan. We strongly support my noble friend's amendment.

Baroness Willis of Summertown (CB): My Lords, I speak in total support of Amendment 295, moved by the noble Baroness, Lady Young of Old Scone, and Amendment 312E in the name of the noble Baroness, Lady Hayman of Ullock. I want to add a few brief points to theirs, focusing specifically on why these amendments giving protection to the green belt are so important for our nature in England and the UK and for meeting the targets that we have signed up to both nationally and internationally; those were alluded to in the previous two speeches.

Even though green belts were originally designated as a way to keep clear spaces between cities and stop urban sprawl, they have taken on another role. We cannot ignore that fact. They have become incredibly important refuges and corridors for England's biodiversity and wildlife.

[Baroness Willis of Summertown]

We have heard about the multiple other ecosystem services and natural capital services that green belts provide, so I will not repeat them, but there is one point that I want to make: we are often told that most people have no access to the green belt, so they do not get the physical and mental well-being benefits of it—but they do, because they can see it. Being able to see green and see nature has been shown in some cases to be as physiologically and psychologically important as being in nature. Therefore, being able to have a view of nature from the city is as important as having access. Access is also fantastic, but it is not a reason to do away with the green belt. So while green belts started as one thing, they have changed to provide something else. They have become much broader in this. They have become green spaces that are critical for nature and ecosystem services.

So what is the problem? Why are we all standing here speaking about green space and the green belt? As has been alluded to, green belts are under huge pressure right now. I tried to dig down to understand why they are being put forward for housebuilding; surely the protection we have in place already is enough. Well, it is not, because in the National Planning Policy Framework you are allowed to change the use of green-belt land under exceptional circumstances. Our housing crisis and local authorities' need to meet housing targets are being used by many counties up and down the country as an exceptional circumstance. That is why there is now so much pressure on the green belt: it is the use of that phrase, "exceptional circumstances". This is certainly the case in my own city, Oxford, where around 8% of the green belt on the edge of the city is in the local plan but most of our housing development will be on other counties' green-belt land. We have sort of shifted the problem out from the city boundary.

In a recent report, the countryside charity CPRE beautifully illustrates the trend of increased pressure for housing on the green belt. Between 2015 and 2020, the number of housing units completed on greenfield land within the green belt was around 17,700, but there are currently 260,000 homes proposed in advanced local plans. So, in a matter of three years, we have this massive increase of people looking to the green belt to solve their housing problems.

6 pm

The next question is why the green belt is thought to be the best place to deal with these additional housing needs. Many reasons are being given, but I will focus on two, relating them back to nature. The first is the oft-cited statement that the green belt is low-grade agricultural land and therefore of little value to nature. I would like to redo that work; it is simply incorrect. The habitats around the edges of these agricultural lands are now widely recognised as being really important for connectivity, but also for many invertebrates, vertebrates and plants—many of the things we have flagged up in our national plans for biodiversity, such as brown hares, many of our small songbirds and many of our important insects. They are important for these habitats and for connectivity across our increasingly fragmented English landscape.

How on earth do we think we will turn around our species declines when we continue to fragment our green space more and more? The most basic island biogeography theory tells us that, the smaller the island becomes, the fewer species it can support, and eventually those species go extinct. This is what we are seeing happening day in, day out, in the English countryside right now, and the green belt is a classic example of this.

The second reason why this is happening was alluded to before and is why these amendments are so important: green belts are not protected for nature; only 13% of them are protected.

My final point is the nub of the problem. Even if parts of our green belt are currently in a poor state for nature, we should look to enhance and restore them for the natural capital benefits they provide, not give up on them and cover them in concrete. For example, we would not say that a road or railway is in a poor state of repair; therefore, we are going to cover it in concrete and use it for housebuilding. Why is nature always the thing that can be moved elsewhere, replanted somewhere else, so that we do not need to worry about it? We have to stop thinking of nature as the poor relation to all the other infrastructure that requires space and as something that can just be picked up and moved. It cannot and it will not provide services if we do that.

The legislative framework has to give nature some teeth or we will continue to see more declines of our species, habitats and communities across the English landscape. If we are serious about meeting targets such as 30 by 30, it is critical that we move and act quickly now. Therefore, I see both these amendments as really important, because they start to raise the profile of our green belt beyond just being a legislative or planning requirement that was set up many years ago to something that properly recognises what we have in our green belt and why we need to conserve it.

Lord Lansley (Con): My Lords, forgive me: I do not have an amendment in this group and I do not want to delay the point when we arrive at my further amendments, but I want to say something about green-belt policy. I am glad to follow the noble Baroness, Lady Willis, because I come from outside Cambridge and she lived in Cambridge, at one time, and now lives now in Oxford, if I am correct. Looking at the green belt by reference to Oxford and Cambridge is an interesting way to approach these things, and I want to do it by reference to the Cambridge green belt in particular.

After the noble Baroness left Cambridge, we lived with precisely the consequences that she described. For 25 years, until about 2000-01, all the development that was required for Cambridge was happening in villages outside Cambridge and generally beyond the green belt. There are many people who will say that it is all very well to talk about reviewing the green belt, looking at green-belt land and whether it should be in or out the green belt, but they are not politicians and they do not have to live with the consequences of reviewing the green belt. Well, I was a politician when we agreed to review the green belt in the run-up to the strategic plan review in 2006, if I remember correctly. Not only did we review the green belt and sustain that through an examination in public, but we successfully reshaped the green belt around Cambridge such that, in the years since, a much larger proportion of the

development that is required for Cambridge has happened in the green belt. Some of it has actually delivered access to the countryside that was never available before.

That firmly focused our minds on the purposes of the green belt. For example, we retained green corridors running into Cambridge. Those familiar with Cambridge will realise that, if they come into the centre through Trumpington, they will continue to see countryside reaching right to the centre of Cambridge itself. That was not lost. However, the review acknowledged the requirement for the release of land not primarily for residential purposes but for the purpose of building the Cambridge Biomedical Campus. If we had not reviewed the green belt, the biomedical campus south of Cambridge, around Addenbrooke's Hospital and what is now Royal Papworth Hospital, and their related research institutes, would not have been able to be built. That would have been an immense loss to the UK economy and life sciences sector.

The point I am making is that understanding when to retain the boundaries of the green belt, when to review them and under what circumstances that review should conclude that the boundaries should be changed is a vital part of planning policy. We should not leave it out. I hope that the noble Baroness, Lady Willis, and other noble Lords remember from other debates that I am firmly of the opinion that this legislation should be used to give a stronger statutory basis to the environmental purposes of planning, including—one of my earlier amendments did this—in respect to nature recovery and biodiversity gain.

However, I should say to the noble Baroness, Lady Young of Old Scone, that I think it is inappropriate to extend green-belt purposes to the features that she has in Amendment 295, because that would create a different statutory basis for planning policy on green-belt land, as opposed to greenfield or any other available land for development. It would entrench the idea that there is something different about green-belt land from other land.

Of course it is permanent, but I remember back in the early 2000s when I asked what permanent meant in relation to the green belt. The answer, I was told, was 25 years. If it is permanent now, we are talking about land that should stay in the green belt until 2050, more or less. That is when we are supposed to achieve net zero—in fact, before then, as our Green colleagues regularly tell us and would tell us now if they were with us. We have to think about the consequences we expect for our land use strategies if we are to achieve net zero between now and 2050.

For example, I have mentioned Cambridge City Council's environmental assessment before it commenced the review of its local plan. It showed that it requires a significant increase in the density of development in urban areas and development to be focused on public transport corridors. Let us look at where the public transport corridors are, for example around London. I come from Essex: if you go out into the countryside on the Central line, you go through the green belt, but you do so on a public transport corridor on which there is effectively no development. We have to look very carefully and ask whether that is sustainable. The principle of sustainable development is at the heart of planning, and the boundaries of the green belt should be subject to the principle of sustainable development and assessed against the purposes set out in the National Planning Policy Framework.

As I mention the NPPF for the 98th time in these debates, it would be jolly helpful for the Government to tell us what precisely they plan to say in the NPPF and in the national development management policies in future. I come back to chapter 13 of the draft NPPF, which has two parts to it: one is effectively about setting policy for the green belt, which is about setting its boundaries, and the second is about the policies that should apply to the determination of an application for development within the green belt. The latter should be a national development management policy and the former should not: it should continue to be part of what is effectively the overall guidance from the Secretary of State for plan making. My noble friend sent me a letter following a previous debate but did not clarify precisely that division. I think we need to know, as a very clear example of what is or is not an NDMP. It is an important basis for our future debates on Report.

I am sorry that Ministers thought it appropriate to propose a change to the NPPF to include the sentence:

> "Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period".

I do not know why they have inserted it and I do not see the benefit of it. In those local authorities that consist very largely of green belt—and there are some—it will effectively remove from them the obligation to play their part at all in the provision of housing to meet assessed need. I suspect that the same will be true of the requirements for employment and commercial-related development. As I see it, this has no place. Sustainable development should be the principle, and this sentence effectively absolves those local planning authorities of the responsibility to pursue sustainable development in their areas. I hope that, even at this stage, when they look at the responses to the NPPF consultation, Ministers will recognise that this is inappropriate language to use in relation to green-belt boundary setting.

Lord Young of Cookham (Con): My Lords, this short debate has revealed that tension at the heart of planning policy and, indeed, political debate: what is the relative priority for environmental imperatives on the one hand and for housing on the other? What the noble Baroness, Lady Willis, described as covering land with concrete is, for some people, providing families with decent homes. That is the balance we have to make.

The noble Baroness, Lady Young, opened this debate by asking what the green belt is for. Her amendment outlines nine criteria and purposes for the green belt, and the noble Baroness, Lady Taylor, came up with some more criteria. I turn that question the other way around: if a piece of land meets none of the nine criteria in the amendment or those mentioned by the noble Baroness, Lady Taylor, but happens to be designated as green belt, should it remain designated? I am all in favour of expanding the green belt if it meets these criteria and others, but there are bits of the green belt that fulfil none of them.

My noble friend Lord Lansley referred to the document put out on 22 December on reforms to national planning policy. One of the questions was:

[Lord Young of Cookham]

"Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans?".

The answer is that I do not agree. As my noble friend said, that gives a let-out, but it also prevents the optimum use of land that is needed for housing.

I hope that, if we do come up with positive policies and descriptions of the objectives to be fulfilled by the green belt, we will look very critically at bits of the green belt that do not meet those criteria. There have been award-winning housing schemes built on what were green belts. We may need more of them if we are to hit our target of 300,000 homes a year. Along with my noble friend Lord Lansley, I think that there are other considerations to take into account when striking the appropriate balance between the environment on one hand and the need for decent homes on the other.

6.15 pm

Baroness Bakewell of Hardington Mandeville (LD): My Lords, the noble Baroness, Lady Young of Old Scone, has introduced these two amendments very clearly. I will be brief.

The green belt is seen by most of the population as an excellent example of green space in which to relax and enjoy the fresh air, and a place where they can, if they are quiet and careful, spot some of our indigenous wildlife. As the noble Baroness, Lady Willis of Summertown, said, just the sight of green space is good for us. However, all is not well with the green belt. The percentage of green belt in England that also has a statutory nature designation, such as SSSI, SPA/SAC, LNR or NNR is only 5.44%; the percentage that also has a statutory landscape designation, an AONB in England, is 9.26%; and the percentage of the green-belt land in England without either statutory landscape or nature designation is 86.67%. This last figure takes account of the same areas with both landscape and nature designations. It is easily seen that little of the green belt has any real protection. I am grateful to Wildlife and Countryside Link for this information.

The green belt should be a community asset. It has been enjoyed for generations. During my childhood I lived in Bristol, on a new housing estate erected in haste to replace those dwellings bombed during the war, when there was a desperate need for new housing. Our back garden ran up to the edge of the green belt, as did the gardens of our neighbours. In Bristol as children, we could play games, have impromptu picnics, play hide and seek and build dens in the scrub woodland that went around the corner and covered a quarter of the area. In the winter, we could take our tin trays and toboggan down the snowy slopes. In summer, there would be bees buzzing around the clover flowers, slow-worms on the edges of the scrub woodland and mice scuttling around under the bushes; birds would steal blackberries in the autumn. The green belt is an asset that needs to be preserved for future generations of children to enjoy in both inner-city and rural areas, and to increase biodiversity, as the noble Baroness, Lady Willis, said.

Amendment 295 comprehensively defines the purpose of green belts. I will not detain the Committee by repeating the list, with which I completely agree. Where green belts are preserved and accessible to local communities, they improve the physical and mental health of those communities. Amendment 312E in the name of the noble Baroness, Lady Hayman of Ullock, and introduced by the noble Baroness, Lady Taylor of Stevenage, requires the Secretary of State to report on legislation in relation to green-belt land and to lay this report before Parliament. The noble Baroness, Lady Willis of Summertown, has spoken eloquently on this especially important amendment, and I support her comments and the aims and ethos of Amendment 312E.

I accept completely that there are competing needs on green-belt land around cities, but we need to find different ways of preserving the green belt and providing housing. Not all housing should be in the cities: as many people will know, I have long been an advocate of a rural strategy that makes absolutely certain that there is organic growth of housing in rural areas. That said, the noble Lord, Lord Lansley, has given some excellent examples of the benefits of reviewing the green belt. The green belt and the widening of its objectives are important and should be brought into statute and given teeth, as has been said.

Earl Howe (Con): My Lords, it is a pleasure to respond to the noble Baroness, Lady Young of Old Scone. She and I go back a long way to the days when I was a Minister in MAFF and she was chief executive of the RSPB. A photograph of a stone curlew used to sit on my ministerial desk. I pay tribute to her as a staunch defender of the natural environment over many years, including in her current role as chair of the Woodland Trust.

I turn to her Amendment 295, alongside Amendment 312E in the name of the noble Baroness, Lady Hayman of Ullock. Amendment 295 seeks to transpose the existing purposes of green belt land from the National Planning Policy Framework into statute. It would also add new purposes in regard to climate change, biodiversity, natural capital and public access. Amendment 312E seeks to probe the possibility of introducing legislation in relation to the green belt.

Although I entirely understand the sentiment behind these amendments, the government view is that these matters are best dealt with in national planning policy rather than legislation. National planning policy already sets out the purposes of the green belt. Such land is vital for preventing urban sprawl and encroachment on valued countryside, while enabling towns and cities to grow sustainably. National planning policy includes strong protections to safeguard this important land for future generations and these protections are to remain firmly in place.

For example, national policy is already clear that the green belt can and should support public access and that opportunities for greening should be taken. The noble Baroness, Lady Willis of Summertown, mentioned that there is already provision to say that a local authority should not propose to alter a green belt boundary unless there are exceptional circumstances and it can show, at examination of the local plan, that it has explored every other reasonable option. That, I suggest, is a strong protection.

Another example is our recent consultation on reforms to the National Planning Policy Framework. We proposed new wording on green belt boundary

policy, as mentioned by my noble friend Lord Lansley. Our proposed changes are intended to make clear that green belt boundaries are not required to be reviewed and altered if this would be the only means of meeting objectively assessed housing need over the plan period. We are currently analysing consultation responses. He questioned the utility of that change. My understanding is that in the current wording of the framework there is a straightforward permissive power for local authorities with regard to green belt boundaries. The wording is not slanted either way. We think it could be beneficial to slant it in the way the consultation proposes. I do not agree that it would absolve local authorities from achieving sustainable development.

Incidentally, my noble friend Lord Lansley asked about the existing boundaries within the definition of national development management policy. We have been clear about what aspects of current policy would be a national development management policy. The decision-making parts of current policy, such as that on the green belt, would form the basis of NDMPs. The Government have also committed to consulting on amendments to national planning policy to reflect the commitment in the levelling up White Paper to bring forward measures to green the green belt, so that it can better fulfil its potential as land of scenic, biodiversity and recreational value, as well as checking urban sprawl.

Some powerful points have been made in this debate, not least by the noble Baronesses, Lady Young of Old Scone, Lady Taylor and Lady Willis of Summertown, about the green potential of green belt. We are working with Defra, Natural England and others to consider how local nature recovery strategies can benefit green belt and other greenfield land to improve people's access and connection to nature, and to maintain and restore habitat, wildlife populations and woodland. All this is work in progress and I do not want to pre-empt the outcome of our consultation on the detail of the green belt policy in the framework.

I appreciate that the noble Baroness, Lady Young, was hoping for greater certainty at this point, or at least the prospect of it; however, I cannot provide that today for the reasons I have given. Nevertheless, I hope that what I have said will give her enough reassurance that the Government are committed to consulting on giving the green belt a greener purpose and that she will be content to withdraw her amendment on that basis. Equally, I hope that the noble Baroness, Lady Taylor, will not move her amendment when we reach it.

Baroness Young of Old Scone (Lab): I thank all noble Lords who have spoken in this important debate. At least, I think I thank them all. There are one or two I probably do not agree with. The noble Lords, Lord Lansley and Lord Young of Cookham, amply showed how the polarisation argument about green belt is quite corrosive. It cannot be either/or; it has to be both. We have very little land in this country and we are asking more and more of it, so we have to find ways to meet all the needs for land effectively. That is the subject of another amendment that I have tabled to the Bill. In particular, I hope I misunderstood the noble Lord, Lord Young of Cookham, who seemed to imply that if green belt did not meet the broader criteria, other than just urban sprawl reduction, that was a good reason for building on it. In my view, we should be asking: how do we get this land, which is primarily for the purpose of restraining urban sprawl, also to do other things while it is at it?

Lord Young of Cookham (Con): I hope I did not give that impression. I made it clear that as long as land met one of the nine objectives, of which protecting against urban sprawl is only one, in my view it should be green belt. My point was that if it met none of them, what was it doing being classified as green belt?

Baroness Young of Old Scone (Lab): I thank the noble Lord for that clarification. I hope that there are not huge numbers of pieces of green belt that do not meet at least the urban sprawl criterion. I very much look forward to the work that the noble Lord, Earl Howe, outlined. We do go back a long way. On one notable occasion, on the eve of the 1997 election, he saved my bacon comprehensively and I shall say no more about that right now. He knows what I am talking about.

I disagree with him that we should not see the required provisions in statute rather than just in planning guidance, but I hope that the NPPF consultation inclines in the direction of boundary review, just not only for the purpose of meeting housing targets. The boundary review should be an exception rather than an opportunity.

I very much appreciate that Defra and DLUHC are working together on how we link green belt provision with access, biodiversity and woodland creation. It is a pity that we cannot get further information about that now and I hope we might see more before Report. I commend the two departments for working these issues out together because there has been inadequate linkage between them on some of these issues in the past. I suppose that what I am taking from the Minister is that there is some hope for jam tomorrow. In the meantime, I beg leave to withdraw my amendment.

Amendment 295 withdrawn.

6.30 pm

Amendment 296

Moved by ***Baroness Young of Old Scone***

296: After Clause 123, insert the following new Clause—

"Tree preservation order: penalty for non-compliance

(1) Section 210 of TCPA 1990 (penalties for non-compliance with tree preservation order regulations) is amended as follows.

(2) In subsection (1)(b), omit "in such a manner as to be likely to destroy it".

(3) In subsection (3), at the end insert "and the likelihood that the action will destroy a tree".

(4) After subsection (3) insert—

"(3A) Subsections (1) to (3) do not apply in relation to Wales."

(5) Omit subsection (4)."

Member's explanatory statement

This amendment creates a single offence for the breach of a Tree Preservation Order to ensure all fines are commensurate with the potential profits of contravention.

Baroness Young of Old Scone (Lab): We have reached what the *Times* once described as the "End of the peer show" show. I rise to speak to Amendments 296, 297, 298, 299 and 301, which are tabled in my name. I am grateful for the support of my noble friend Lady Hayman of Ullock and the noble Baroness, Lady Bennett of Manor Castle, who have co-signed the amendments. The amendments are all to do with tree protection orders, which are one of the few legal tools to protect important woods and trees, particularly with a stress on individual trees. Local planning authorities can use TPOs to protect what are known as amenity trees where they believe that it is expedient to do so. The provision was established 70 years ago, but it has some weaknesses and I think that it is true to say that the vast majority of our ancient and veteran trees have no real legal protection at the moment.

Trees outside woods provide valuable ecosystem services for people and habitats for wildlife. A single oak can support more than 2,300 species, some of them found only on oak trees. Many important trees—ancient and veteran trees—are in urban or semi-urban areas and three-quarters of them are outside legally protected wildlife sites. The system is not working because over the past 150 years 50% of large trees have been lost from, for example, eastern England due to urbanisation, agricultural intensification and, increasingly, tree disease.

Local communities often care very much about trees that are local to them. They may not be special trees in the scheme of things—they may not be ancient, veteran, rare or hugely important—but they are important to local people in local terms. The problem is that, in the absence of real protection through TPO processes, all that local people can do is mount public campaigns and literally stand in the way of the felling of some of these trees. Noble Lords will have seen in the newspapers the causes célèbres—Sheffield and Plymouth—where valuable mature street trees have bitten the dust. That shows that if local people can only campaign in the face of inappropriate felling, they do not often win.

A recent case in Wellingborough illustrates what often happens. In March, more than 50 lime trees were approved to be cut down for a dual carriageway, despite being protected by tree protection orders, and 20 of them were chopped before local people even knew about the proposals. They then took action, the felling was paused and there will now be a period of consultation, which should have happened first. It should not be like this, so we need to do something about the TPO legislation.

Amendment 296 is about penalties for non-compliance with TPOs and supports their enforcement. It would create a single offence for the breach of a TPO to bring fines into line with the potential profits of contravention, so that it is no longer simply regarded as a legitimate business expense to flout a TPO, which in many cases is how folk who cut down trees inappropriately regard it. It would align the penalties with those in similar situations, such as in the protection of ancient buildings. It also addresses a key issue in the present legislation, which is that is it not always possible to prove at the time of a prosecution that an action is likely to destroy the tree, which is one of the criteria for a successful prosecution. If you are not facing dead trees felled on the ground but are trying to stop inappropriate felling, it is not always possible to show that the planned action is likely to destroy the tree.

Amendment 297 is on the definition of "amenity", which is the basis on which TPOs can be proposed. The Court of Appeal has defined this very narrowly as the pleasantness or attractiveness of a place, but after 70 years the definition of amenity needs to change to encompass a wider range of benefits, much as the definition of green belt needs to change to encompass a wider range of benefits. There are distressingly frequent occasions where planning authorities or, indeed, planning inspectors define visual amenity as the only justification for the observance of a TPO, yet other planning authorities are much more innovative and use a range of factors beyond visual amenity in deciding to protect trees through TPOs. Amendment 297 aims to standardise this and make it more common for local authorities across the board to ensure that issues other than simply the pleasantness and attractiveness of a place come into play. The appearance, age or rarity of the tree, its importance for biodiversity and its history, the science behind it all and its recreation and social value should be included in the amenity definition.

I am sure that the Minister will tell me that Amendment 298 is unnecessary because this is already possible, but it would underline for local authorities that the power to create TPOs can be exercised more generally in the public interest. Although some local planning authorities are proactive about protecting trees that are important for communities, too often trees are protected only when they are threatened by development rather than in a strategic way that takes account of how those trees contribute to the community setting. Amendment 298 would empower and, I hope, encourage local authorities to apply TPOs more proactively to ensure that important trees are protected.

My local authority, which I rarely compliment, has a proactive approach to TPO creation. Our tiny village of 35 houses has, I think, the biggest density of TPOs in the universe, because we are a distinctive, remote, tree-covered village in the north Bedfordshire Wolds, a wold being a rolling tree-covered hill, and there are not many hills or tree-covers in Bedfordshire. In the 1980s, the local authority had the vision to go around slapping TPOs on practically everything, including some very ordinary and scruffy trees, if I may say so, but it has meant that our village has preserved its important historic and visual resource of the trees that make that landscape and the community what they are. I hope that Amendment 298 would encourage more local authorities to think in that strategic and innovative fashion.

Amendment 299 would remove the exemption that prevents dead and dying trees and dead branches from being eligible for protection by TPOs. Dead wood is one of the most important biodiversity habitats provided by ancient and veteran trees. The retention of a range of deadwood habitats is vital to support the good management of these trees. I saw a wonderful example in Greenwich Park—I am sure noble Lords want to hear about Greenwich Park at this time of night. An ancient yew tree was so on its last legs that it fell apart in the middle and lay there. Greenwich Park had the foresight not to remove bits of it but just left it. The

dead branches formed great wildlife habitats but, even more, a habitat within which a new yew tree grew from the centre. That is what we should be seeing from our dead wood. At the moment, the minute a bit dies, it is exempted from the TPO and can be chopped off and taken away, so we want to see Amendment 299 change that. Obviously we have to be careful about circumstances where dead and dying trees are likely to be a danger to the public, but I am sure that that can be done through guidance.

Lastly, Amendment 301 would introduce a duty to consult publicly prior to the revocation of a TPO. At the moment a local authority is required to consult before it designates a TPO, but it can take that designation away the following day without so much as a cheep to the public. It does not have to give a reason and there does not have to be any transparent process for revoking a TPO. You can understand the public's concern if the first they know about a withdrawal of protection is the chainsaws moving in. The amendment asks for there to be a similar, publicly transparent consultation process for the revocation of a TPO.

I hope that the Minister might look kindly on TPO designation being tightened up. TPOs are really important for local people, for trees, for biodiversity, for our heritage and culture, and for communities, and they could just be that little bit better with these minor tweaks. I hope the Minister can support them.

Baroness Taylor of Stevenage (Lab): My Lords, I support the amendments tabled by my noble friend Lady Young of Old Scone. Anyone who has been a councillor will know only too well the passion and emotion in both directions that arise from trees. I still bear the scars from a public meeting where there was a discussion between the council tree surgeon—he has long since retired so I can talk about him—and a resident of my ward. The resident was insistent that the council had the wrong types of trees in the streets and that that was causing all sorts of problems. He went on and on about street trees and how we should not have put forest trees in streets. The tree surgeon listened to him for quite a long time as he got very irate, and eventually turned round and said, "Well, when you think about it, Len, all trees are forest trees initially", which took a bit of the sting out of it.

I often feel that the world is divided into those who love trees and want them everywhere and those who will campaign equally tirelessly to have a tree chopped down when they feel it is getting in the way of their light or it drops leaves on their nice tidy garden. However, we seem to have reached an attitude that says, "Chop it down and then face the consequences". That just cannot be right. Conversely, the beleaguered local authorities that have to deal with diseased trees often find themselves subject to the most enormous outpouring of vitriol when dealing with trees that would infect other trees if they did not. It is important that these issues are managed and communicated well. We think the amendments suggest ways of making the process more consultative and effective.

The figure that my noble friend Lady Young gave of 50% of large trees being lost—I know there have been some serious tree disease issues and they have caused some of that, but not all of it—is staggering. TPOs are made and managed by our local authorities, and they protect individual trees and groups of trees or woods that are of particular value to local communities. TPOs prohibit the felling of and damage to trees without the written consent of the local planning authority. They are no longer valid if removing the tree is part as Iof an approved planning application.

Trees can be vital to the general character of an area and can be at the heart of particular historical or architectural interest at a site. When I was a young girl growing up in a new town, there were woods at the end of almost every road—and bluebell woods are particularly lovely at the moment. Those woods are important to local people.

The fact that a development proposal will require changes to trees can be a material consideration in whether to give permission for those works. Individual trees or groups of trees within or outside a conservation area can be offered protection by a tree preservation order issued by a local planning authority where it is expedient to do so in the interests of amenity. We believe that trees needs more protection, as afforded by the amendments tabled by my noble friend Lady Young.

The single offence for a breach of TPOs seeks to ensure that

"all fines are commensurate with the potential profits of contravention",

but it is not just about profit. Sometimes there is an attitude of, "Well, if I chop it down, it's gone. They can't do anything about it. I might get a fine for it but I'll still be able to do whatever it is I wanted to do with that land". I do not think we can tolerate that; there has to be some kind of commensurate punishment for that.

6.45 pm

Clarifying the meaning of "amenity" in the context of tree preservation is an important step. Making sure that local authorities can use TPOs to protect trees proactively before they are threatened by development would be a really good step forward.

I take my noble friend's point about trees that are dead or dying being removed from the exemption for being eligible for protection by a tree preservation order. If they are diseased and are going to infect other trees then that can be a different issue, but we are increasingly realising the benefit of leaving them in order to increase the biodiversity of an area. It is important to do that where it is possible and not going to cause other problems.

I thank my noble friend Lady Young for explaining the concerns and how all the current protections can be improved.

Baroness Bakewell of Hardington Mandeville (LD): My Lords, this group of amendments deals with tree preservation orders and would extend their scope and strength. TPOs are an important tool to support tree protection and need to be strengthened in order to be effective. The noble Baronesses, Lady Young of Old Scone and Lady Taylor of Stevenage, have spoken eloquently to the amendment.

Despite a well-established tree protection system, most of our ancient trees have no legal protection. Perhaps now is the time for ancient trees to have the

[Baroness Bakewell of Hardington Mandeville] same protection as our old buildings and other endangered wildlife. The use of TPOs around the country is very patchy: some councils, such as City of London and Blackpool, have fewer than 40 TPOs in place, whereas around 50 councils report over 1,000 TPOs, including eight with over 2,000 TPOs. Trees are an essential asset, especially in urban areas, and need to be treated with greater respect.

The amendments in the name of the noble Baroness, Lady Young of Old Scone, cover: penalties for non-compliance in Amendment 296; the meaning of "amenity" in Amendment 297; TPOs being in the public interest in Amendment 298; removing the exemption of dead and dying trees in Amendment 299; and, lastly, consultations on TPOs in Amendment 301. I support all of them. Where trees have died or are dying, I support, in general, their retention. As such, they will become homes for wood-boring insects, and nest sites for birds and smaller mammals. I do, however, add the caveat that where a tree that has died has been assessed as likely to be a danger to the public, perhaps some of the upper branches should be removed to make it stable and the lower limbs and trunks left to decay naturally.

How often have we seen councils announce that they are cutting down trees to make way for some new road improvement scheme or other facility? The public, quite rightly, rise up in protest. How much better it would be if all councils and authorities, where they are planning schemes, consult with the public and take the public with them. Perhaps with a little tweaking, their plans could be amended to ensure the retention of trees, whether ornamental or traditional species.

Trees are the green lungs of our urban and inner-city areas. They provide roosts and nesting sites for birds; their branches provide shade and a cool breeze on a summer's day; and they hold 30% of carbon storage. We fully support this suite of amendments and look forward to the Minister's comments.

Earl Howe (Con): My Lords, I thank the noble Baroness, Lady Young of Old Scone, for proposing this group of amendments, all of which are related to the protection of trees. I should start by saying that as a member of the Woodland Trust, and as an owner of woodlands myself, which are interests I should declare, I have sympathy with the spirit of these amendments. I shall, however, attempt to persuade the noble Baroness that they are unnecessary or, in some cases, undesirable.

First, Amendment 296 seeks to make all offences of contravening a tree preservation order or tree regulations subject to an unlimited maximum fine. I understand the sentiment behind this proposal. It is right that there needs to be a credible threat of significant fines if we want to protect the trees that we most cherish. However, I think there is an important distinction between deliberate damage to a tree, leading to its total destruction, and, for example, the loss of a single branch, where the tree itself survives. Our current approach to fines recognises this difference. Wilful damage leading to the destruction or likely destruction of a tree is punishable by an unlimited fine, and there are examples of the courts handing down significant fines. Less serious offences—for example, where someone prunes a tree and is perhaps unaware that it is protected by a tree preservation order—are subject to a lower maximum fine of up to £2,500.

I firmly believe that the current approach is the right one. It is proportionate and fair, and provides a clear steer to the courts. For these reasons, I am afraid I am not able to support this amendment.

I turn to Amendments 297 to 299. Amendment 297 would provide a definition of "amenity" for tree preservation orders. Amendment 298 would make it clear that local planning authorities may utilise tree preservation orders proactively and where there is no indication of an intent to undertake works to a tree. Amendment 299 would maintain protections for dead trees and ensure that they remain eligible for tree preservation orders.

The Government recognise the need to protect and enhance biodiversity through the planning system, and trees are central to this. I agree with the noble Baroness that tree preservation orders are important tools. Local planning authorities may now use them, as she recognised, to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. This gives local planning authorities scope to protect the trees important to their communities, whether for amenity or for wider reasons.

The making of tree preservation orders is discretionary and local planning authorities may confer this protection where there is a risk or an emerging risk of damage to trees. So I argue that it is unnecessary to make an amendment to the Town and Country Planning Act 1990 to ensure their proactive use. Perhaps the fact that I am putting that on the record will be helpful.

I turn to the definition of "amenity". There is already a wide definition within the tree preservation order regime of the concept of amenity. The meaning of amenity is deliberately not defined in statute, so that decision-makers can apply their full planning judgment to individual cases. The term is, however, already well understood and applied to a wide range of circumstances, with the planning practice guidance already being clear that the importance to nature conservation or responding to climate change may be considered.

Changing the meaning of amenity in the way proposed could lead to uncertainty for considering tree preservation orders and risks unintended consequences more generally in the planning system. Tree preservation orders protect living trees; they do not protect dead trees. It is important that dead trees are exempt from orders, as urgent works may need to be taken where dead trees pose a risk. In particular, for group and woodland tree preservation orders, diseased trees can pose biosecurity risks. Ash dieback is a classic example in which you absolutely have to be proactive. I speak from very recent personal experience. Preventing the spread of disease from dying trees is often very important. There can often also be an urgent need to protect the public, as the noble Baroness, Lady Bakewell, said.

Looking at the wider picture, tree preservation orders are only one of the tools we have to ensure these invaluable assets are protected. For example, our already strong protections for biodiversity in the planning system give consideration to the preservation and

value of trees. We are also taking significant further steps to improve outcomes for biodiversity in the planning system through the 10% biodiversity net gain requirement in the Environment Act 2021. This will make trees of value to development, given the significant biodiversity value they bring. This will help ensure that trees are seen as integral to development as opposed to a barrier to it. Therefore, while I appreciate the spirit of these amendments, I am not able to support them, bearing in mind the breadth of protections that trees are already afforded. I hope I provided enough reassurance for the noble Baroness not to move these amendments when they are reached.

Amendment 301 seeks to introduce a requirement for public consultation prior to a local planning authority deciding to revoke a tree preservation order. The existing revocation process, as set out in the tree preservation regulations, is long established. Among other matters, it requires a local planning authority to notify persons interested in the affected land that an order has been revoked.

While the current legislation does not require public consultation, in practice I expect that local planning authorities would want to engage and consult with interested parties before reaching their decision. Our planning practice guidance makes clear that this option is open to them. The current approach to the revocation of tree preservation orders is squarely in line with revocation processes in other parts of the planning system, for example, where a local listed building consent order is revoked.

In summing up, I hope I have provided reassurances to the noble Baroness, Lady Young, and that she will be content to withdraw Amendment 296 and not move her other amendments in this group when they are reached.

Baroness Young of Old Scone (Lab): My Lords, I thank noble Lords who have taken part in this debate, and I will just make a couple of points to the Minister.

The mood music around TPOs is really important. There is guidance, as the Minister has said, on revocation, but its implementation is very patchy across the country. The definition of who is interested in the land can be interpreted very narrowly so that the folk who are clearly interested—local residents on a wider basis—are often not informed about revocations. That is just one example of where these amendments intend to demonstrate that the Government are serious about TPOs and want to create a different mood music around them.

In terms of dead and dying trees, local authorities currently move very rapidly to remedy, for example, trees that are coming into a dangerous condition and need to be felled. Those of us who have got ash dieback know that they can move very rapidly on that. I do not think there is a real problem around saying that TPOs must be strengthened because there is disease. What we want for TPOs is a presumption for retention of trees, rather than the possibility of both revocation and removal of dead and dying trees. I am obviously not of the same mind as the Minister.

I will make a slightly barbed political point. I do not know whether there are any friends of the Conservative leader of Plymouth council in the Chamber. He must be rather regretting that he was not strenuous about the observation of tree protection orders, since he lost his job over the recent debacle of the illegal felling of trees in Plymouth. So I urge the Government to recognise that the public, bless their hearts, have the bit between their teeth on this. Unless the Government demonstrate that they recognise that there is a point, and unless they make some movement towards finding ways of enabling the public to be more effectively involved and to feel that TPOs are a stronger protection, this could happen again and again.

7 pm

Earl Howe (Con): I am grateful to the noble Baroness for giving way. It might be helpful if I write her a letter to follow up this debate, picking up some of her points, now and in her opening speech, that I may not have picked up in my response.

Baroness Young of Old Scone (Lab): I thank the Minister for that, and I look forward to his letter. I beg leave to withdraw the amendment.

Amendment 296 withdrawn.

Amendments 297 to 299 not moved.

Amendment 300

Moved by ***Baroness Young of Old Scone***

300: After Clause 123, insert the following new Clause—

"Developments affecting ancient woodland

Within three months of this Act being passed, the Secretary of State must vary The Town and Country Planning (Consultation) (England) Direction 2021 so that it applies in relation to applications for planning permission for development affecting ancient woodland."

Member's explanatory statement

This amendment requires the introduction of a consultation direction for developments affecting ancient woodlands.

Baroness Young of Old Scone (Lab): I am sorry about this; I did not realise that my amendments would be grouped so closely together late at night. I shall be speedy on Amendment 300. I declare my interest as chair of the Woodland Trust.

Had this group been at a different time of day, I would have started by saying, "Long ago and far away—I want to tell you a story". But it is long ago and far away, because, during the passage of the Environment Act 2021, which is quite long ago and far away, I pressed the Minister on better protection of our scarce and precious resource of ancient woodland—the last remaining fragments—from development which might damage or destroy them. Ancient woodlands have literally no statutory protection, other than some very general admonitions in the National Planning Policy Framework. If I recall correctly, these are in a footnote, just to add insult to injury—that is the only protection for ancient woodland.

The evidence of the need for better protection for ancient woodland is clear. Currently, 800 cases of threats to damage or destroy ancient woodland are in the Woodland Trust's register. The second Thames

[Baroness Young of Old Scone]
crossing will again potentially impact on a large number of ancient woodlands—that is one example of where infrastructure development is a particular issue.

The importance of protecting ancient woodland has been enunciated in this Chamber many times, but the evidence is amassing even further. It has now been demonstrated that ancient woodland continues to sequester carbon, for example, even when it is fully grown and ancient, so our ancient woodland is a really important carbon sequestration resource. It is only 25% of all woodland in Britain, but it holds 36% of the woodland carbon. In addition, ancient woodland is now recognised as our richest habitat for biodiversity. If you want a good read, read the Woodland Trust's report on the state of woods and trees, which has lots of interesting facts—one of them is about just how crucial for biodiversity ancient woodland is.

On 26 October 2021, during the passage of the Environment Act that I referred to, the Government promised—they had already done so in the Commons—to do a number of things to strengthen ancient woodland protection. The promises were threefold. First, they promised

"a review of the National Planning Policy Framework to ensure that it is being implemented correctly".

This was to track that it was doing what it said on the tin to protect ancient woodland. If it was not being sufficiently protective, they committed to

"strengthen the guidance to local planning authorities to ensure that they understand the protections provided to ancient woodland".

Secondly, the Government promised to

"consult on strengthening the wording of the National Planning Policy Framework … to ensure the strongest possible protection of ancient woodlands".

The third thing they promised, which I think is the most important, was an undertaking to

"amend the town and country planning (consultation) direction to require local planning authorities to consult the Secretary of State … if they are minded to grant permission for developments that might affect ancient woodland".

That would give the Secretary of State the opportunity to have a quiet word behind the bike sheds or, at the very most, call it in for a Secretary of State decision. That, for me, was absolutely splendid, and I waxed lyrical in the Chamber about how happy I was with those assurances.

At that point, the Minister assured the House that

"these measures will be undertaken in a timely manner, working hand in hand with the forthcoming planning reforms".—[*Official Report*, 26/10/21; col. 706.]

A year and a half has passed, and many of the "forthcoming planning reforms" are still forthcoming. In particular, there is no sign of the amendment to the town and country planning (consultation) direction. Discussion on all three of the promises the Government made at that time has ebbed and flowed as Ministers and civil servants have ebbed and flowed. We are still told that they are live promises, but they are not terribly live. So I decided that I would, on this occasion, help the Government out by putting the consultation direction change in this Bill. It is the only planning Bill that we are likely to have for some considerable time.

For me, the most important thing about the amendment on the town and country planning (consultation) direction is that if local planning authorities have to refer to the Minister if they are thinking about impacting on ancient woodland in any development, it will make them think twice. Very often, with ingenuity and good will, local authorities can work with developers to ensure that the damage that might occur to ancient woodland simply does not happen; it is not beyond the wit of man. The work that the Woodland Trust has done with HS2 has not solved all the problems of driving a fast rail route through ancient woodland, but it has resulted in a reduction in the number of ancient woodlands impacted—although there is much more that HS2 can do.

All those promises were made, but they have not happened. I am really embarrassed about the effusiveness with which *Hansard* on 26 October 2021 shows I thanked the Minister, but I did stress that, once the amendment to the consultation direction had been made, I hoped that the Secretary of State would take the new call-in duty very seriously. We have not had a chance to find out yet whether it will be taken seriously, because the consultation direction change has not yet happened. I hope that the Minister and the Government will feel able to support this amendment to bring in better protection for important and threatened ancient woodland, as was promised in both Houses a year and a half ago. I beg to move.

Baroness Bakewell of Hardington Mandeville (LD): My Lords, the previous group of amendments has set the scene for this vital amendment, which we support. Development close to ancient woodlands can have a devastating effect. In 2021, Defra made three commitments to improving the protection of ancient woodlands and veteran trees, as the noble Baroness, Lady Young of Old Scone, said. One of those commitments was to amend the Town and Country Planning (Consultation) (England) Direction 2021

"to require local planning authorities to consult the Secretary of State for Levelling Up, Housing and Communities if they are minded to grant permission for developments that might affect ancient woodland".—[*Official Report*, 26/10/21; col. 706.]

The Woodland Trust has seen a welcome reduction in major developments that are within ancient woodland and result in direct loss. However, there are indirect impacts, including the spread of invasive species, as well as the impact of pollution on wildlife and the ecological condition of ancient woodland—all of which are still prevalent. Natural England's advice on providing buffers—space between development and ancient woodland boundaries—is all too often not upheld.

Ancient woodland has taken centuries to reach maturity and can be destroyed in days. The Woodland Trust has provided a very pertinent case study of an indirect impact on an ancient woodland: the building of 100 houses, including development of footpaths, within the ancient woodland of Poundhouse copse, including a drainage scheme right next to it, despite standing advice that drainage should not be within a buffer zone. This has led to a mix of direct loss of woodland and indirect impacts such as hydrological impacts. It is necessary to think and act very carefully when planning and implementing developments near ancient woodlands, in order to protect them for future generations. I look forward to the Minister's comments.

Baroness Taylor of Stevenage (Lab): My Lords, I add my thanks to those of the noble Earl, Lord Howe, to my noble friend Lady Young for her tireless commitment

to the environment, very well demonstrated in these three groups of amendments that she has put before the Committee today.

According to the Woodland Trust, ancient woodland covers just 2.5% of the UK and is protected because it is an irreplaceable habitat. Such woodlands are rich in wildlife and a vital component of the British landscape. My noble friend outlined with great clarity the provisions she had been assured in October 2021 would be incorporated in forthcoming planning law. The Government's own planning guidance on ancient woodland says:

"Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is a valuable natural asset, important for … wildlife (which include rare and threatened species)—there is also standing advice for protected species … soils … carbon capture and storage … contributing to the seed bank and genetic diversity … recreation, health and wellbeing … cultural, historical and landscape value. It's any area that's been wooded continuously since at least 1600 AD. It includes … ancient semi-natural woodland mainly made up of trees and shrubs native to the site, usually arising from natural regeneration … plantations on ancient woodland sites—replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi. They have equal protection in the National Planning Policy Framework. Other distinct forms of ancient woodland are … wood pastures identified as ancient … historic parkland, which is protected as a heritage asset in the NPPF".

If all that is genuinely the Government's position, why would they not want to support my noble friend Lady Young's amendment? It is a very important issue, and we urge the Minister to accept the amendment.

Baroness Willis of Summertown (CB): My Lords, I too fully support Amendment 300 proposed by the noble Baroness, Lady Young. A number of the points that I wanted to make have already been made, so I shall be brief.

One key thing we keep losing sight of in the discussion about ancient woodland is the many additional services that ancient woodland provides to our landscapes and to nature. The first one, which we did hear about, is carbon sequestration. I looked up the figures for carbon sequestration, and although ancient woodlands will not sequester as much carbon as something like Sitka spruce, for example, they are able to store huge amounts of carbon, both above and below ground. In particular, the fungal communities below ground can store up to 40% more carbon as a result of having these mycorrhizal assemblages. That is really important, because 36% of all woodland carbon is currently stored in these ancient woodlands.

There is a second role I want to flag up. Something that often gets forgotten about is the role of those woodlands in providing really important pollination services. So often, when we look at ancient woodland, it is a patch of trees surrounded by a sea of agricultural land. Some 80% of our crops in this country need pollination services, and pollinators need habitats and foraging places—that is what those ancient woodland patches provide. Without them, you then have to bring in lorries with pollinators in them. We do not want to go down that route. There is very good evidence—not from the UK but from other places in Europe—that if you remove a patch of ancient woodland the yield from the crops is significantly reduced. We need to bear that in mind

7.15 pm

The third reason I wanted to flag up why ancient woodlands are so important is that many of them are really important stepping stones for connectivity across the English landscape. This connectivity is particularly important for small vertebrates and invertebrates, which cannot move very far. If you take away a patch of ancient woodland, effectively, the patch left with the vertebrates and invertebrates becomes an island. As I mentioned in discussing the previous amendments, that island is then very prone to the extinction of the species on it.

For many reasons, ancient woodlands provide critical ecosystem services that go way beyond just being biodiversity hotspots in situ. They reach out across our landscapes and have been around for hundreds, if not thousands, of years, and we ought to bear that in mind. We would not dream of moving a 600 year-old house or a 1,000 year-old archaeological site for a building project. Right now our ancient woodlands do not have the same protection as these other very old features of our landscape, and it is time they did. That is why I feel very strongly about this amendment and why it has my full support.

The Lord Bishop of St Edmundsbury and Ipswich: My Lords, I too add my support for the amendment from the noble Baroness, Lady Young, and pay tribute to the work she has done in this area. I declare an interest as someone who grows trees and has contributed to the green canopy project in Suffolk. We managed to plant 1.3 million trees under that auspice, which was more than a third of the national total. We were completely committed through various networks of people to this and, indeed, to the preservation of ancient woodlands.

Two things have struck on listening to the discussion of the various amendments on this issue. First, I was struck by the statement from the noble Baroness, Lady Young, about the presumption of retention. That led me to think that there are some underlying principles which might join up our planning, environmental aims and building aims, where clearly things are in conflict. If we could establish some overarching principles, we might be able to work more closely together on achieving what we all desire. A specific example concerning ancient woodlands is Hintlesham Woods in Suffolk. which was under threat from the National Grid, which was going to put pylons across it. Working together, the Suffolk Wildlife Trust, the Woodland Trust and the RSPB engaged in a process whereby the National Grid had the consultation it should have had and shifted the route, so that it bypassed the woodland and the woodland was saved. That would have happened as a matter of course if the presumption for consultation had been enshrined.

I fully support this amendment, because we need to ramp up the protection for trees across all these areas for the sake of our environment, and to do so in consultation with our planning aims and environmental aims.

Earl Howe (Con): My Lords, Amendment 300 in the name of the noble Baroness, Lady Young of Old Scone, would require within three months of the Bill achieving Royal assent the implementation of the Government's commitment to amend the Town and

[Earl Howe]
Country Planning (Consultation) (England) Direction 2021 so that local planning authorities must consult the Secretary of State if they want to grant planning permission for developments affecting ancient woodland. Let me first make clear to the noble Baroness and to all noble Lords who have spoken that we are committed to reviewing the direction to require authorities to refer applications if they are minded to grant permission for developments affecting ancient woodland.

As the noble Baroness knows, the direction is a strategic tool aimed at ensuring the right applications are captured. Noble Lords will be aware of consultation which has taken place recently on changes to the National Planning Policy Framework, which I mentioned earlier. It may be helpful for context if I say that there are other requests being made for inclusion in the direction. We really need to amend it in a managed way, capturing all the issues to provide clarity and stability to authorities, developers and others.

The noble Baroness is a resolute campaigner on these issues, and, indeed, referred to herself "banging on" about them in the House last year. She does so extremely effectively and long may that last, but in this instance I cannot give my support to the hard deadline she seeks, as it is important that the direction be updated in a coherent and managed way. I realise I am asking the noble Baroness to be patient for a while longer, but I hope she will be content to withdraw her amendment on that basis.

Baroness Young of Old Scone (Lab): I thank noble Lords for the support they have shown for this amendment. We have to remember that less than 2% of ancient woodland remains in this country. We are right on the brink, being down to such a small number of fragments that are, in many cases, increasingly unviable, so it is a real and pressing issue. The Minister has asked me to have patience. I am glad he was able to restate the commitment to the amendment to the direction, but my attitude to being asked to be patient will depend on how long that patience has to last. I wonder whether he can say how long it will have to last, because it has lasted now for a year and a half. If it were another year and half, I think I might have run out of patience. I do not know if I can press him now to say when the amendment might emerge. I very rarely read in *Hansard* how wonderful the Government have been, but I would commit to saying how wonderful they are if the Minister can tell us when this change to the direction might happen.

Earl Howe (Con): My Lords, nothing would give me greater satisfaction than to be able to tell the noble Baroness but, having asked this question myself, I fear I cannot give a definite timescale at the moment. I am sorry for that.

Baroness Young of Old Scone (Lab): On that basis, I do not think I can guarantee not to come back on Report with something on this, but in the meantime, I beg leave to withdraw the amendment.

Amendment 300 withdrawn.

Amendments 301 to 310 not moved.

Amendment 311

Moved by ***Lord Northbrook***

311: After Clause 123, insert the following new Clause—

"British standards: publication

Where legislation made under the Planning Acts, or a local authority planning policy, refers to a British standard, the Secretary of State or local authority must take such steps as are necessary to make the relevant standard publicly available online free of charge."

Lord Northbrook (Con): My Lords, Amendment 311 requires the British Standards Institution, the BSI, to publish electronically the text of at least some British standards without charge to readers. Secondary legislation and LPA's planning policies frequently require compliance with British standards or employ definitions which refer to British standards. Examples include the building regulations, my local borough's— the Royal Borough of Kensington and Chelsea's—definition of a basement and the Code of Construction Practice which, for example, requires compliance with

"BS 5228: Code of practice for noise and vibration control on construction and open sites".

However, it costs £330 to obtain a hard copy of a BSI document or to download it in PDF format. The cost is reduced to £165 for BSI members, which we imagine includes the council.

A local residents' association of the RBKC asked the council to reproduce in or attach as an appendix to the code all, or just the relevant parts, of BS 5228 so that neighbours and residents' associations can see what is required. The council replied that it cannot do so as copyright vests with the BSI.

I believe that all citizens have the right to see the relevant British Standards without disproportionate charge, and that the BSI should be instructed to publish these standards on the internet. The Minister in another place responded in a letter to Richard Drax MP on 31 August 2022, saying:

"The BSI are an independent organisation and we therefore cannot compel them to publish some, or indeed any, of their standards without charge".

I believe there must be numerous independent organisations referred to in statute whose publications are routinely made available free of charge on the internet. For example, air source heat pumps are legally required to comply with MCS planning standards or equivalent standards. The relevant microgeneration installation standard—MCS 020—is the property of the MCS Charitable Foundation and is published on the internet, available for anyone to read without charge. Why cannot the BSI do the same?

If the issue is one of cost, one solution would be for the Government to negotiate with the BSI and pay it to publish. If this is not acceptable to either party, the Government should take powers to compel publication. As a matter of principle, our citizens should not have to pay to read the text of those obligations with which they are legally obliged to comply. I beg to move.

Lord Bellingham (Con): My Lords, I rise very briefly to support my noble friend Lord Northbrook. It is a very simple and straightforward amendment, but it

raises some important principles. As my noble friend pointed out, the BSI is a well-resourced organisation—a commercial, not-for-profit body established under royal charter. I had a look at its website, although I did not look at its accounts. It would be wrong to say that it is awash with money, but it has plenty of money to carry out the excellent work it does on behalf of many different parts of industry in our society. There is no reason whatever why it cannot publish these matters, and it would make a huge difference to residents to be able to know exactly what is going on.

Maybe the Minister can look at one particular point—my noble friend did not mention this, though he mentioned a number of other bodies that are mentioned in statute and different legislation that do make reports and other information available free of charge. I gather that in Ulster such documents are online completely free of charge, and that is a precedent that our Government could follow.

I hope that if the Minister cannot promise to accept the amendment, she will at least undertake to talk to the British Standards Institution about this, because it is a problem that could be solved very easily.

Baroness Scott of Bybrook (Con): My Lords, Amendment 311 in the name of my noble friend Lord Northbrook would require the Government to make all standards that relate to all planning Acts, or local authority planning policy, online and free of charge.

Our national standards body, the British Standards Institution or BSI, publishes around 3,000 standards annually, and these standards are the product of more than 1,000 expert committees. The BSI is independent of government and governed by the rights and duties included in its royal charter. This includes the obligation to set up, sell and distribute standards of quality for goods, services and management systems. About 20% of the standards produced are to support the regulatory framework. This will include a minority of standards made to support planning legislation and local authority planning policy.

To ensure the integrity of the system and support the effective running of the standards-making process, the funding model relies on the BSI charging customers for access to its standards. As a non-profit-distributing body, the BSI reinvests its income from sales in the standards development programme. In some circumstances, the Government will fund BSI standards to make them available. For example, last year the then Department for Business, Energy and Industrial Strategy made available 100,000 copies of one of the energy management systems standards to UK SMEs.

I hope that this provides sufficient reasoning for my noble friend Lord Northbrook to withdraw his amendment. I am very happy to discuss this further with noble Lords and the BSI.

7.30 pm

Lord Northbrook (Con): My Lords, I am most grateful to the Minister for her reply. I was interested to hear that in some circumstances the Government have funded the publication of these standards. I am not sure of the total number of standards in this planning area—there may not be a huge number of them—but I do not see why the Government might not extend that action in this area. I have listened carefully to what the Minister has said and will read it carefully in *Hansard*. In the meantime, I beg leave to withdraw the amendment.

Amendment 311 withdrawn.

Amendment 312

Moved by ***Lord Northbrook***

312: After Clause 123, insert the following new Clause—

"Change of use to café etc

In the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596), Schedule 2, Part 3, after Class B.1 insert—

"(B.1A) Development is not permitted by Class BB from a use within Class E (a) or (c)-(g) (commercial, business and service) of Schedule 2 to the Use Classes Order, to Class E (b) (the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises).""

Lord Northbrook (Con): My Lords, Amendment 312 obliges the Secretary of State to amend the general permitted development order to make a change of use from business premises to a café or restaurant subject to planning control. Regulations made in 2020 amended the Town and Country Planning (Use Classes) Order 1987 by introducing, in Part A of Schedule 2, a new class E—"Commercial, Business and Service"—covering, inter alia, shops, offices, cafés and restaurants. Change of use from any part of this class E to any other part of class E is permitted development so, for example, a shop or an office may now change its use to a café or restaurant without requiring planning permission.

This will have a number of undesirable consequences in quiet residential areas. For example, planning permission may have been granted for a change of use of a building, or part of it, from residential to office without any objection, and the office may now change its use to a café or restaurant without planning control. On the face of it, there would be nothing to stop, say, an estate agent turning into a McDonald's, open throughout the night, providing it did not sell alcohol. LPAs would no longer be able to use planning policies to regulate or prevent such activities.

If a café or restaurant wishes to sell alcohol, it needs a licence to do so under the Licensing Act 2003. I take comfort from the ability of local authorities to refuse permission by virtue of the specified licensing objective of the prevention of public nuisance. However, noise nuisance and disturbance from customer parking, loading and unloading, waste disposal and odours can be as disquieting from unlicensed as from licensed premises, and they are now impossible to control by planning policy.

My suggested solution is to amend Part 3 of Schedule 2 to the GPDO, entitled "Changes of use", by inserting a new class BB—commercial, business and service to restaurant or café—with the text as follows:

"Development is not permitted by Class BB from a use within Class E (a) or (c)-(g) (commercial, business and service) of Schedule 2 to the Use Classes Order, to Class E (b) (the sale of

[Lord Northbrook]

food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises)".

The Minister responded in a letter to Richard Drax on 31 August 2022:

"We have created a new 'Commercial, business and service' use class (Class E). This encompasses offices, shops, restaurants and other uses which are suitable in a town centre. Changes of use within the class does not require planning permission. The new class also allows for a mix of uses to reflect changing retail and business models, allowing businesses the ability to adapt to changing circumstances and respond to the needs of their local communities more easily and quickly. However, it remains the case that planning permission is required to change use to or from a pub. This ensures that local consideration can be given to any such proposals, in consultation with the local community".

I believe that local communities should have a say in the establishment of new cafés and restaurants, not just pubs. I beg to move.

Baroness Taylor of Stevenage (Lab): My Lords, this group of amendments is another indication of why we believe it would have been better to bring forward a dedicated planning Bill rather than trying to amend some of the interconnecting pieces of legislation that have overcomplicated the planning scene in the last decade and have certainly had some undesirable effects because unintended consequences have not properly been taken into account. The noble Lord, Lord Northbrook, has eloquently described some of the impacts of widening the use classes so that local people and local authorities no longer have much control over what takes place in their own high streets. We get a proliferation of betting shops and things that people do not really want to see so much of in their high street.

I will give just two examples of permitted development. In Hertfordshire, over 750,000 square feet of economic and commercial space has been lost to permitted development. These developments are delivered with none of the community engagement and consultation that go on with standard planning applications, and they then often result in the infrastructure needs of the development being ignored. This has had the longer-term impact of alienating communities from development altogether, as they see housing developed in unsuitable locations and with no consideration of the proximity of any local facilities. One of the worst examples of this is in Harlow new town. Harlow, like Stevenage, has a commercial and industrial zone deliberately segregated from its residential areas. This was part of the master-planning for first-generation new towns. A permitted development saw a housing development conversion in the middle of this commercial/industrial area, leaving its residents feeling isolated from community facilities and other neighbourhoods.

The other example has been in relation to the creation of houses of multiple occupation from family homes in residential streets, putting unreasonable extra pressure on local resources and creating often far more transient populations, which has disrupted previously settled neighbourhoods.

There seems to be something very perverse in pursuing this permitted development regime at the same time as withdrawing the requirement to set housing targets. The former allows often substandard housing to be developed without the benefit of infrastructure funding, funding for social and affordable housing, or adequate consideration of the needs of the local area. It can put unnecessary pressure on public services in that area and create further pressures on housing as local people are priced out of reasonable developments or forced into poor conversions that are totally unsuitable for family living.

My Amendment 312F calls for a review of this permitted development regime to properly gather data on what it has delivered in terms of: achieving housing targets; importantly, the quality of housing delivered; the impact on heritage and conservation areas; the overall carbon impact since permitted development expanded to demolition; the relative costs to local authorities of dealing with processing permitted development compared with full planning consents; and how it is intended that permitted development sits within the role of the national development management policies.

We are also interested to learn from the review how the Government assess that a permitted development has contributed to levelling up. The feeling of the local government community is that permitted development has done the exact opposite of levelling up and driven a coach and horses through the rigour of the planning regime. That is why the Local Government Association's comment on this issue was that

"if the Government is serious about strengthening the role of Local Plans, they should also urgently revoke permitted development rights".

Amendment 312J refers to the totally inconsistent way in which Article 4 directions have been applied across the country. Such directions restrict the scope of permitted development in relation either to a particular area or site or to a particular type of development anywhere in an authority's area. They can be used to control works that could threaten the character of an area of acknowledged importance, such as a conservation area. Article 4 directions are not needed for listed buildings, which are protected under different legislation, but noble Lords will remember the Harlow example that I gave earlier. Stevenage, which also has a segregated area for commercial and industrial uses, successfully argued that an Article 4 direction should apply to that area so that we were not faced with permitted development housing there, isolated from all our community facilities.

However, the Government have threatened to remove the provision of Article 4 directions altogether and have applied them inconsistently in different locations. Our Amendment 312J asks that a statement be laid before both Houses, setting out how the Government intend to achieve consistency in the application of Article 4 directions.

Lord Bellingham (Con): My Lords, it gives me great pleasure to support my noble friend Lord Northbrook and to reflect on the comments made by the noble Baroness, Lady Taylor of Stevenage, from the Opposition Front Bench.

First, I want to say something about the high street because, during my time as a constituency MP in the other place, I campaigned tirelessly to put more life into the high streets of two local towns in my former constituency. One of the things that we looked at was trying to make sure that the flats and areas above

shops were converted into units, modernised and taken on by the local housing association to make use of those potential dwellings. The local housing association had great success in doing this. It moved people into the high street so that, at all times of the day, there are people around and it is much more vibrant than it was in the past, when it went completely dead at about 5 pm.

Trying to put more life into the high street is incredibly important; supporting the enterprise and wealth creation agendas is equally important. That is why the Government made these changes to permitted development, as my noble friend Lord Northbrook outlined. I can see why they were keen to have more flexibility between the different classes—offices, cafés, restaurants and other businesses—so that, without having to go to the local planning authority to get planning permission, you could just use permitted development to change an office or a charity shop, for example, into a café, a restaurant or whatever.

However, as my noble friend pointed out, the problem is that that works perfectly well in a high street context—I do not think anyone would object to that—but it is different when you have a corner shop, an estate agent or a charity shop in a residential area. This occurs quite regularly; I can think of examples of it in East Anglia. When a small estate agency, for example, in a mainstream residential area closes down, it could easily become a café under these permitted developments. I do not think that anyone would object to a café but, if it was a restaurant such as a McDonald's, you could have a great deal of extra traffic and disturbance. The whole ambience of that residential area could fundamentally change very quickly.

What the Government have done here has the right intentions but we are looking at unintended consequences for some residents in some parts of the country. This is why I think it was not good enough when the Minister in the other place said that everything was okay because if it was a restaurant selling alcohol, or a pub, the licensing laws would kick in in those specific areas that my noble friend outlined. If it is something like a McDonald's or a Costa—not that I have anything against McDonald's or Costa; in the right place, they are excellent retail outlets that bring a great deal of pleasure to different communities—we have to be on the side of the residents.

As the noble Baroness pointed out, making sure that we have the trust and engagement of local communities is incredibly important. We are all for—certainly this side of the House is passionate about—enterprise and the wealth creation agenda. At the same time, if we lose the support of communities and, through unintended consequences, make their lives miserable, it would be a step backwards.

7.45 pm

I urge the Minister not just to repeat what the Minister in the other place said but to really address the point. Narrowing this down by saying that it is okay because pubs and restaurants will have to go through the licensing regime is not good enough when other potential retail outlets, through permitted use, could cause a great deal of misery to local residents. I support my noble friend wholeheartedly.

Lord Foster of Bath (LD): My Lords, I will be very brief. I speak only because of the words of the noble Lord, Lord Bellingham, just now. Like him, I am very keen to see, and as a Minister had some responsibility for, the improvement of high streets. The noble Lord is quite right that on a high street these changes could take place without the significant problem to local residents that he described might happen in a more residential area.

We are very supportive of the principle of Amendment 312, but I say very gently to the Minister that if, as I suspect, she is going to suggest that there is no need for this amendment, I would encourage her to remind herself of the earlier debate on the agent of change principle. That too was apparently not necessary. Frankly, it seems that one or the other will be necessary in the circumstances that the noble Lord, Lord Bellingham, described in a residential area. We need either a separate use classification or the agent of change principle to give local residents that protection.

Baroness Scott of Bybrook (Con): Amendment 312, in the name of my noble friend Lord Northbrook, seeks to prevent the movement of premises being used as shops, banks, gyms, offices et cetera within (a) and (c) to (g) of class E to be used instead as cafés or restaurants in (b).

I take this opportunity to make clear to noble Lords that vibrant and diverse high streets and town centres are vital to communities, as places where local people shop, use services and spend their leisure time.

The Government introduced the commercial business and service use class in 2020 to support our high streets and town centres, enabling them to respond quickly to changes in consumer demands. This use class includes a wide range of uses commonly found on our high streets, such as shops, banks and offices, as well as services such as creches and health centres. Movement between uses within the class does not constitute development and therefore does not require planning permission. Thus, this class provides flexibility to move between such uses and allows for a mix of such uses to reflect changing retail and business models, and to avoid premises being left empty.

We believe that restaurants and cafés are an important part of our high streets and town centres. Such uses support high street vitality, attracting people to the high street to shop and spend their leisure time, and we would not want to limit them. My noble friend's amendment seeks to restrict the flexibility of premises within the commercial, business and service use class to be used as cafés or restaurants. However, a permitted development right cannot be used in this way to limit movement within this use class. The legislative approach of this amendment is therefore flawed and we are unable to support it.

I turn next to Amendment 312F in the name of the noble Baroness, Lady Taylor of Stevenage, which seeks to require the Secretary of State to publish a review, within 12 months of the Bill achieving Royal Assent, of all permitted development rights. Permitted development rights are a national grant of planning permission that allow certain developments, including building works and changes of use, to be carried out without an application for planning permission having

[Baroness Scott of Bybrook]
to be made. Permitted development rights have been a well-established part of the planning system for many years, supporting homeowners and businesses. In recent years, new permitted development rights have been used to support housing delivery. The rights are helping deliver much-needed additional new homes, including more than 94,000 homes in the seven years to March 2022.

In response to comments about the quality of some of the homes delivered, we commissioned research into the operation of the rights, published in July 2020. We subsequently legislated to ensure that all new homes delivered under permitted development must, as a minimum, meet the nationally described space standards and have access to adequate natural light in all habitable rooms. In addition, the current consultation on the infrastructure levy seeks views on the circumstances in which it may be appropriate to apply the infrastructure levy to permitted development.

We continue to keep permitted development rights under review, so this amendment is not necessary. It would also be impractical, as it would require a disproportionate review of 155 separate permitted development rights, all within the 12 months proposed. On these grounds, we will not be able to give this amendment our support.

Baroness Taylor of Stevenage (Lab): I am grateful for the response, but it seemed a bit equivocal around permitted development rights and the infrastructure levy. Can the Minister give us some more clarity? Is it under consultation still? One of the important problems with permitted development is that is has not attracted any infrastructure support whatever or any percentage of affordable housing. For example, if an office building is converted into luxury flats, there is no infrastructure provided and no requirement to provide affordable housing that sits alongside it. This is a very important message for the infrastructure levy that it should incorporate permitted development.

Baroness Scott of Bybrook (Con): It is in the current consultation. I assure the noble Baroness that we will be taking account of the consultation responses on this.

I turn next to Amendment 312J, in the name of the noble Baroness, Lady Hayman of Ullock, which seeks to require the Secretary of State, within 60 days of the Bill achieving Royal Assent, to make a statement on the use of Article 4 directions by local authorities, and to explain the reasoning behind occasions when they may be modified by the Secretary of State and their resulting consistency.

It may be helpful if I briefly explain Article 4 directions. Permitted development rights are a national grant of planning permission. These allow certain building works and changes of use to be carried out without having to make an application for planning permission. Where it can be clearly evidenced that a permitted development right will cause unacceptable harm to a particular area, local authorities can make an Article 4 direction. This stops development proceeding under the permitted development right and requires that a planning application is submitted.

While Article 4 directions are consulted on and made locally, the Secretary of State has the power to modify or cancel an Article 4 direction. He will intervene where he considers that there are clear reasons for doing so, most particularly where he considers that they do not comply with national policy, as set out in paragraph 53 of the National Planning Policy Framework. This policy requires that all Article 4 directions should cover the smallest geographic area possible. Where they relate to a change from non-residential to residential use, they should be made only to avoid wholly unacceptable adverse impacts. All other Article 4 directions should be necessary to protect local amenity or the well-being of an area. Local authorities must notify the Secretary of State when they make an Article 4 direction.

When it is considered that an Article 4 direction as made by a local authority does not comply with national policy, officials have worked with the local authority to agree a revised Article 4 direction. Between 1 July 2021, when there was a change in national policy, and 3 May 2023, modifications have been made to Article 4 directions from 10 local authorities to ensure that they comply with national policy. I hope that noble Lords will be reassured that there is consistency in Article 4 directions that is ensured by the statutory process, policy and guidance. The Secretary of State exercises his power to intervene where there are clear reasons to do so, and in a consistent and measured way. With these reassurances, I hope that noble Lords will agree that Amendment 312J is not necessary.

To conclude, I hope that I have said enough to enable my noble friend Lord Northbrook to withdraw his Amendment 312 and for the other amendments in this group not to be moved when reached.

Lord Northbrook (Con): My Lords, I listened carefully to the Minister's reply. I should like to say straightaway that I applaud the useful overall relaxation in permitted development rights. I take her point and that of my noble friend Lord Bellingham that there could be problems in high streets with my proposed permitted development BB1. I still believe that in residential areas it is important to propose change. I am noting some support from the Benches opposite. I should like maybe to recraft the amendment so that perhaps residents' associations could have a say in residential areas.

Lord Bellingham (Con): Before my noble friend withdraws his amendment—once he has done so, I would be unable to speak again—I was disappointed when the Minister said that the amendment was flawed, whereas Amendments 312F and 312J were fit for purpose but not flawed. Just because she does not agree with it does not mean that it is flawed. The amendment was well drafted and perfectly sustainable.

There is a possible compromise to be had here because we do not, as my noble friend pointed out, want to do anything to curb enterprise investment and wealth creation in the high street, but we want to try and protect those residents in a small number of residential areas where there might be this particular problem. Perhaps some adjustment could be made so that, if there is a potential permitted change of use and permitted development in a residential area that

could lead to all sorts of disturbance and people's quiet livelihoods being put at risk, maybe there could be an argument for local residents going to the council and asking for the proposal to go through the planning system. Perhaps my noble friend and I can come back to this on Report and have a meeting with the Minister in the meantime so we can go through it in more detail.

Lord Northbrook (Con): I thank my noble friend Lord Bellingham. It may be that we can craft a new amendment whereby, if there is a recognised residents' association, some consultation process should be able to take place on the matter. In the meantime, I beg leave to withdraw my amendment.

Amendment 312 withdrawn.

Amendment 312A not moved.

Amendment 312B

Moved by ***Lord Kennedy of Southwark***

312B: After Clause 123, insert the following new Clause—

"Chief Planning Officers

The Secretary of State must publish guidance for local authorities on the appointment of Chief Planning Officers."

Member's explanatory statement

This is to probe the role of Chief Planning Officers.

Lord Kennedy of Southwark (Lab Co-op): My Lords, it is good to be back doing local government matters again and I promise not to raise leasehold issues. I start with some declarations. I am a vice-president of the Local Government Association, chair of the Heart of Medway Housing Association and non-executive director of MHS Homes Ltd. I noticed that the Government Chief Whip came in and it reminded me of the dreaded Housing and Planning Act that we debated for many weeks and months some time ago. I thought of my dear friend Lord Beecham, who is retired from the House.

8 pm

These amendments are in the names of my noble friends Lady Taylor of Stevenage and Lady Hayman of Ullock. Amendment 312B probes on the issue of chief planning officers. The public and other agencies need confidence that qualified professionals are working to the highest standards and can be relied upon to act in the public interest. However, there is currently no prerequisite for public sector planning officials to have any formal qualifications. Scotland legislated in 2019 to make sure that there is a chief planner in every local authority, and chief place makers were recommended by the Building Better, Building Beautiful Commission's final report. The Royal Town Planning Institute has suggested that this would improve matters because of qualified planners' specialist expertise in creating places, skills to navigate political challenges and experience of encouraging building partnerships across the private and public sectors. I will be interested in the Minister's response to that.

Amendment 504C, in the name of my noble friend Lady Hayman of Ullock, probes whether there are sufficient skills, resources and capabilities to deliver Parts 3 to 5. We have previously discussed the urgent need for local authorities to have sufficient skills, resources and capabilities to deliver the many new demands on them that the Bill presents. In addition, the Federation of Master Builders has expressed concerns about the growing skills shortage pressure affecting the viability of development, alongside the usual hurdles of land and planning. It has urged action to limit the impact of the materials and skills shortages that affect the building sector so that small builders' viability is not threatened. Smaller companies train around 71% of construction apprentices, so it is vital that they are supported in training the next generation of tradespersons. According to the House of Commons Library briefing, the industry with the second highest percentage of business experiencing worker shortages in November 2022 was construction with 20.7%, with 48,000 vacancies. Businesses are reporting having difficulty recruiting employees with the relevant skills. In August last year, the Federation of Small Businesses found that 80% of small firms faced difficulties recruiting applicants with suitable skills in the previous 12 months. The Recruitment and Employment Confederation estimates that, if labour shortages are not addressed, the UK economy will be £39 billion worse off each year from 2024. When he responds, will the Minister explain how the Government are going to address this in order to deliver on the ambitions in the Bill?

Finally Amendment 504E, again in the name of my noble friend Lady Hayman of Ullock, seeks to establish an office for risk and resilience. The conclusion of a comprehensive independent assessment led by the Climate Change Committee to improve the nation's resilience is that government is

"failing to keep pace with the impacts of a warming planet and increasing climate risks facing the UK".

The UK is experiencing widespread changes in climate. Average land temperatures have risen by around 1.2 degrees from pre-industrial levels, and sea levels have risen by 16 cm since 1900. Episodes of extreme heat are becoming more frequent. Since the Climate Change Committee's last assessment five years ago, more than 500,000 new homes have been built that are not resilient to future high temperatures.

The insurance industry has long been calling for greater alignment between Defra and DLUHC on planning and development policy. This could be achieved through a joint Minister, a co-ordination unit or, as the Climate Change Committee called for, a new office for risk and resilience. Just last month, the National Infrastructure Commission and the Climate Change Committee wrote jointly to the Government urging Ministers to take steps to improve the resilience of key infrastructure services to the effects of climate change. Building on recent reports by both organisations, the advisory body set out five steps to accelerate national adaptation planning to protect key networks. They are: setting clear and measurable goals for resilience and action plans to deliver them; ensuring these standards are developed in time to inform forthcoming regulatory price control periods, which set investment levels for operators; giving explicit duties for resilience to all infrastructure regulators; Cabinet-level oversight of interdependencies and whole-system resilience; and embedding resilience and infrastructure planning as we move to an economy more reliant on electricity.

[Lord Kennedy of Southwark]

When he responds to the debate, will the Minister set out whether the Government recognise the urgency of setting up an office for risk and resilience or some other mechanism to address climate change that is regularly discussed in this House? I beg to move.

Lord Foster of Bath (LD): My Lords, I am happy to support the amendments that have just been moved.

I remind the Committee that in earlier debates we spent quite a lot of time on the importance of creating an environment that is clean and healthy for people to live in—the noble Lord, Lord Best, in particular encouraged us to do that—while earlier today we heard from the noble Baroness, Lady Young of Old Scone, about the vital need to protect woodland and biodiversity more widely. The Minister responded that none of this required her amendments because, he pointed out, the planning system was there and the planners could be "proactive" in using tree preservation orders and measures regarding biodiversity powers.

That is all well and good, but with one problem: the vast majority of councils responsible for taking these proactive measures are short of planners. There is a huge shortage. Where we have an amendment that relies on there being sufficient skills, resources and capabilities to deliver all these things, we already know from the research that has been done that there is a significant shortage. Noble Lords do not have to listen to me to know that; the chief planner in the Minister's own department has said categorically that there are not enough planners in local government in England. Joanna Averley went on to say, at the end of last year, that the department did not have the funds to provide resources for there to be more planners. My question for the Minister is: what is going to be done to increase the number of planners to carry out all the work that he keeps referring to and which will come about as a result of the Bill before us?

I want to place on record a huge tribute to the RTPI for the work it is doing to try to improve skills. It has its degree-level apprenticeship scheme, as I am sure the Minister is aware, and a number of other measures, but we are in a situation where it is now said that planners are like gold dust.

The situation is compounded by a further problem. Another amendment talks about what the role of chief planning officers should be. Again, that would be well and good if there were any chief planning officers to have a role. The truth is that we now have a situation where one-quarter of councils in England do not have a head of planning reporting directly to a chief executive. There is a real shortage, which has the knock-on implication that there tends not to be a career structure to encourage people to enter at the bottom end. The shortage of planners is exacerbated by the shortage of chief planning officers.

I want to use this amendment as an opportunity gently to ask the Minister what the Government's plans are to resolve the resource shortage, which we do not need a review of because we already know it is there. I look forward to hearing what the Minister has to say.

Lord Lansley (Con): My Lords, at this late hour I do not want to speak at any great length. I declare an interest as chair of the Cambridgeshire Development Forum. In that context, we are acutely aware of the shortage of planners in local authority planning departments, despite the efforts made, not least by Cambridge City Council and South Cambridgeshire District Council in bringing together their two planning services to try to ensure efficiency in both planning and the use of resources.

There is a shortage, so we looked at working with the RTPI's young planners group and with Anglia Ruskin University, so that some of those degree apprenticeship placements would be in Cambridge, in addition to those in Chelmsford. That might bring more of those young planners into the Cambridge area, where we hope they will stay, working in businesses and local authorities locally.

One thing we have looked at, which is possible but not easy to do, is the development community entering into, effectively, area-wide planning performance agreements with a local planning authority. Such planning performance agreements are entered into generally in relation to individual developments and can be the subject of additional charges for things such as pre-application advice. Of course, that is purely on a cost-recovery basis. Once you begin to attribute charging and costs to individual developments, even though from the planning authority's point of view it does not influence the outcome of any of the decision-making, there is a risk that that is what people perceive to be the case.

To try to avoid the risk of any attribution of resources to results in terms of the integrity and transparency of the planning decision-making, we and the development community want to look at the ability to assist in resourcing planning for major developments in the area, and to do so in a way independent of the individual applications and the individual developer. I hope that, when Ministers think about how we might increase resources, they will recognise this as one possible arrangement.

Baroness Twycross (Lab): My Lords, I declare an interest as London's Deputy Mayor for Fire and Resilience and chair of the London Resilience Forum. I just want to say, briefly, that I completely agree with my noble friend Lord Kennedy, particularly on Amendment 504E. I got quite excited when he showed it to me. If an amendment can be described as exciting, this one would match that criterion.

An office for risk and resilience would provide a focus and play an invaluable part in ensuring that this country is better prepared to deal with the many risks we face, not least in relation to climate change. If we need to do anything through this legislation, it is to ensure that the buildings and infrastructure being built now are still fit for purpose in a decade, two decades or 50 years' time. At the moment, we cannot guarantee that this is the case. We should note that resilience is particularly relevant to the concept of levelling up, as inevitably those individuals or institutions with better resources are inherently more resilient. I urge the Minister and the Government to consider this amendment seriously.

Earl Howe (Con): My Lords, this group of amendments concerns chief planning officers, local authority resources and capacity, and risk and resilience. I welcome the discussion that has taken place on these important issues.

Amendment 312B, in the name of the noble Baroness, Lady Taylor, and spoken to by the noble Lord, Lord Kennedy, would require the Secretary of State to publish guidance for local authorities on the appointment of chief planning officers. I assure noble Lords that the Government recognise the importance of effective leadership in local planning authorities—someone who can raise the profile of planning in local government, drive a strong vision for what places aspire to and ensure that this is integrated across council functions.

However, to do this effectively we need a flexible approach that recognises the circumstances of individual authorities. In that context, issuing guidance for all local planning authorities on the appointment of chief planning officers would be undesirable. Instead, we would encourage local authorities to fill these leadership roles in a way that best suits their approach to tackling their areas' challenges and priorities.

Our approach is in keeping with the existing legislative framework. Excluding a select number of statutory posts, Section 112 of the Local Government Act 1972 allows an authority to

"appoint such officers as they think necessary for the proper discharge by the authority"

of its functions and for carrying out commitments on behalf of other authorities. That is surely right; it should be a matter for their discretion. Having said that, I shall refer in a moment to the wider programme of support that we are developing to ensure that local planning authorities have the skills and capacity that they need to create better places and provide a good service to applicants.

8.15 pm

This takes me to Amendment 504C in the name of the noble Baroness, Lady Hayman of Ullock, which would require an estimate to be published within 50 days of the Bill securing Royal Assent on whether the planning sector has sufficient skills, resources and capabilities to deliver Parts 3 to 5 of the Bill; these are on planning, the infrastructure levy and community land auction pilots. I completely understand why the importance of skills, resources and capacity within a local planning authority has been raised in this way.

The capability and capacity programme we are taking forward will seek to provide the direct support needed now to deliver upskilling opportunities for existing planners and, crucially, to further develop the future pipeline into the profession. The first component of this work programme is the recent announcement of £1 million of funding to Public Practice, a social enterprise supporting local authorities by helping them recruit and develop skilled planners and specialised professionals. We are also supporting local authorities through the development of new digital tools that will help make planning processes more efficient. We have debated those in previous groups of amendments.

In addition, we have consulted on an increase to planning fees that will provide additional resources to support the delivery and improvement of planning services. Through this work, we wish to support planning departments to attract, retain and develop planners into and within the profession to help build a more sustainable planning system. As I have laid out, our work to support local planning authorities is already under way. In light of this, we do not feel that a legislative obligation such as this is necessary.

Finally, Amendment 504E, also in the name of the noble Baroness, Lady Hayman, would require an office for risk and resilience to be established to fulfil responsibilities involved in delivering Parts 3 to 5 of the Bill. I make it clear that the Government recognise the importance of effective planning for risk and resilience—something we addressed in our response to the House of Lords Risk Assessment and Risk Planning Committee's 2021 report, *Preparing for Extreme Risks: Building a Resilient Society*. As our response indicated, there is scope for

"strengthening accountability and cross-Government assurance for risk planning"

but this needs to be looked at holistically.

While I appreciate the intention behind the amendment, it is important that this work does not look at planning decisions in isolation from other factors affecting risk and resilience. At a local level, risks such as climate change are assessed through the process of producing development plans, as well as being kept under review at a broader strategic scale by bodies such as the Environment Agency. We do not feel the need for an additional body to do this work. Our response to the Risk Assessment and Risk Planning Committee committed us to considering national oversight of risk and resilience more fully. We did so as we developed the UK Government Resilience Framework, and we are taking measures to strengthen accountability and oversight as a result.

We have already established a resilience directorate in the Cabinet Office to lead this, as well as a dedicated sub-committee of the National Security Council to provide ministerial oversight of resilience. We are currently reviewing the lead government department model and later this year we will be delivering the first annual statement to Parliament on risk and resilience. At a local level, the Department for Levelling Up, Housing and Communities is leading a programme to strengthen local resilience forums, including greater accountability to and links with central government.

To conclude, I hope I have said enough to enable the noble Lord, Lord Kennedy, to withdraw Amendment 312B in the name of the noble Baroness, Lady Taylor, and for the other amendments in this group not to be moved as they are reached.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I thank all noble Lords who spoke. The noble Lord, Lord Foster of Bath, made an important point about insufficient numbers of planners in local authorities. A few years ago, I was a member of Lewisham Council, and we had that problem day in, day out—you saw that with residents. But a shortage of planning officers was not a problem when I was a member of Southwark Council in the 1980s, so something has happened, and the Government have to address that.

The noble Earl made a point about having increased the planning of things, and that is true, but more needs to be done because there is a huge problem here. We are sitting here again, debating another Bill containing bits about planning. I have lost count of how many

[Lord Kennedy of Southwark]
planning Bills we have had in the 13 years I have been a Member of this House. One after another comes along, and we seem to debate similar issues and problems, but we are not dealing with the problem.

The noble Lord, Lord Lansley, made us aware of similar problems in the Cambridgeshire area. His point about getting resource from the developers, but it not being connected to a development, should be looked at: you could bring extra resource into departments that way, enabling more planners to be recruited. So the Government should look at that, as one way to enable more resource to be brought in.

I am so pleased that my noble friend Lady Twycross made an intervention—she is the deputy mayor for fire and resilience in London, and she is hugely experienced in this area. It was good to hear her contribution. Although it was good to hear that the Government are doing certain things on resilience, there are bigger issues: local resilience forums and how they operate and work with government need to be looked at. People such as my noble friend, who has worked on that in London for many years with the Mayor of London and government, certainly should be listened to on those issues. With that, I withdraw Amendment 312B.

Amendment 312B withdrawn.

Amendments 312C to 312K not moved.

Clause 124: Infrastructure Levy: England

Amendment 313

Moved by ***Baroness Taylor of Stevenage***

313: Clause 124, page 157, line 22, leave out "a" and insert "an optional"

Member's explanatory statement

This is to probe whether the infrastructure levy could be optional.

Baroness Taylor of Stevenage (Lab): My Lords, I am almost sorry to come to a very complex group of amendments at this stage of the evening, but this is an important part of the Bill. We have had lots of discussions about housing, and this is about how the infrastructure levy fits into that picture. The key issues to which this group responds were powerfully set out by my noble friend Lady Warwick earlier today, and they have been discussed extensively in earlier groupings.

The significant number of amendments in this group reflect our discussions about the ability of the levelling-up Bill in general, and the infrastructure levy in particular, to deliver the levels of affordable housing needed. I apologise for the repetition, but this is not helped by the Government's abandonment of national housing targets, under pressure from Back-Benchers in the other place. There remain a number of unresolved issues in relation to the provision of affordable housing with the infrastructure levy, and a great deal more clarity is needed about just how IL, Section 106 and CIL fit together to deliver affordable housing for the future. It is vital that we all understand this so that we can begin to make an impact on the housing crisis.

Is it the case that the first call on levy proceeds is to be affordable housing, because the costs of affordable provision are to be netted off from the levy payment, with what is left over being used for all the other infrastructure required? This residual may not be sufficient to pay for all that is needed. Just in today's debates, we have heard about so many different aspects of funding that will be needed from the infrastructure levy. In practice, local planning authorities may find themselves juggling affordable homes and infrastructure to decide what the levy can fund, as they do now with Section 106 and CIL.

Is it the case that, where infrastructure is delivered in kind, it is subject to the levy backstop amount to ensure that any shortfall in the value of the infrastructure delivered in kind is made whole to the full infrastructure levy liability with cash? Homes for the North, in its very helpful briefing, cited Department for Levelling Up, Housing and Communities figures that developer contributions funded 47.3% of all affordable housing provision between 2021 and 2022. DLUHC figures also show that in the year before the pandemic, nearly 80% of Section 106 developer contributions were generated to support affordable housing provision. Therefore, we must have clarity going forward about how this will be funded for the future.

With construction costs subject to the significant inflation we have heard about, and with the financial burden on housing authorities for retrofitting energy-efficiency measures to social homes, the ability to fund new social and affordable housing through developer contributions becomes ever more challenging. Homes for the North believes that, even if the infrastructure levy is prioritised for affordable housing, its research demonstrates that basing the IL on historical levels of provision through developer contributions will not deliver levelling up but will replicate spatial inequalities.

Our Amendment 313 is a probing amendment to determine the extent to which the infrastructure levy is optional for local authorities. Leaving the other two regimes of CIL and Section 106 in place as the infrastructure levy is introduced has the potential to increase the complexity of the landscape with the associated legal process and valuation challenges. There is also a danger that the new system will take time to introduce and bed in, and therefore the potential reduces for achieving affordable homes to the scale and in the timescale we need through this route as the transition occurs.

I understand that the Government wish to adopt a test and learn approach to the introduction of the infrastructure levy—we heard from the Minister about that this afternoon—but would it not have been preferable to have tested that before putting it into law, instead of afterwards? With all three systems remaining in place, is there likely to be further uncertainty for developers that will capitalise on the difference in implementation from place to place? Noble Lords across the Committee will be concerned, as we are, about any delays this may introduce to the essential delivery of housing to mitigate the housing crisis.

My Amendment 317 refers to the introduction of pilot schemes for the infrastructure levy—although this is probably shutting the stable door after the horse

has bolted—as we feel that it is essential to see whether there are unintended consequences of the introduction of the IL, and to ensure its impact is evaluated and assessed before it is rolled out across the country.

Amendment 321 in the name of my noble friend Lady Hayman attempts to resolve the confusion about whether it is intended that the infrastructure levy delivers the infrastructure discussed under a previous group of amendments—the first group—and then Section 106 continues to deliver the affordable housing required from the development. This is not clear from what is in the Bill about the infrastructure levy.

We absolutely agree with my noble friend Lady Armstrong that there must be a distinction between the Government's term "affordable housing" and social rented homes. Her Amendment 322, and Amendment 323 in the names of my noble friend Lady Hayman and the noble Lord, Lord Shipley, refer to that point. As we have discussed previously, local authorities know their own housing need best and must be able to specify that they need social rented housing where that is appropriate.

There has been much debate in local government and planning communities about the difference between levy-funded infrastructure and integral infrastructure, and in what circumstances developers can be required to deliver on-site affordable housing and/or in-kind funding for off-site housing. Amendment 326 in the names of my noble friend Lady Warwick, the noble Baronesses, Lady Watkins and Lady Thornhill, and the right reverend Prelate the Bishop of Chelmsford would place in the Bill the right for local authorities to determine the delivery of on-site housing through an in-kind levy payment. We support the proposition of exemption for developments containing 100% affordable housing to have special treatment under the infrastructure levy regime—Amendment 327 and our Amendment 328 refer to this.

The noble Lord, Lord Carrington, and the noble Baroness, Lady Bakewell of Hardington Mandeville, are proposing a similar exemption from the infrastructure levy liability where this relates to farm buildings that support food security. We agree with this where such buildings would be likely to accrue an infrastructure levy, as it is essential for food security that farms are able to diversify.

Amendment 332 in the names of the noble and learned Lord, Lord Etherton, and the noble Lord, Lord Thurlow, would make strategic housing and market assessments compulsory and link them to the setting of the infrastructure levy. I confess that I am a big fan of strategic housing and market assessments. We understand the principle behind this amendment, as it would put rigour into the process of determining what housing is needed and the role that the infrastructure levy plays in delivering that. It will not be solely the responsibility of the infrastructure levy to deliver affordable housing though, so we look forward to hearing from noble Lords about the benefits of making this compulsory. We are generally very supportive of SHMAs, but they can be complex in local authority areas where land availability is limited, and planning for affordable homes has to take into account travel-to-work areas across more than one local authority boundary.

8.30 pm

We support Amendment 334, which seeks to introduce the principle that infrastructure levy rates must be set at a level that would not result in a loss of affordable housing. Our Amendment 334A is similar, in that it would require the infrastructure levy to be set at a level to deliver the amount of affordable housing set out in the local plan, as would Amendment 344 in the names of the noble Lords, Lord Best, Lord Young and Lord Shipley, and the right reverend Prelate the Bishop of Chelmsford. We also need to flag up here that there are consequences for regional imbalances, and this should be a consideration for the levelling-up agenda. The values of completed developments are much greater in London and the south of England than elsewhere, so we must be aware of the possibility of a disproportionate impact on the setting of IL rates on the ability to deliver affordable housing in different parts of the country.

Amendment 340 in the name of my noble friend Lady Hayman seeks to introduce the concept of sustainability into projects funded by the infrastructure levy. This could be a whole day's debate on its own, and I will not pre-empt later groups relating to environmental outcomes and landscapes. However, we believe that consideration must be given to the sustainability of infrastructure levy-funded projects such as transport, green and built infrastructure, public service provision and, essentially, housing.

Amendment 344A in the name of the noble Lord, Lord Young, is coming to the rescue of authorities that are facing bills of millions of pounds for the retrofitting of energy efficiency measures. In the case of my own authority, this is well over £250 million, just for council housing stock. Although it would be very helpful to be able to include this in the remit for funding from the infrastructure levy, it would be interesting to understand what level of contribution this would make to the enormous backlog of retrofitting we have around the country.

Our Amendment 345 would ensure that the provisions in Schedule 11, which allow later changes to what is covered by the infrastructure levy, specifically allow affordable housing to be added at a future date.

Amendment 349 in my name proposes that the charging authority sets out how it intends to use the infrastructure levy to meet identified housing need within the infrastructure delivery strategy. This meets the concerns of planning professionals relating to the purpose of the infrastructure delivery strategy—we had a discussion about that on an earlier group today—if it is not to ensure that the appropriate infrastructure is delivered to enable the delivery of the local plan, specifically in relation to housing need but also the question of wider infrastructure.

We support Amendment 350 in the names of the noble Lords, Lord Best, Lord Young and Lord Shipley, and the right reverend Prelate the Bishop of Chelmsford. It would be very helpful to understand the Government's thinking about just how much of the infrastructure levy is to be applied to affordable housing—or, as we would prefer, social housing. Does a demonstrated housing need mean that it has first call on the infrastructure levy? How will local authorities balance the need for affordable housing against all the competing infrastructure demands that development brings?

[Baroness Taylor of Stevenage]

We are interested to hear the Minister's answer to Amendment 356 in the names of the noble Lord, Lord Teverson, and the noble Baroness, Lady Bakewell. Like most of local government, we believe that more clarity is needed about the future role of Section 106 and CIL under this new infrastructure levy regime. As the noble Lords tabling this amendment have indicated, Section 106 has proved helpful in identifying site-specific obligations for biodiversity measures and nature recovery. Will this still be the case? Amendment 357 in my name similarly seeks to clarify the future role of Section 106 and whether that is likely to be changed by regulation.

Too often, we have seen developers trying to negotiate for the affordable housing obligation to be discharged away from the site where they are developing. Some have been quite open in disclosing that that is because they feel that having mixed-tenure housing will affect the sale of their other properties, yet it is clearly the case, demonstrated over many decades, that mixed-tenure developments are more successful in community terms. We agree with Amendment 358 from my noble friend Lady Armstrong that where a local authority's local plan and development aspirations suggest it, it should be able to specify onsite delivery of affordable homes funded through the IL.

It is time that the absolute need for social housing, rather than the government definition of affordable housing, is recognised, so in principle we support trying to achieve a higher percentage of social housing funded from the affordable housing pot obtained through the infrastructure levy. Amendment 359 from the noble Lords, Lord Best and Lord Shipley, set this at 50%, which we feel would be very desirable, but more important is the principle that it can be set at the planning stage and that the level of social housing should be able to be determined by the local planning authority according to its local housing need.

We note that the noble Lords, Lord Lansley and Lord Young, have proposed that Clause 126, which sets out that the CIL will in future apply only to London and Wales, should not stand part of the Bill and will be interested to hear the noble Lords' argument and the Minister's response. There is a need for clarity about the levy regime and the future role for Section 106 and the CIL

Lastly—and sorry for the length of this introduction—our Amendments 364 and 364A are tabled to probe how the Minister intends to assess the proposed impact of the infrastructure levy on the delivery of affordable housing. These amendments are very important because it is not indicated how levelling up, and therefore the building of more affordable housing which will help levelling up, is going to be achieved through the process of the infrastructure levy. I beg to move.

Baroness Warwick of Undercliffe (Lab): My Lords, this is the second group of amendments today on the new infrastructure levy. While there is clear scope to reform and improve the existing system for developer contributions, it is none the less responsible for a huge proportion of new affordable and social homes. As its proposed replacement, the infrastructure levy represents, as I said in the earlier debate, a radical shift in how such housing will be funded and delivered.

There are 4.2 million people currently in need of social housing in England—I do not think that fact can be repeated too often. Our efforts to house them have so far been abysmal. Against this backdrop of acute housing need, changes to the planning system must at a minimum protect current levels of new affordable housing. In the earlier debate, the Minister emphasised that the Government aim to do just that but also said that these were decisions for local authorities and offered little confidence that this aim could be guaranteed.

The *Daily Express* on 29 April had a startling statistic that nine in 10 local authorities failed to build a single council house last year and no region in England saw an increase from 2021. As many as five locations in England did not complete a single social home last year, including the City of London. My noble friend Lady Taylor cited the evidence from Homes for the North, which provided us with an excellent briefing. Through its research with Liverpool University, it has shown that those most in need of levelling up, based on the Government's own definition, are likely to have the least capacity to generate investment for affordable housing through the infrastructure levy, and it goes on to offer more data on that. The Minister expressed hope that more social housing would be built, but as targets are to be dispensed with and as local authorities and housing associations are clearly struggling to deliver any social housing at all, there is a singular lack of ambition to help the 4.2 million people in real need.

I have three amendments in this group—Amendments 326, 327 and 334. Each of them seeks to strengthen protections for affordable housing in this legislation and ensure that the infrastructure levy does not lead to a net loss of affordable housing. I am pleased to have received support for the amendments from the Labour and Lib Dem Front Benches, the right reverend Prelate the Bishop of Chelmsford and the noble Baroness, Lady Watkins of Tavistock.

I move to my first amendment, Amendment 326. One of the main concerns with the infrastructure levy, raised by stakeholders from across the housing sector, is the risk to on-site delivery of affordable and social housing. While imperfect, Section 106 has facilitated a well-integrated mix of housing tenures to support households of different sizes, ages and incomes. We have a proud history in this country of people living side by side. These mixed communities are a rare success story in housing and planning policy and must be retained if we move from Section 106 to the levy. But by moving us away from an in-kind system of affordable and social housing, as with Section 106, towards a financed-based system, the infrastructure levy risks undoing important progress in this area.

It is welcome that the Government have acknowledged this risk. In a policy paper published alongside the Levelling-up and Regeneration Bill on 11 May 2022, the Government committed to:

> "Introduce a new 'right to require' to remove the role of negotiation in determining levels of onsite affordable housing. This rebalances the inequality between developers and local authorities by allowing local authorities to determine the portion of the levy they receive in-kind as on-site affordable homes".

This was a very welcome commitment. In their recently published technical consultation on the infrastructure levy, the Government again confirmed their intention to bring forward a mechanism for on-site delivery. However, it is disappointing that not a single mention of the right to require mechanism is made in this Bill. Ministers have said it will instead be introduced via secondary legislation. This mechanism for on-site delivery is a highly significant aspect of the new levy and should not be left out of the Bill altogether. It should be subject to proper parliamentary scrutiny and a rigorous consultation and piloting process. I hope the Minister will comment on that.

My Amendment 326 would place a duty on the Government to bring forward infrastructure levy regulations which would introduce a mechanism for the delivery of on-site affordable housing as an in-kind levy payment. Put simply, my amendment would ensure that the Government abide by their own stated policy intentions and hold Ministers to their commitment to safeguard the future of mixed communities.

Again, this amendment does not seek to transform radically the design of the levy; it would simply put stated government policy in the Bill. It does not bind the Government to an onerous or cumbersome interpretation of the right to require; it merely ensures that such a mechanism is introduced. For these reasons, I hope that the Government will consider supporting this amendment.

Amendment 327, coupled with Amendment 328 in the name of my noble friend Lady Hayman of Ullock, seeks to place in primary legislation clear exemptions from payment of the infrastructure levy for registered providers of social housing. My amendment would provide for an exemption from liability to pay IL in respect of a development which contains 100% affordable housing. I support also the amendment tabled by my noble friend Lady Hayman which would exempt developments containing 75% affordable housing. Charging levy rates against such developments would clearly disincentivise new affordable housing and undermine the levy's stated purpose. There are already such exemptions in place in the current system for developer contributions, most notably in the community infrastructure levy.

The Government have indicated that they will introduce such an exemption. It would be preferable to see this commitment included in primary legislation. At Commons Committee stage, the Housing Minister confirmed that the Government

"do not expect to charge the levy on exclusively affordable housing developments; we will explore that matter further in consultation".—[*Official Report*, Commons, Levelling-up and Regeneration Bill Committee, 6/9/22; col. 638.]

It would be preferable to see this commitment in the Bill.

No argument has been forthcoming about why it is preferable to introduce such an exemption via regulation. This is particularly concerning as an exemption is provided for charities in new Section 204F, to be inserted by Schedule 11, which could encompass most registered providers of social housing. Further clarification is required as there is a risk of overlapping exemptions and confusion about criteria for housing associations. I hope the Minister can provide more clarity and certainty about the Government's intention to bring forward exemptions from the levy for affordable housing.

My Amendment 334 would strengthen the requirement for local planning authorities to set infrastructure levy rates at a level which would not result in a loss of affordable housing. It would ensure that the infrastructure levy delivers baseline levels of affordable housing, thus removing the risk of a net loss of affordable housing under the new system.

In a public letter to the Secretary of State in February, 19 leading organisations from across the housing sector set out significant concerns about the impact that the proposals for a new infrastructure levy will have on the supply of new affordable housing. Signatories included Shelter, Crisis, the Church of England, the National Housing Federation and the Greater London Authority.

8.45 pm

Each of these organisations believes that in its current form, this legislation provides no meaningful protection for affordable housing in the new levy. The only attempt at providing such safeguards is in new Section 204G, which contains vague wording about how charging authorities "must have regard" to "the desirability of" affordable housing when setting rates of the infrastructure levy.

The "desirability" of affordable housing is vague and unclear, placing no real duty on local charging authorities to deliver appropriate levels of affordable housing. My amendment seeks to strengthen the wording so that local planning authorities must ensure that there is no net loss of affordable housing when setting levy rates. This is in line with the Government's stated commitment to deliver

"at least as much—if not more"

affordable housing as the present system.

In its current form, new Section 204G also places a heavily qualified requirement on charging authorities to deliver a level of affordable housing which is "equal to or exceeds" levels of delivery over an unspecified period of time. Charging authorities will have to exceed current levels of affordable housing delivery if they are not currently meeting affordable housing need. There is a risk that in some areas, this new section would bake current levels of under-delivery into the new system, which would be a clear step in the wrong direction.

Proposed new subsection (b) in my amendment ties levy-setting to affordable housing need identified in the local development plan and infrastructure delivery strategy, ensuring that the levy works in tandem with a plan-based system based on clearly identified housing need, not an arbitrary metric of "current levels".

Of the four amendments I have tabled to Schedule 11, this is the most consequential. The Government must revisit the wording of new Section 204G. At present, it is inadequate and risks a significant reduction in the delivery of affordable housing and homes for social rent through the planning system.

Finally, I also support Amendment 350 in the name of the noble Lord, Lord Best, which seeks to tie the application of the infrastructure levy to the level of affordable housing requirement identified in the local

[Baroness Warwick of Undercliffe]
development plan. This would support a plan-led system which is based upon a rigorous assessment of housing need, rather than the vaguely defined criteria presently in the Bill.

I believe that my amendments will significantly improve the design and implementation of the infrastructure levy, and I hope the Minister can accept them.

The Lord Bishop of St Edmundsbury and Ipswich: My Lords, I will speak—briefly again, I hope—in support of Amendments 326, 327 and 334 in the name of the noble Baroness, Lady Warwick, and Amendments 344 and 350 in the name of the noble Lord, Lord Best, which have also been supported by my right reverend colleague the Bishop of Chelmsford.

The Church of England is committed—as noble Lords have just heard—to working to increase the provision of social housing, and these amendments would greatly improve the infrastructure levy to ensure that it is working to generate a good supply of truly affordable housing.

As we have heard, in its current form the infrastructure levy risks a serious reduction in the delivery of affordable housing and homes for social rent through the planning system. Despite this concerning impact, detail on how the proposed levy would work remains very thin. There are a number of fundamental issues that need to be addressed. These amendments would be a step in the right direction to doing so.

Amendment 326 introduces a mechanism for the delivery of onsite affordable housing and an in-kind levy payment, which would allow local authorities to ensure that their local housing needs are met. Amendment 327 excepts developments that contain 100% affordable housing from liability to pay the infrastructure levy, which would allow for the provision of affordable housing to go unimpeded by any diversion of funds, and also incentivise developers to invest in affordable housing plans.

Amendments 344 and 350 in the name of the noble Lord, Lord Best, would introduce critical improvements to the infrastructure levy. Tying the application of the infrastructure levy to the level of affordable housing requirement identified in the local development plan, as Amendment 344 would do, is a necessary step to ensure that the levy truly addresses local housing needs. Linked to this, Amendment 350 would ensure that at least 75% of the levy would be used to meet such local affordable housing needs as identified by local development plans. As we have heard, there are currently 4.2 million people in need of social housing in England. It is crucial that the infrastructure levy and the accompanying changes to the planning system improve the delivery of new affordable housing.

Lord Foster of Bath (LD): My Lords, I begin by congratulating the noble Baroness, Lady Taylor, on her tour de force in going through all these amendments. I have no doubt that the Minister will attempt to do exactly the same at some future point as she goes through all our deliberations, and I have no intention of attempting to match either of them. I wish merely to say how important Amendment 322 in the name of the noble Baroness, Lady Armstrong, and Amendment 323 in the names of the noble Baroness, Lady Hayman, and my noble friend Lord Shipley are, and how supportive we are of them. They seek to define "affordable housing" for the purposes of the infrastructure levy as social rent. We are also very supportive of the amendment so ably spoken to by the noble Baroness, Lady Warwick—as is illustrated by the fact that my noble friend Lady Thornhill has added her name to it—and the whole issue of affordable housing, which we have touched on so many times. It is great that she has spoken to her amendment, and we are fully supportive of it.

I raise two amendments solely to hear the Minister's response to them, because that is what we are interested in hearing. On behalf of the noble Lord, Lord Carrington, and with his permission, I will speak to Amendment 330, which, in effect, proposes the removal of agricultural buildings from the infrastructure levy. The infrastructure levy now being proposed is not exactly but in part a replacement for the community infrastructure levy. I am sure that many noble Lords will be aware that the application of the community infrastructure levy to agricultural property was somewhat hit and miss. Frankly, nobody knew whether they were in or out; some councils did, some did not, and so on. The Minister is nodding in agreement. The problem is that we do not have the proposed secondary legislation, so we have no idea quite how agricultural buildings will apply under the proposed infrastructure levy. Of course, we recognise that many of them—such as livestock buildings, grain storages, slurry tanks and farm reservoirs—are quite large but have very little structure; however, they may be very heavily hit. Given that your Lordships have recently debated the importance of farmers and the difficult times they are going through at present, it may be a good idea to put on the record a clear determination that such properties be excluded from the infrastructure levy. That is what the noble Lord, Lord Carrington, is proposing.

The only other amendment I want to raise is Amendment 356 in the names of my noble friends Lord Teverson and Lady Bakewell. It suggests that it should be possible to retain within the new system Section 106 agreements in certain circumstances. When looking at the whole area of biodiversity-type measures, you recognise that the great advantage of Section 106 agreements is that, unlike the infrastructure levy proposals, they are directly tied to the actual land where the development takes place, rather than being a payment for improvements that may happen somewhere in the neighbourhood. The second advantage is that they are not a one-off payment, as the infrastructure levy is proposed to be; they can be payments made over a long period.

Therefore, if you are seeking to develop some sort of wildflower arrangement, some meadowland or a biodiversity scheme of one sort or another, it is recognised that those will take a very long time to develop and they are on a particular site. The benefit of this amendment is that the Section 106 agreement can be kept because it is tied directly to the specific land and can be funded over a long period to ensure that the development is successful. On behalf of my noble friend Lord Teverson, I make the case for Amendment 356.

Baroness Bloomfield of Hinton Waldrist (Con): My Lords, I beg to move that the debate on Amendment 313 be adjourned.

Debate on Amendment 313 adjourned.

House resumed.

Higher Education (Freedom of Speech) Bill

Returned from the Commons

The Bill was returned from the Commons with an amendment.

National Security Bill

Returned from the Commons

The Bill was returned from the Commons with amendments and reasons.

House adjourned at 8.55 pm.

Grand Committee

Wednesday 3 May 2023

Arrangement of Business

Announcement

1 pm

The Deputy Chairman of Committees (Baroness Fookes) (Con): My Lords, I must issue the usual warning, although it may well not be needed, that if there is a Division in the House this Committee will adjourn immediately for 10 minutes.

Police: Restoring Public Confidence

Motion to Take Note

1 pm

Moved by ***Lord Lexden***

That the Grand Committee takes note of the case for restoring public confidence in the police.

Lord Lexden (Con): My Lords, I sought this debate to give your Lordships' House an opportunity to consider the need to restore confidence in our country's police forces, which has been seriously weakened in the last few years, and to try to elicit from the Government a clear indication of what they are doing to ensure that the restoration of confidence is successfully accomplished.

How reassuring it would be to the public if the Government produced a coherent action plan showing precisely how they intend to assist the police in regaining public support and meeting new challenges, of which there will be many. So much good would be done if the Government set out in clear language, free from party-political knockabout, their vision of the shape of policing in the future, at a time when technology is developing at a prodigious rate with huge implications for the police, like everyone else. So frequently, any sense of a coherent plan for the future is lost amid a blizzard of statistics and details designed to scotch criticism of some current problem.

Policing in Britain has always rested on public consent. That fundamental principle was laid down by the great Sir Robert Peel when he created the Metropolitan Police nearly two centuries ago. Today, consent no longer seems firmly assured; that should be rectified. Our police forces need to renew their commitment to Peel's great founding principle.

I am extremely grateful to all those participating in this debate, and I look forward to deepening my understanding of the issues it raises as a result of their contributions. I think it unlikely that we Back-Bench contributors will disagree about the gravity of the position in which the police find themselves today as regards the confidence reposed in them by the public. It is strongly reflected in surveys of public opinion. In 2020, YouGov found that 70% of their respondents thought the police were doing a good job. Last month, 47% held that view—down by nearly a quarter in just three years. Some 53% said they had little or no confidence in the police last month, compared with 38% three years ago—itself an alarmingly high proportion.

Detailed research embodied in a recent publication of the Social Market Foundation found that

"a substantial proportion of the population across England and Wales has little confidence in their local constabularies",

with fewer than six in 10 believing that the police can be relied on when they are needed. No more than 22%, just over a fifth, felt that the police would be likely to apprehend a burglar, so widespread has become the habit of issuing a crime number for insurance purposes without attempting any serious investigation. It is hard to overestimate the worry caused to so many people by the indifference which tends to be shown by the police to what is termed low-level crime.

Nowhere has confidence in the police fallen more sharply than in London, and nowhere will the decline be harder to reverse. After a succession of the most terrible scandals, how could it be otherwise? The crisis in the capital is bound to occupy a prominent position in this debate, as it should. It is likely to affect confidence in the police throughout the country in view of the widespread coverage of London's crisis in the national media. The scandals in London have stunned the nation. Criminals have in some number been allowed to wear the policeman's proud uniform. A few of the policeman criminals have committed the most heinous offences.

The details have been laid bare in all their horror in court cases and in a succession of independent reports, none more shattering than that of the noble Baroness, Lady Casey, published in March. It exposed huge, unforgivable failures in the way that the Metropolitan Police has been managed and run. Awful prejudices and attitudes have been allowed to flourish unchecked for years. The organisation

"has completely lost its way",

the noble Baroness said in an interview last month, where she spoke passionately about the revulsion she had felt over what had emerged during her year-long inquiry. Her anger is palpable and understandable.

The noble Baroness's report is packed with horrifying information. The detection rate for rape cases is so low, one police officer told her team,

"you may as well say it's legal in London".

More than 1,500 officers have been accused of violent offences against women. Black officers are regularly overlooked for promotion. I do not need to attempt a full summary of the report. The main points are well known.

This great police force has for too long had leaders who tended to look the other way when mistakes were made. Those responsible for the notorious Operation Midland a few years ago hounded two great public servants, Lord Bramall and Lord Brittan, mercilessly. The law was broken when warrants were sought to search their homes. In his thorough independent report on Operation Midland, Sir Richard Henriques listed 43 major police blunders, yet not one police officer has been held to account. Some have been promoted to high rank. The Independent Office for Police Conduct failed in its duty to listen to those who had suffered, like Lord Brittan's brave widow, Diana. How could public confidence possibly be maintained by such an approach?

[Lord Lexden]

Midland had a close relation, Operation Conifer. Both of them were fed by the lies of a fantasist, now serving a long prison sentence. I take the opportunity afforded by this debate to return to it because I feel so strongly and deeply about it. Through Conifer, allegations of child sex abuse against Sir Edward Heath were investigated in Salisbury some 10 years after his death in 2005. No other Prime Minister has ever been accused of grave criminal offences. Clearly, the investigation needed to be handled with care and strict impartiality. Instead, under Mike Veale, then chief constable for Wiltshire, it was conducted with the intention of finding Ted Heath guilty. Not a shred of evidence was found to substantiate the allegations, yet Veale contrived to suggest at the end of the investigation that a few of them might have had some substance, thus overturning the presumption of innocence in a case where a judicial process was impossible.

Prime Ministers are prominent in the history books. As a historian, I find it shocking that no independent inquiry has been held in order to place the truth firmly on the record for all time. It is unconscionable that one of the Crown's First Ministers should pass into history with even a faint suspicion of wrongdoing because no one in authority today will do anything to help wipe it out. I do not understand how the Government should fail to regard it as an obligation to ensure that posterity has an absolutely accurate account of what occurred.

For me personally, Operation Conifer showed how hard it had become in Britain today to feel full confidence in our police. At least Wiltshire declined to keep Veale after this disgraceful episode. But he found a new berth as chief constable of Cleveland, where he lasted a year before allegations of misconduct forced him to resign. A report by the Independent Office for Police Conduct, after a two-year investigation—no one seems to think it important to move swiftly in these matters—led the police and crime commissioner for Cleveland to announce that Veale would face a hearing for gross misconduct. The announcement was made in August 2021. A year and eight months later, it has yet to start. The Government will not be surprised that I should return to the issue in this debate. Over and again I have been told in Answers to Oral Questions that the matter is under the exclusive control of an independent, legally qualified chair. By law, hearings have to begin no later than 100 days after their announcement, but the chair can delay the start when it is in the interest of justice to do so.

Who is the chair? The person remains anonymous. How are the interests of justice served by delay? No explanation has been given. It would be perfectly understandable if the explanation were couched in general terms so as not to prejudice the case when it is eventually heard. Total silence is astonishing. As they say, you could not make it up. Is it not difficult to feel total confidence in a system which permits a former chief constable, the most senior of policemen, to evade justice for so long for reasons cloaked in secrecy and in circumstances where public accountability is totally lacking?

My noble friend the Minister told the House in March, rather to my surprise, that we were about to meet to discuss this issue. I am due to see Mr Philp, the Policing Minister, but unfortunately dates fixed for this meeting have had to be cancelled because he had pressing business elsewhere. This is perfectly understandable and the meeting is now due to take place on 15 May.

We should note with considerable sympathy the conclusion reached by the highly regarded think tank Policy Exchange, after its research into the work of legally qualified chairs, that,

"having been introduced with the aim of increasing public confidence in the police misconduct process, the experiment is having the opposite effect."

These chairs play a part in hindering the sweeping changes in the Met—which, in Sir Mark Rowley, at last has a leader determined to root out the criminals in the ranks and punish misconduct. Sir Mark repeatedly makes clear that he needs to get rid of several hundred officers. Policy Exchange recommends that police regulations should be urgently amended, so that the decisions to dismiss officers found guilty of criminality or serious misconduct lie with police chiefs. That is exactly Sir Mark's view. As he said last month:

"If you expect me to sort out cultural issues in the Met and get rid of the people who should not be employed, give me the power to do it. Can you imagine sitting with the chief executive of a big organisation saying they weren't allowed to sack certain people"?

Before giving Sir Mark his answer, the Government conducted a four-month review, which began in January. The timetable for action after the completion of the review is unclear. What is clear is that, although Sir Mark has made good progress with the limited powers that he possesses, impatience is mounting for the swift ejection of officers who have no business to be in the police and the restoration of confidence in the Met. It was seen at a meeting of the Commons Home Affairs Select Committee last week.

We must not let Sir Mark down. As he said last week,

"the vast majority of our people are good people".

They deserve the full esteem that successful policing brings and to be freed from the taint that the presence of a bad minority inevitably inflicts on the entire Met. The bobbies need to be on the beat again throughout London. Policy Exchange is surely right to stress the need to return to a borough-based policing model with chief superintendents leading police teams in every London borough. It is a point that should be noted in all urban areas throughout the country.

Four things above all stand out as we reflect on the strengthening of confidence in our police today. First, there is the need for first-rate chief constables, fully supported by elected police and crime commissioners in charge of efficient, properly accountable offices. Secondly, we need to ensure that effective use is made of the 20,000 additional police now available as a result of the completion of the Government's recruitment campaign. It is important to remember that we now have more police officers than ever before. Thirdly, there is the need to equip chief police officers with disciplinary powers that are used quickly and effectively but also humanely and wisely. Fourthly, we need to ensure that police forces throughout our country properly reflect the diverse society that Britain has become, with astonishing speed in historical terms, during the last two generations.

1.14 pm

Lord Browne of Ladyton (Lab): My Lords, it is an honour and a privilege to follow the noble Lord, Lord Lexden. I congratulate him on an excellent opening speech for this debate and agree with almost every word he said. I pay tribute to him for once again affording us the opportunity to examine the current state of the relationship between the police and the public in our country and, more generally, for his indefatigable work on, and commitment to, this area of policy.

This relationship is fundamental: a nation state in which trust between the police and the public has broken down is itself broken. Max Weber suggested that the defining feature of the modern state is its possession of the monopoly on the legitimate use of force, and in that definition "legitimate" does a lot of heavy lifting. If we are to continue to operate according to the nine Peelian principles that underlie our model of policing, power is legitimate only where it is perceived by the public so to be. Public trust is not merely desirable but an essential precondition for our policing system to work effectively.

To focus on the Met just for a moment or two, it is evident that across large swathes of London the Metropolitan Police no longer enjoys that trust. To supplement the statistics on polling of the public that the noble Lord, Lord Lexden, shared with the Committee, a recent YouGov survey commissioned by the BBC found that 42% of those surveyed either somewhat or strongly distrust the Met as an organisation, that 43% thought more negatively of it compared with the same time last year—so this is a deteriorating relationship—and that 73% felt that some groups were treated differently from others. Perhaps most worrying, however, is the absence of surprise that has greeted those alarming statistics. They were a dismal confirmation of what we already knew rather than an unwelcome surprise.

Some of the reasons for this are obvious and rightly have received extensive media attention. They are the tragedy of Sarah Everard's kidnap, rape and murder by a serving police officer; the verdict of an inquest that failures by the Met contributed to three of the four murders by Stephen Port; and the complete absence of appropriate vetting and oversight that allowed David Carrick to rape and sexually assault multiple women while continuing to serve as a police officer. But the *Baroness Casey Review*, published six weeks ago, makes it clear that there are deeply embedded structural issues that compromise both the ethical standing and the operational effectiveness of the Metropolitan Police.

Reading through the noble Baroness's findings, one paragraph seems to exemplify these failings. It is rather extensive but I make no apology for reading it:

> "There is currently no plan for the workforce beyond bringing people in, and no sense of how the thousands of new recruits will breathe fresh life into the force after years of austerity. The vetting system is broken, there is minimal supervision, training and development is not taken seriously, there are no training records and the Met do not know what their workforce needs. People are doing jobs they are not trained to do. Initiative after initiative keeps everyone busy, creating … teams and moving people around but ultimately gets in the way of the core job of keeping Londoners safe and prevents the development of fully developed plans for change".

The noble Baroness, Lady Casey, goes on to conclude that, when we measure the Met against the Peelian principles that continue to guide its operation "Public consent is broken", a finding that speaks directly to the Motion we are debating in the name of the noble Lord.

It is important to widen our focus beyond the Met, to the situation across the country. Police are currently solving the lowest proportion of crimes on record, with, according to the latest Home Office figures, only 5.4% of crimes resulting in a charge. That is equivalent to just over one in 20 offences being solved. As my right honourable friend Yvette Cooper pointed out in a recent debate in the other place, nearly 70% of the public now believe, as a direct consequence of this parlous record, that the police have given up on trying to solve crimes such as burglary or shoplifting altogether. In fact, given that we now know that fraud accounts for 41% of crime on the person and that only 1% of police resources are devoted to it, the Government themselves have even given up on referring to these statistics regarding the amount of crime in the country.

What of crimes that disproportionately affect women? A recent report compiled by the charity Victim Support found that over half of women lack confidence that the police will properly investigate their reports of domestic abuse. This is not merely a measure of confidence but of the lived experience of dealing with the police, with four in 10 women who had reported a crime in the last two years saying they had felt "let down" by the police investigation into their case.

I prepared this speech when the time allotted to us was much shorter than it presently is. I therefore felt forced to adopt a somewhat pointillist approach, adducing specific statistical examples rather than going into this issue more comprehensively. I am even more pleased that I follow the noble Lord, Lord Lexden, because he did that for us, so I will not extemporise on that, but these individual data points, taken together, create a truly sobering image of a police service that is losing trust across all sections of the population.

Disappointingly, the Government's response to this has been to focus on the recruitment of 20,000 new police officers, to replace a comparable number of officers that they themselves—although they were in coalition—previously dismissed on the grounds of economic necessity. Ironically, quite apart from the fact that the fiscal situation in which we find ourselves currently is, to put it mildly, not appreciably better than that which apparently compelled the Government to institute these mass dismissals, there are also deeper structural implications. This extraordinary staff churn has not only compromised the institutional memory of the police force but exposed the weaknesses of the vetting process which has contributed to the stories of misconduct among serving officers.

Last week, the Policing Minister proudly announced that the College of Policing had just finished consulting on a new statutory code of practice for vetting which "will be adopted shortly". This should be juxtaposed with the verdict of Matt Parr, His Majesty's Inspector of Constabulary, who said that, owing to weak vetting procedures, there are police officers numbered

> "in the hundreds, if not low thousands"

who should have been disbarred but are now serving officers. Instituting a new vetting procedure after one of the most rapid recruitment drives in police history

[Lord Browne of Ladyton]
is patently absurd. It is rather like watching a gang of thieves load the last of your possessions into the getaway vehicle and only then deciding to put a lock on your door and investigate the idea of installing a burglar alarm.

While I understand the underlying principle of operational independence, it seems that, in the interests of devolving accountability, the current structure of policing is deliberately fragmented. It is this that has led to so many of the challenges that we are debating. I remind your Lordships that, when first establishing the Met Police, Robert Peel reflected on this issue, candidly admitting that his legislation was driven by his "despair of being able to place our police upon a general footing of uniformity".—[*Official Report*, Commons, 28/2/1828; col. 793.]

I support entirely the call for a specific action plan, and support even more that it be in plain English so that, in terms of accountability for Parliament, we know exactly what to expect of it. However, to conclude, I pose three specific short questions on which it would be helpful to hear from the Minister. First, what work is his department doing to ensure that the structural weaknesses identified by the Casey review are not reflected in other forces across the country that have not have the same level of scrutiny as the Met? Secondly, does he feel that the frenetic drive to meet the recruitment target of 20,000 new police officers is a tacit admission that the earlier austerity-driven wave of dismissals was just a mistake? Lastly, what reflections does he or, more importantly, his department have as to the ability of current nationwide policing structures, including PCCs—I am quite sceptical of them—to ensure uniformity and coherence in policing across this country?

1.23 pm

Lord Hunt of Wirral (Con): My Lords, I congratulate my noble friend on securing this important debate. He is an indefatigable, dogged campaigner for justice and we all owe him a great debt. I also congratulate the noble Lord, Lord Browne of Ladyton. Of course, he speaks from a legal background as well as a parliamentary one. If I recall, he started as an apprentice solicitor in 1974. I found that in his background because I started as an articled clerk to a solicitor 10 years earlier. It is good to know that he is sharing with us his reflections on this important subject.

I shall confine my remarks to Operation Conifer. My noble friend has already referred to it. In my former role as chair of the trustees of the Sir Edward Heath Charitable Foundation, some years ago I had the thoroughly unpleasant experience of encountering policing at its most egregious. On the basis of what we now understand to have been completely unfounded allegations, made anonymously at the time but later discovered to have been almost entirely made by individuals who were themselves known offenders, the name of a formidable statesman was gleefully dragged through the dirt. I still have all the cuttings from that period to remind me of what a difficult time it was.

The conduct of the police was unforgivable. From the very outset, when it was announced by a subsequently disgraced officer in front of Sir Edward Heath's home of Arundells and in front of all the news media, Operation Conifer was a travesty. Not only did Mike Veale—now also disgraced but then chief constable—openly and publicly make an assumption of guilt but he also encouraged his officers in a blatant fishing exercise, effectively replacing the presumption of innocence with one of guilt. A supine police and crime commissioner let the chief constable to evade normal accountability by allowing him to set up a so-called independent scrutiny panel—a novel and self-serving innovation—to which he himself appointed all four members anonymously, until he was forced to reveal who they were. One of them had previously been paid by Conifer for professional services and had been personally implicated in earlier stages of the spurious but lucrative witch hunt, which was now being further pursued by Wiltshire Police at considerable cost to the taxpayer.

Almost every aspect of this so-called investigation might be regarded as comically bad, were the matter not so grievously serious. Numerous vital witnesses were never interviewed, including Lord MacGregor, now retired from this House, who was running Ted Heath's office at the time of some of the alleged offences, or my noble friend Lord Sherbourne. The log books from the police post of Ted Heath's former home in Salisbury, which would have made an immediate nonsense of many of the spurious allegations, were mysteriously destroyed.

Those of us who were interviewed were almost without exception shocked by the shoddiness of preparation and the almost complete lack of knowledge on the part of the investigating police officers. No good outcome could ever have come from such a shoddy process. Operation Conifer profoundly undermined confidence in the police, and no one has ever been held to account. Until someone is held to account and until the extraordinary ineptitude and malign intent are independently and comprehensively exposed, how can confidence ever be restored?

Successive Ministers have of course successively claimed that Conifer has been reviewed, but it has been reviewed only by police officers marking their own homework. Even the two police-led reviews that did take place, in September 2016 and May 2017, made a total of 49 recommendations for improving the processes of Conifer—hardly a vote of confidence. Just imagine how many recommendations an independent review might have made.

Of course I recognise the need for operational independence for the police and the fact that they must be insulated from party-political influence as they go about their duties. However, they must also be ultimately accountable for how they discharge their duties, or they risk losing the support of the people. We are told that PCCs provide that vital accountability, but what happens when they fail in that task, perhaps after becoming too close to the chief constable, or even falling under their thrall? What recourse does the citizen have then?

The principle that the police should be operationally independent of government does not absolve Ministers from an obligation to commission a review into the way in which that operational independence has been exercised in a particular case, when serious concerns arise.

I therefore say to my noble friend the Minister that we need to close this chapter with a proper, independent review. Until there is genuine accountability, including

an effective backstop at ministerial level, I fail to see how the police can ever regain the full trust and affection of the general public. The experience of Operation Conifer—in particular my own personal experience—suggests that, sadly, we still have a depressingly long way to go.

1.32 pm

Baroness O'Loan (CB): My Lords, I thank the noble Lord, Lord Lexden, for securing this debate for us today. I declare my interest as a member of the independent steering group of Operation Kenova, which is investigating referrals from the chief constable of Northern Ireland and the Director of Public Prosecutions for Northern Ireland on murders and other crimes committed by both republicans and loyalist paramilitaries.

My experience both here in the UK and overseas tells me that confidence in policing is the product of trust, and that trust exists when people know and understand why policing is conducted in the way it is. Governments and police forces have to be able to show that whatever is done is done with integrity and fairness and that it is compliant with the human rights obligations in domestic and international law. However, that is not enough.

No matter how well individual police officers conduct themselves, trust in what they do and how they do it will normally exist only where policing operates as part of a well-resourced, human rights-compliant justice system. All parts of that system are vital: the police, the IOPC, the courts and the prosecution service. If one part fails, the whole system, but particularly policing, falls into disrepute. Those affected by the failure do not discriminate between police failures and the consequential actions of prosecutors and the courts, so trust in the police will inevitably decline.

In Northern Ireland I have seen totally unacceptable delays in decision-making and consequential prosecutions by the PPS. I think of the admission by one UVF brigadier of over 200 criminal offences, and his conviction for murder, attempted murder, arson, extortion and kidnapping in 2018. It was anticipated that further trials would follow. There has been a deafening silence.

I think too of the submission by Operation Kenova of 36 files to the DPP in a range of cases, including the activities of the IRA agent "Stakeknife" and the murder of three young police officers, Sean Quinn, Paul Hamilton and Allan McCloy, who died in October 1982 when the IRA blew up their car near Lurgan. The DPP has yet to make a decision on these files. Suggestions have been made of a shortage of legal expertise to deal with them, but legitimate questions are being asked about why there is no decision. Is the hope that the legacy Bill will proceed into law and put an end to embarrassing disclosures in courts? That is what some people think, and it is axiomatic that the absence of prosecutorial decisions, et cetera, will contribute to a general distrust in criminal justice processes and a perception that in these cases the rule of law, which is fundamental to the operation of a trusted criminal justice system, is not being observed in Northern Ireland and throughout the UK.

Confidence in policing is dependent on the proper resourcing and operation of the wider criminal justice system, but what is it about the way in which policing is delivered that can generate trust? The MPS has been the subject of significant reports over the past few decades. I served in 2002 on an inquiry led by Sir David Calvert-Smith KC on racism in policing in all 43 forces in the UK. We found very significant problems and made 125 recommendations. This was 20 years ago; just a few short weeks ago, the noble Baroness, Lady Casey, published her report, in which she heard evidence very similar to that which we heard in 2002. There are yet more calls for change.

In 2021, the Daniel Morgan Independent Panel, which I led, published its report on the Metropolitan Police. This was an inquiry into the handling of matters following the murder of a private detective in south London in 1987. Over 34 years there had been multiple investigations, inquiries, et cetera. What we found was indicative of a culture within the MPS which did not prevent failure to investigate the original murder or the protection of those alleged to be involved in it. There were also many other failings and unlawful and unauthorised disclosure of investigation material and information—even about forthcoming arrests—to journalists and others over 30 years, including failure to deal with known police wrongdoing. We found failures of management and leadership and, above all, a determination to protect the Met. Our inevitable conclusion, in the absence of any reasonable explanation for the multiple terrible failures, was that ultimately there was a determination within the MPS to protect its reputation and to ensure that the failings were not made public.

That is not unique to the Met. If we are to grow confidence in policing, we must develop a much wider understanding of corruption than the traditional legislative definitions involving monetary benefit. The starting point is the identification of improper behaviour, by action or omission. So much wrongdoing is enabled by failure to deal with individual or collective wrongful acts; it creates a corrupt culture in which officers may calculate their odds of being able to get away with wrongful behaviour.

Looking at particular incidents can enhance understanding of how corruption develops and confidence diminishes in policing. When an officer, often a junior officer, consults police databases for personal gain or shares police information with an outsider, he or she will often be dealt with. However, in the Daniel Morgan case, it emerged that the senior investigating officer in the final police investigation, DCS David Cook, who retired in 2007 but moved to the NCA and continued to act as the senior investigating officer, had decided to write a book with journalist Michael Sullivan about corruption in the Metropolitan Police. He had removed vast amounts of confidential and secret materials from investigations in which he had been involved, other investigations and intelligence operations to, in his words, "set the record straight".

Searches of his home uncovered enormous amounts of material belonging to the police and other criminal justice agencies. He had disclosed much of this material to journalists and others. He said that he had done so because, if he could not bring the murderers of Daniel Morgan to justice, he wanted to write a book to reveal evidence of corruption within alliances between elements of policing, private investigation and the media. He

[Baroness O'Loan]
hoped to make money from the publication of the book and other associated activities. The matter was not effectively dealt with. Again, the imperative was in part to protect the reputation of the police, rather than to expend resources on dealing with the totality of the issues emerging.

Any serving officer with access to sensitive information has the opportunity to remove it and use it for unlawful purposes, whether for commercial gain or terrorist activities, for example. The failure of the Met to prevent DCS David Cook removing materials over such a protracted period continues to cause me concern about the message that such failure to act sends to other officers and about the extent to which such behaviour may be continuing within the police service, unchecked even today.

If the public are to have confidence in policing, they must be able to believe that internal wrongdoing—whether sexual assaults, homophobia, racism, theft of materials, interference with a case or any other form of misconduct or crime—is dealt with. If such matters are not dealt with, it may be because of laziness, lack of professionalism, negligence or deliberate decision. At the end of the day, motive is important in the individual case, but it is vital to know how it can happen. There is clear evidence of how senior officers can, by their acts or omissions, fail to identify and/or confront corruption; fail to manage investigations and ensure proper oversight; fail to learn from or admit mistakes and failings promptly and specifically; give unjustified assurances that all that could have been done has been done; and fail to be open and transparent.

The Daniel Morgan panel recommended the creation of a statutory duty of candour, to be owed by all law enforcement agencies to those whom they serve, subject to the protection of national security and relevant data protection legislation. That did not happen. The creation of such a duty could result in much enhanced confidence in policing, because people would know that, just as there is a statutory duty of candour in the health service, so also there would be a similar duty on policing generally. It is not enough to require individual officers to act with integrity; a statutory duty of candour is required.

What can generate confidence in policing? When the police embarked on their investigations of the abuse allegations made by Carl Beech, alerting the media to those investigations of people such as our late noble and gallant colleague Lord Bramall, whose desk sat opposite mine for many years when I came into your Lordships' House, it transpired that there was no foundation to those allegations. This matter has been articulated at length by noble Lords. Yet the investigations continued, leaving those under investigation to carry the terrible burdens of suspicion and disruption to their lives—inevitable in such circumstances. When cases such as the murders of Stephen, son of the noble Baroness, Lady Lawrence, and of Daniel Morgan are not investigated properly for decades, trust in policing is inevitably damaged and diminished, even destroyed.

The actions of government can have the effect of enhancing policing, making standards clear and resourcing structures and processes properly. Proper modern policing costs money, and I welcome the recent announcement of the recruitment of 20,000 additional police officers in England and Wales. In Northern Ireland, however, police numbers are now way below what is required to provide an effective service and continue to diminish, despite a terrorist threat level recently raised to severe, meaning that an attack is highly likely. The budget has been reduced and police numbers will continue to fall. The circumstances of the very recent attempt to murder DCI John Caldwell, so terribly injured at a local football training session for young people, is indicative of the ease with which terrorists can strike.

We need only to look at the matters currently under investigation by former Chief Constable Jon Boutcher in Operations Kenova and Denton, which are dealing with the activities of loyalist and republican paramilitaries. From the Stalker/Sampson and Stevens investigations and my own work as police ombudsman, we know that the police, the Army and MI5 successfully infiltrated terrorist organisations. However, there grew a time when they allowed people to continue their terrorism to preserve them as agents. People died because of that; it should not have happened.

There is ongoing concern about the activities of informants across the UK today. It took decades to begin to call to account those whose wrongdoing cost lives. Eventually, we reached the point at which accepted mechanisms for accountability were established. That, all the research showed, enhanced confidence in policing.

Now the legacy Bill will terminate existing criminal investigations, civil actions from 17 May and Troubles inquests this month, and will grant immunity to terrorists. It gives extensive powers to the Secretary of State, who is even responsible for making decisions about memorialisation. The Bill has been rejected by everyone. The Government and the Bill have been seriously criticised by the Council of Europe, the commissioner for human rights, the Council of Europe's Committee of Ministers, the Irish Government, the US State Department, the UN High Commissioner for Human Rights and many others. It deprives survivors and victims of the Troubles of their fundamental legal rights. The Government's legal obligations are being set aside in the Bill.

If we are to grow confidence in policing, the Government must withdraw the legacy Bill and revert to a process for dealing with the past which is legally compliant and can gain the support of all affected. By continuing to push the Bill, the Government are demonstrating their contempt for the rule of law. Our country and our police have operated for centuries in accordance with the rule of law. Confidence in policing can be promoted, but only if government itself operates within the rule of law.

1.46 pm

Lord Cormack (Con): My Lords, it is a real privilege to follow the noble Baroness's thought-provoking speech. I first had the pleasure of knowing her when, as chairman of the Northern Ireland Affairs Committee in the other place, I visited Northern Ireland on a frequent and regular basis for some five years. I developed admiration for the way in which she operated with real impartiality. During most of my time there, she was helped a great deal by the fact that there was an

admirable chief police officer in Northern Ireland, Sir Hugh Orde, from whom a lot of people could learn a very great deal.

As the noble Baroness spoke, I felt that we really have a solution here, because we ought to have a police ombudsman in England. It is not a difficult thing to do but we need a respected figure—not, as my noble friend Lord Hunt put it, people from the police marking their own homework. To have somebody of real distinction, with a real knowledge of the law and of how policing works, could be very helpful indeed. I ask my noble friend the Minister to discuss that with the Home Secretary and his colleagues. It is an initiative that could come out of this debate, which was so admirably introduced by my noble friend Lord Lexden, for whom we all have great admiration because of his tenacity and persistence, particularly on the area on which my noble friend Lord Hunt of Wirral spoke. If ever there were something that besmirched—I use the word very deliberately—the reputation of the police in this country, it was the way in which the basic presumption that a man or woman is innocent until proven guilty was completely swept aside.

A number of great public servants—three in particular—were themselves besmirched. The first was the great Lord Bramall, whose memorial service was held only a few days ago in Winchester Cathedral; I gather that it was a most moving occasion.

The second was Leon Brittan—Lord Brittan—a colleague of mine and of my noble friend Lord Hunt in the other place. He was the personification of integrity. That does not mean that he was always right, but he was a man of absolute honour. His last days were made miserable, not just by his grave illness but by the way his reputation was traduced. What is more, and in a sense even sadder, was that his wife—now his widow—had to live with it.

The third was, of course, Sir Edward Heath, about whom my noble friend Lord Hunt spoke movingly. He was an extraordinary man. I was one of those elected to the 1970 Parliament when he became Prime Minister. Since then we have had a number of Prime Ministers, but none more honourable than Edward Heath, or more determined to serve his country by doing what he thought was the right thing for it.

I have to say that it is an absolute scandal that this has been so badly handled by successive Home Secretaries. I make a plea, endorsing that made by my noble friend Lord Hunt of Wirral: the Government must now pull their finger out and establish a time-limited inquiry under a lawyer of real eminence—possibly a former member of the Supreme Court—given 12 months in which to report back to the Government and Parliament. I hope that my noble friend Lord Sharpe of Epsom will take that request away from this debate and make a positive report.

We have talked about the Met. I read something in the *Times* the other day that encapsulated what we are dealing with. We have referred to the appalling Wayne Couzens and the ghastly crime that he committed against an innocent woman, Sarah Everard. We have talked of other police officers who have transgressed. I pay tribute to Sir Mark Rowley, who is clearly trying his best to re-establish the Met, in effect, so that it again becomes a respected institution. But the other day the *Times* reported about a woman, a property owner, who was disturbed about some threats to the square in which she lived and put up a handful of little notices. The police told her that she should not have done that, but they also said:

"Next time it ends in handcuffs".

Is that really the way you treat people for a minor transgression?

In recent years, the police have gone right over the top when pursuing so-called hate crimes—not just in London; we had a notorious case in Lincolnshire just a couple of years ago. What people want from a police force is the knowledge that they are a body people they can respect who will help to ensure that their property is safe and, if it is broken into, the crime will be thoroughly investigated. That is what people want. They also want to know that their women can walk safely on the streets. For example, just a few weeks ago a London taxi driver told me he was upset because various road closures and diversions at the end of a street in one of the London boroughs—I think it was Hackney—meant that he had to drop people off at a corner to walk 100 yards or so. He told me, "That's inconvenient enough in the rain, but the other night I had a young lady, and I stayed in my cab and watched that she got to her door".

That is not the atmosphere in which we wish to see the police operating. We wish to see them bringing structure by their presence; my noble friend Lord Lexden referred to the bobby on the beat. He, like me, probably remembers "Dixon of Dock Green"—as surely we all do—and the local police station, which gave real comfort and encouragement to people.

Of course, one of the problems that we in this place have to face up to is that there has been a very real sea-change in society. When I was brought up, we accepted that certain things were right and certain things were wrong, and they were really moulded on Judeo-Christian civilisation. We all committed sins. We all did wrong, but at least we knew we had done it. It is not like that today. "You have your truth, I have my truth"; what nonsense. There ought to be certain accepted standards within which society can operate because, if there are not, society cannot properly operate. That is one of the problems that face the police, because people do not automatically accept that a certain thing is wrong. It is also one of the reasons why we have had all these problems within the police. We have clearly had within the police—especially within the Met, as so graphically illustrated recently in the report by the noble Baroness, Lady Casey—officers who have conceded to your right and my right, your truth and my truth and your wrong and my wrong, and they have not been operating within a consensual society.

What is the answer? Of course there are many but, in the context of today's debates, one answer is "Dixon of Dock Green"—having units within the Met and in our other towns and cities where it is accepted that there are people there who will bring a sense of cohesion. Remember the cry some years ago in the NHS, "Bring back matron"? We want to bring back the superintendent in the regional or borough office. We want to bring back people who have a degree of real authority, answerable to somebody with supreme authority.

[Lord Cormack]

I come back to where I began. I am sorry for speaking my mind in this way. I have thought a lot about this, but I did not prepare a speech for this debate because I wanted to reflect on what others have said. I come back to where I began: I believe that one of the answers could lie, in England—it is for the other nations of the UK to determine how they go forward—with a police ombudsman who would be able to give a degree of confidence to the general public that, where there were real complaints against the police, those would be thoroughly, impartially and scrupulously investigated and fearlessly reported on. I commend that suggestion especially to your Lordships this afternoon.

1.59 pm

Baroness Harris of Richmond (LD) [V]: My Lords, I too thank the noble Lord, Lord Lexden, for bringing forward this important debate and all participants for their thoughtful contributions.

Some 20 years ago, when I was chair of my police authority, I made it a rule to take us around north Yorkshire in order to let its residents have the opportunity to see us in action, so to speak, and let them ask whatever questions they wanted during the meeting. I do not recall at any time, over all the years I chaired it, anyone saying to us that they had lost confidence in the police.

Contrast that with today's findings. In the past five years, 4.3 million anti-social behaviour reports have gone unattended. More than 2,000 such incidents went unattended by police each day last year, and some forces attended fewer than one in five incidents. The Crime Survey for England and Wales found that from 2017-18 to 2021-22 the number of people who thought the police were doing a good job fell from 62% to 52% and that overall confidence in local police fell from 78% to 69%. I am indebted to Richard Brown and Abbi Hobbs for these statistics in their excellent POSTnote 693. For clarity, POST is the Parliamentary Office of Science and Technology.

Analysing Home Office statistics released just this week, we find that, on average, 574 burglaries went unsolved every day in 2022, making a total of 209,424 unsolved burglaries across England and Wales—a 10% rise compared with 2021. So great is the fear of local crime that a poll commissioned by my party found that 40% of UK adults had installed new home security systems in the past year, 1.5 million crimes went unsolved across England and Wales in the first three quarters of 2022 and 25% of adults do not go out after dark because of the fear of crime. Is it any wonder that trust in the police has fallen so much?

In November 2022, a YouGov poll of more than 5,000 UK adults found that 49% of them had confidence in the police, compared with 58% in January 2019. That was referred to by the noble Lord, Lord Lexden, and the noble Lord, Lord Browne of Ladyton, who mentioned other examples, notably the BBC poll. There was also a 10% drop in trust in a survey from More in Common—probably not surprisingly, as it was conducted shortly after the sentencing of the former MPS officer, Wayne Couzens, after he abducted, raped and murdered Sarah Everard. The End Violence Against Women Coalition found that 47% of women reported that they now have less trust in the police following that and other high-profile assault cases.

Cases of police misconduct and evidence of a culture of misogyny have demonstrated why women and girls' confidence in policing is at an all-time low. The National Police Chiefs' Council's first violence against women and girls benchmark found that between 1 October 2021 and 31 March 2022 there were 1,177 recorded cases of police-perpetrated VAWG allegations. These included domestic as well as sexual abuse, and Refuge, which works on behalf of women and girls who are victims of such violence, reports that those victims are finding it difficult to trust the police when they are constantly hearing about police-perpetrated VAWG.

The excoriating review into Sarah Everard's murder undertaken by the noble Baroness, Lady Casey of Blackstock, which we have heard referred to a number of times this afternoon, highlighted a large number of areas where the police had failed to deal with the criminals in their midst and her report makes very difficult reading. She reported on how the Metropolitan Police Service had to change and gave her advice on how to achieve that. It should be the blueprint for all forces to look internally and make those cultural changes that are now so necessary.

His Majesty's Inspectorate of Constabulary and Fire & Rescue Services has called for all forces to prioritise reports of violence against women and girls. Operation Soteria Bluestone, the Government's own rape review, is aimed at developing a new national model for investigating rape and serious sexual assault. Was this intended simply as an annual report, or is it ongoing? Can the Minister give the House an update on its findings?

We must now address why all this has happened. Your Lordships will not be surprised that I believe there to be a direct correlation between loss of trust in the police and the numbers of officers, including community support officers, whose numbers have dropped by an average of 33% in England and Wales since 2015. We will be told, I am sure, that the Government have provided, or are about to provide, an extra 20,000 police officers, but can the Minister tell us how many police officers have been lost or have retired from the service in that time? I do not expect him to answer that today but if he could write to me, I would be grateful. Losing experienced officers and recruiting new ones might go a long way towards explaining loss of trust in the service.

Police managers have a huge responsibility here. Where is their continuing professional training and what is being done to support them? Sergeants, inspectors, superintendents and chief constables are all responsible for ensuring good conduct and rooting out the so-called bad apples. Basically, it is the overall culture and behaviour of police officers that needs addressing. A number of noble Lords have mentioned this, notably the noble Lord, Lord Cormack, who gave us vivid examples of police overreaction. I will not go into past painful recollections of my own dealings with badly behaving officers, but suffice it to say that I do not believe that much has changed within police culture. That is a shame, because it takes only a handful of rogue officers in each force to shape the public's image of policing as a whole.

Police managers must grapple with ridding themselves of these abhorrent officers, who should never have been recruited in the first place. The vetting procedures need urgent attention. When an officer is found to have behaved badly, the chief constable must be able to dismiss that officer quickly and easily. This was always a huge bone of contention when I was chair. The frankly ridiculous amount of time that it took to get to the point of dismissal was utterly depressing. It seems that nothing much has changed, so can the Minister update us on any proposals that the Government may have about that?

How do we restore that lost trust? The noble Lord, Lord Lexden, mentioned a number of things that might be done. I too suggest a number of measures. It starts as soon as we appraise new recruits. Vetting them is crucial, as the noble Lord, Lord Browne, referred to. We must find a process that will weed out those unsuitable for the office of police constable. We must ensure that training is carried out properly and is continuous. Forces now do their own training, mainly. In my day, recruits went to training schools. At least then they were all learning the same basics.

The noble Baroness, Lady O'Loan, rightly highlighted the importance of human rights obligations for the police. I agree with her. They should quickly weed out unsuitable people, urgently revise the misconduct procedures and make accountability more transparent. At the moment, this is vested in police and crime commissioners—your Lordships know my antipathy towards them. I will not dwell on it, but six police forces are now in special measures; just one was when I was vice-chair of the Association of Police Authorities. PCC costs have rocketed to over £100 million as officer numbers have fallen. Those outrageous costs could have funded an additional 3,830 community officers on an average salary of £26,634.

We must ensure procedural justice, to make people feel that they are treated in a fair and just way. Perhaps treating people with fairness, respect, trustworthiness and neutrality would also help. The noble Baroness, Lady O'Loan, helpfully mentioned a statutory duty of candour, and the noble Lord, Lord Cormack, suggested that we consider having a police ombudsman—a very interesting thought. Most importantly, however, we must get back to community policing, with a police officer who knows their beat and their locals and is visible to them. Community engagement is the golden thread that brings the police and public together to deal with crime. It is the way we do policing in this country.

We were once proud to say that we had the best police service in the world, but we have lost our way. I hope that we can say again that we are proud of that service as soon as possible, but I fear that it will take rather a long time.

2.11 pm

Lord Ponsonby of Shulbrede (Lab): My Lords, I, too, open by thanking the noble Lord, Lord Lexden, for securing this debate on the state of public confidence in the police. Of course, I agree with pretty much every word that he said. A number of noble Lords have spoken about his indefatigability, and of course I agree with that as well.

We are all familiar with high-profile cases of the Met's failure to prevent murder and violent crimes being done, not just by the general public but from within their own ranks. This has been the most prominent and worrying time for the Metropolitan Police in recent times. Just last week, we heard that the Met Police may also be failing to identify serial killers, in the wake of the appalling case of Stephen Port. In an HMICFRS report, five key failings were identified: a lack of training, poor supervision, unacceptable record-keeping, confusing policies and inadequate intelligence procedures. How are the Government urgently supporting the Met to fix that in relation not only to the most serious crimes but more widely?

Numerous media reports have also appeared about the recruitment of unsuitable candidates who have been given jobs as police officers in the lead-up to the deadline that the Government set themselves to meet their recruitment target. The report from the noble Baroness, Lady Casey, into the Met highlighted the lack of experience left in the police service, saying:

"On paper, we have the highest number of police officers",

but that they have lost experienced police officers in recent years so that

"while on paper there are officers on seats, the lack of experience is noticeable".

The Government need to provide a clear timeline for a legislative framework of standards to ensure that, even at times of high recruitment, we are hiring not rotten apples but only the best candidates—and, of course, there should be clear guidelines and standards from the start of their career. Why is it that in England and Wales we still have no mandatory national standards on police vetting, misconduct and training? Do the Government have a timeline for producing mandatory national standards? This goes to the same point that the noble Baroness, Lady Harris, talked about—the lamentable time that it can take to dismiss a police officer.

Delays in dealing with serious crime have also eroded public confidence; 90% of crimes are unsolved, victims are dropping out of the reporting process in their millions, and sexual offences are at record highs. How concerned is the Minister about this, and does he accept that this is an unsustainable situation which demands urgent action?

We also know the problems with police visibility and community engagement. I also agree with the noble Baroness, Lady Harris, about the golden thread, as she termed it, of public consent in supporting our police forces so that they can solve crimes. On this side of the Committee, we believe that neighbourhood policing has been hollowed out, leaving people feeling unsafe in their own neighbourhoods. Restoring public confidence in this area will certainly mean increasing the number of bobbies on the beat, being a visible and reassuring presence in communities. Those bobbies would have genuine local knowledge and relationships to deal with lower-level crime effectively. Have the Government considered the merits of committing to a target for putting more PCSOs and police officers on the streets?

In commenting on some noble Lords' speeches, which have all given great expertise to this short debate, I want to pick out two particular points. First, I agreed

[Lord Ponsonby of Shulbrede]
with much of what the noble Lord, Lord Cormack, said, but he spoke about "Dixon of Dock Green" and how it was when that TV programme was on. I watched that programme when I was a boy, but I was a boy in London. I was stopped more times than I can remember by the police force in Notting Hill. I suspect my experience of the police force 50 years ago was very different from the one displayed in "Dixon of Dock Green", so we should not be too sentimental about the past.

Secondly, I want to pick up the point from the noble Baroness, Lady O'Loan, about confidence in the police. Yesterday, I sat as a magistrate in the City of London Magistrates' Court, dealing with the usual range of cases; there was nothing special yesterday. At lunchtime, I had a sandwich with a district judge friend of mine. He knew that I was going to take part in this debate. I asked him the one change he would make which would have the greatest benefit in building confidence in the police—one thing. He did not hesitate in his answer. He said, "Bring domestic abuse allegations to court the next day. Do it immediately. If you did that, you would get a far lower drop-out rate". He is a travelling district judge and does DA work across the whole country. He has been absolutely appalled by the prevalence of this. Different parts of the country deal with it in different ways, but when I put that question to him he did not hesitate in his answer. He said he understood that it would be difficult, but that it would be the single thing that any Government could do to have the greatest impact.

I will tell the Minister, for nothing, that I will feed that idea into the Labour Party as a proposal for the manifesto and the like, but he is very welcome to take it forward himself. Other than that, I welcome this debate. It has shown great insight into the problems ahead of us. I thank the noble Lord, Lord Lexden, for moving the debate.

2.18 pm

The Parliamentary Under-Secretary of State, Home Office (Lord Sharpe of Epsom) (Con): My Lords, I too am grateful to my noble friend Lord Lexden for securing this debate. I salute his tenacity—an easier word to pronounce. I also thank all those who have contributed. I apologise to my noble friend that our meeting has unfortunately been postponed more than once, but I promise we will get there in the end.

I agree with my noble friend Lord Cormack that the noble Baroness, Lady O'Loan, delivered a thought-provoking speech about Northern Ireland. She will not be surprised that I am singularly unqualified to discuss the legacy Bill, but I will make sure that her remarks are passed on to my colleague, my noble friend Lord Caine.

Today's discussion is another reminder of the importance of this topic and I am pleased to have the opportunity to outline the Government's work in this space. I found the debate extraordinarily interesting, as have all other noble Lords, and of course I agree with many of the remarks that have been made. I have also found some of the personal reflections rather moving; I will come back to those.

All noble Lords are right: public confidence is absolutely essential to policing. Without it, the ability of the police to carry out their core functions is undermined, as per our model of policing by consent. My noble friend Lord Lexden rightly mentioned the foundational Peel principles and he had the two ex-policemen on the Government Front Bench today nodding in agreement.

As we are all well aware, recent high-profile cases and reports have underlined the need to root out unacceptable behaviour and to reset cultures. Officers must be held to the highest standards. Before I talk about the Government, I pay tribute to the vast majority of police officers in this country, who serve with considerable fortitude, tenacity—to use that word again—and diligence. They deserve our support and we should not forget that they are the vast majority. I am sure that noble Lords also speak on a regular basis to those who protect us in this place. I would like to say—I place this on record—that they have made it very clear to me that they are also extremely keen to see the sorts of reforms that we are discussing pushed through.

Before I respond to some of the points that have come up during the debate, I will set out briefly some of the steps that the Government are taking to drive change. I will try to avoid the blizzard of statistics that my noble friend referenced but I feel that I need to point out the latest Crime Survey for England and Wales statistics. Other noble Lords, including the noble Baroness, Lady Harris, have put it on the record today—and it would be remiss of me not to point out—that we are making progress in some areas. For example, the figures for hospital admissions for assault by a sharp object for people under 25 are 25% lower in the year ending December 2022 than they were in the year ending December 2019. I deliberately omit the pandemic years. Neighbourhood crime as measured by the crime survey is down 28% in the year ending December 2022 compared with the year ending December 2019. Obviously, we need police to work with partners to make sure that those numbers are maintained. On homicide, levels have been falling since the end of 2021 and are now lower than they were before the pandemic in March 2020. The current level is 11% below the pre-pandemic level in March 2020. There were 708 homicides then. The picture is not an unqualified dystopia, as perhaps some would have us believe.

I will now try to respond to some of the points that have been made—obviously, if I fail in responding to any of the specific ones, I will catch up in writing. We have done a number of things, starting with establishing the independent Angiolini inquiry, which is currently examining the appalling cases of two former Metropolitan Police officers that have been widely referenced. Part 2 of the inquiry will investigate issues in policing such as vetting, recruitment and poor culture, as well as the safety of women in public spaces, a subject to which I will return. In January, we launched a review into the process for police officer dismissals, to ensure that the system is fair and effective at removing those not fit to serve—I will also come back to that—and the Home Secretary has asked the College of Policing to strengthen the statutory code of practice for vetting.

Most speakers have referenced the Casey review and holding the Metropolitan Police to account, specifically my noble friends Lord Lexden and Lord Hunt, the noble Baroness, Lady O'Loan, and the noble Lords, Lord Browne and Lord Ponsonby. The Casey review made for very sobering reading. It is paramount that public trust in the Metropolitan Police is restored. Although primary accountability lies with the Mayor of London, I know that the Home Secretary will continue to hold the commissioner and mayor to account to deliver the necessary improvements. I very much welcome the scrutiny and transparency that HMICFRS brings to police performance and fully support its decision to escalate the Met to its enhanced monitoring phase of "engage". I am reassured that both the commissioner and mayor are engaging constructively with HMICFRS's police performance oversight group process. It is imperative that it begins the process to restore the public's confidence that they are getting the high quality of service that they deserve and have every right to expect. We have confidence in the commissioner's leadership and his plans to turn around the Met and ensure that the force is delivering for all communities. It is also worth noting that the noble Baroness, Lady Casey, observed that Sir Mark and the deputy commissioner, Lynne Owens, deserve a chance to succeed and she believes that they will do so, as do I.

I move on to the subject of institutional racism, misogyny and other forms of unacceptable discrimination. Without question, discriminatory attitudes and behaviours have no place at all in policing and allegations of racism, misogyny and homophobia are deeply disturbing. We expect police leaders to take urgent action to root out discrimination. Allegations of wrongdoing are dealt with under a comprehensive framework, either by police forces or the Independent Office for Police Conduct. By law, forces must refer certain allegations to the IOPC, including criminal offences or behaviour liable to disciplinary proceedings that is aggravated by discrimination on the grounds of race, sex, religion or other protected characteristics.

The Home Secretary has been consistently clear that culture and standards in policing need to improve, as a matter of urgency. Examining the root causes of poor and toxic cultures will be a key focus of part 2 of the Angiolini inquiry when it begins later this spring. The College of Policing is also currently updating the *Code of Ethics*, which plays a key role in instilling the right principles and standards from the start of an officer's career.

All speakers, I think, have referred to the dismissals process. There is no disputing that officers have to be held to the highest standards; that is obviously vital to public trust and confidence in policing. To ensure that the system is fair and effective at removing those not fit to serve, the Government are, as noble Lords will be aware, carrying out a review of the dismissals process. Among other areas, the review will consider the composition of misconduct panels, the role of legally qualified chairs and the consistency of decision-making in cases of sexual misconduct and offences related to violence against women and girls. The process of a review is correct. In another context, my noble friend Lord Hunt pointed out that the police should not mark their own homework. Although I understand the superficial desirability of allowing chief constables the right to make the sackings, this subject still deserves to be considered in the round to ensure that all the possible consequences of those powers are thought through. That is what the review is doing and we will report back when it concludes, which I think will be at the end of this month.

On the subject of vetting, the public deserve to have confidence that the right people are recruited into policing. In order to strengthen the vetting regime, the Government have asked the College of Policing to strengthen the statutory code of practice for police vetting, making the obligations that all forces must have due regard to stricter and clearer. The public consultation for the updated *Vetting Code of Practice* closed on 21 March and the college is now considering the responses, before providing it to the Home Secretary to arrange for it to be laid in Parliament. The Home Secretary has also asked the policing inspectorate to carry out a rapid review of police forces' responses to its November 2022 report, which highlighted a number of areas where police vetting can be strengthened. Separately, the National Police Chiefs' Council—the NPCC—has asked police forces to check their officers and staff against the police national database to help to identify anyone who is unfit to serve. The data-washing exercise is now complete and forces are manually analysing the information received to identify leads for follow-up. This exercise is expected to be completed by September.

A number of noble Lords referred to violence against women and girls, in particular the very worrying statistics around the appalling offence of rape. With the Committee's indulgence, I will go into what we are doing on this in a little more detail. The noble Baroness, Lady Harris, referred to Operation Soteria, which is the programme being rolled out to improve responses in this area. I can give her the statistics that she was seeking. In the year since the Metropolitan Police has been involved in Operation Soteria—the year ending September 2022—the number of adult rape offences recorded increased by 15%. The number of charges for adult rape offences increased by 79%. That number is still not high enough, certainly not relative to the number of offences, but the trend is in the right direction. The number of investigations closed because the victim did not support further action fell by 8%. Those numbers should give some reassurance that this is working as intended. It is intended to drive long-lasting, sustainable change.

The national operating model, which is being developed through the programme, will be available to all forces in England and Wales from June 2023. However, that is not the only action that we are taking. We are also bringing in new powers to stop unnecessary and intrusive requests for victims' phones—a vital change in the law that puts an end to the practice of digital strip-searches, as they are known. We are supporting police forces to ensure that no victim of rape is left without a phone for more than 24 hours and we are committed to legislating to ensure that police requests for third-party material are necessary and proportionate. It is early stages, of course, but the trends are heading in the right direction, albeit that I would certainly like to see them speeded up, as I am sure all noble Lords and all police officers would, too.

[Lord Sharpe of Epsom]

The noble Lord, Lord Ponsonby, made a very good suggestion about domestic abuse victims, which I will definitely take back. It falls within the MoJ's remit, so with his permission I will make sure that my colleagues there are well aware of his suggestion.

The noble Lord, Lord Browne, and my noble friend Lord Cormack referenced violence against women and girls, which I will go into in some more detail. We are doing a lot to improve the policing response to crimes of VAWG, as it is known. We recently published a revised strategic policing requirement which includes VAWG as a national threat for policing to respond to. We supported the appointment of DCC Maggie Blyth as the first full-time National Police Chiefs' Council VAWG lead to co-ordinate and improve the police response to it. The NPCC published its first performance report in March 2023 using data obtained from forces and will publish a strategic risk assessment shortly to outline where forces should prioritise their resources going forward.

We have also committed up to £3.3 million to fund the rollout of domestic abuse matters training to police forces that are yet to deliver it or do not have their own specific domestic abuse training. This also includes funding the development of a new training module targeted at officers investigating domestic offences to improve charge rates. That is very good progress. As always, there is more to do, but the Government are not idle in this area.

The noble Lord, Lord Browne, made some extremely good points about police leadership. The Government are clear that strong leadership at every level is essential. Cultures must be reset and standards raised, and the Government will continue pushing for the necessary improvements to be made. However, the drive for change also needs to come from within, and strong leadership at all ranks is essential. We have invested in a new national centre for police leadership, which is being developed by the College of Policing. For the first time, from June 2023 there will be national leadership standards and a professional development framework linked to these standards at every level in policing. This means that every police officer will have a clear set of consistent leadership standards expected of them at every rank, and will know what training is available to help them achieve those standards. That goes some way to answering the questions of the noble Baroness, Lady Harris. In addition, the College of Policing's reformed processes for progression to chief officer will increase transparency and open up access to senior-level development. The first cohort to undertake the new executive leaders programme, which is mandatory for those who want to reach chief officer level, will begin in June 2023.

The Government believe in local policing accountable to local communities. That is why we introduced police and crime commissioners in 2012. PCCs and mayors with PCC functions have been elected by the public to hold chief constables and the force to account, ensuring that the public have a stronger voice in policing. PCCs are central to the work to restore trust and confidence in the police. To do so, they must continue to be strong and visible leaders in the fight against crime. Implementing the Government's two-part review into PCCs will strengthen their role, ensuring that they are accountable to the public and have the tools and levers they need to carry out their role effectively. It will sharpen local accountability, making it easier for the public to hold their PCC to account for their record on reducing crime, and will turn the dial on their involvement in the criminal justice system, giving them a more defined role. Ultimately, PCCs and mayors with PCC functions are directly elected by the communities they serve and are held to account at the ballot box. I am afraid I do not recognise the cost figures that the noble Baroness, Lady Harris, advanced.

The Government and the public rightly expect the highest standards from our police officers. The ability of the police to perform their core functions—tackling crime and keeping the public safe—is dependent on their capacity to maintain the confidence of the public. As part of the "Inclusive Britain" strategy, the Government are committed to developing a new national framework with policing partners, including PCCs, for how the use of police powers, such as stop and search and use of force, can be scrutinised at a local level. This will help create tangible improvements in trust and confidence between the police and the communities they serve by improving public understanding of how and why police use their powers and to help account for any disparities. Alongside this, the Home Office has committed to seek to remove unnecessary barriers that prevent the use of body-worn video, which will be implemented in the framework. Work is well under way on the community scrutiny framework, which we aim to publish later this year.

Last week, we announced that our unprecedented officer recruitment campaign has met its target. We said that we would recruit an additional 20,000 officers and we have. This means that we now have 149,572 officers across England and Wales. We recruited an additional 20,951 during the three-year campaign, which is testament to the hard work of forces and the brave men and women who have signed up join police forces. We know that there is work to do to improve trust and confidence in policing, but it is worth noting that, during this recruitment campaign, almost 275,000 people applied to join the police, showing that it really is a job like no other. However, let me be clear: there was never a question that this uplift should come at the expense of public safety. We have provided more than £3 billion to police forces to support the recruitment process, including enhancing vetting capabilities. Recruitment standards have been maintained, and this rigour is demonstrated by the fact that, for every 10 applicants, only one officer is hired. That ratio has been consistent throughout the campaign. I say to the noble Lord, Lord Browne, that this is not a tacit admission of anything. It is a reflection, as I said yesterday, that demand in policing has changed.

The Government have been clear about the need to return to common-sense policing, where the focus is on getting the basics right. This means making our neighbourhoods safer, supporting victims and taking tougher action. That is what the public expect, and what the public deserve. It is about attending every residential burglary. It is about targeting crime hotspots, whether that be to tackle anti-social behaviour or serious violence, and it is about bringing to justice those who break our laws.

On the subject of anti-social behaviour, which the noble Baroness, Lady Harris, asked me about, I will not go into too much detail, but the Government are committed to tackling and preventing ASB. Since taking up office, the Prime Minister has made it very clear that the people's priorities are his priorities—and this is one of them. He was behind the publication on 27 March of an ASB action plan, which sets out the Government's commitment to tackling ASB across six key areas—I will not go into them now. There is also a task force that is chaired, I think, by my right honourable friends the Home Secretary and the Secretary of State for Levelling Up, whose department is also looking at this particular subject.

On Operation Conifer, I really have heard what my noble friends in particular have said on this matter. One thing that I feel I must say is that, even though the accusations laid against some of the people who were investigated turned out to be those of a fantasist, that fantasist was given political cover and there was political pressure involved here; we should not forget that fact. We should also defend the police's right to investigate accusations of this type. There has been a seriously large number of historical allegations that have been proved, including some into some very public personalities. I will not name names, but we should remember that. In saying that, I am not in any way justifying how that operation was done, some of the things that were said or any other subjects that my noble friends have rightly brought back into the public domain yet again. I completely understand why they are asking for that independent inquiry. However, the Government's position is that there have effectively been four independent scrutiny panels and so on, which have checked and tested the decision-making and approach of the investigation. Two reviews by Operation Hydrant in September 2016 and May 2017, to which my noble friend Lord Hunt referred, concluded that the investigation was proportionate, legitimate and in accordance with national guidance. There was a review in January 2017 by Her Majesty's Inspectorate of Constabulary, as it then was, of whether the resources assigned to the investigation by the Home Office were being deployed in accordance with value-for-money principles. The IOPC has also considered specific allegations related to a former chief constable.

On the subject of the former chief constable, arrangements concerning the establishment of a misconduct hearing are a matter for PCCs, as I have said from the Dispatch Box before. The management of the hearing itself is the responsibility of the independent legally qualified chair. As I have also said, legally qualified chairs must commence a hearing within 100 days of an officer being provided a notice referring them to proceedings, but may extend this period where they consider it is in the interests of justice to do so. That is obviously the case in this particular instance. It is regrettable, but that is the case. Decisions made within a hearing are done so independently of PCCs and the Government. The Government take accountability of the police very seriously and have delivered a number of reforms to strengthen the police disciplinary system. This included additional independence through the introduction of independent LQCs in 2016. The Government are also undertaking an internal review of the process of police officer dismissals, which is looking at the existing model and composition of panels, including the impact of the role of LQCs.

In answer to the specific comments and questions about anonymity from my noble friend Lord Lexden, I say that there is no specific legislative provision for the anonymity of legally qualified chairs. Decisions concerning the publication of an LQC's name are a matter for the relevant PCC. Those decisions are made independently of government. I do not know why his or her identity is not public in this case, and I am not going to speculate on that subject.

In closing, I thank my noble friend Lord Lexden for securing this debate and thank all those who have participated. Just to conclude with a couple of other remarks, I thank my noble friend Lord Cormack for his nostalgia trip to Dock Green, but I think that there are enough national bodies with responsibilities in the oversight area, including, of course, the College of Policing, the HMICFRS, the IOPC and the NPCC. I note the comments of the noble Lord, Lord Ponsonby, about him being stopped and searched when he was younger, and I wonder who he was hanging around with in those days.

The noble Lord, Lord Browne, raised an interesting subject about the practical and philosophical arrangement of policing in this country, which I think might be a debate that he should impress on the Government to come back to in future days. It would be fun to conduct that debate, although I am probably going well beyond my brief here.

As I have made clear, if the police are to perform their critical functions with maximum effectiveness, they must have the trust and confidence of the people they serve. That is why the Government are taking the action that I have highlighted to drive change and why we will continue challenging forces to raise standards across the board—and, rest assured, the Government will not rest.

2.41 pm

Lord Lexden (Con): My Lords, this has been first and foremost a moving debate, not least because of the contribution of the noble Baroness, Lady O'Loan, on suffering in Northern Ireland, with which, as she knows, I have the deepest personal sympathy. Secondly, it has been a debate in which we have reminded ourselves of past wrongs, particularly those relating to the reputation of Sir Edward Heath—wrongs that await redress and cry out for justice. We do not accept the Government's view that an independent inquiry is not needed. In this matter, perhaps the case for a police ombudsman, put forward by my noble friend Lord Cormack, is particularly strong.

Thirdly, it has been a debate in which we have noted the malign consequences that have arisen because certain police officers have been determined to protect their own reputations at the expense of justice and the needs of the public. Fourthly, it has been a debate in which we have reminded ourselves of the need to be clear where operational independence of the police begins and ends and where political responsibility starts. Fifthly, it has been a debate in which we have shown overwhelmingly that far-reaching changes are needed, especially in London, where we begin to see

[Lord Lexden]
the results of the superb leadership of Sir Mark Rowley. He must be given the disciplinary powers that he requires.

Finally, and sixthly, it is a debate in which we have urged the Government to respond with vigour and effectiveness to the crisis of confidence in the police. My noble friend the Minister has told us what the Government are doing. I shall leave noble Lords to form their own judgments about his comments. He can be sure that he remains on probation, as I am sure he would expect. We shall look carefully at his future homework. If change and rigorous policy is pursued before us, it will bring a great prize, to which the noble Baroness, Lady Harris of Richmond, referred: the restoration of full pride in police forces in our country.

Motion agreed.

Foreign Policy

Motion to Take Note

2.48 pm

Moved by ***The Lord Bishop of St Albans***

That the Grand Committee takes note of the United Kingdom's changing role in the world and its implications for foreign policy.

The Lord Bishop of St Albans: My Lords, the people of these islands have made an extraordinary contribution to the world, much of which we can be immensely proud of. However, with the contraction of the British Empire, two world wars, the emergence of the Commonwealth and our renegotiated relations with mainland Europe post Brexit, we have to continue to adapt to the changing world around us, not least as we negotiate new trade deals—a theme which I know a number of speakers will pick up on during today's debate.

Long gone are the days when we could boast that Britannia ruled the waves or when the UK was famous for being the home of the Industrial Revolution and known as the workshop of the world, but as some things have declined, others have emerged. Today, we are renowned as a major financial centre, a provider of some of the best tertiary education in the world, the home of some of the most exciting and innovative developments in science, medicine and technology, not least in the fields of computing and artificial intelligence, and a country which has been at the forefront of international development and human rights. All this is happening in a world with massive population growth, where international trade and travel have grown hugely, where environmental concerns and climate change are rising—rightly—up the agenda, and where the ever-present threat of war, not least nuclear war, continues.

We face many challenges as well as many opportunities. China continues to grow rapidly and, as the *Integrated Review Refresh 2023* report says:

"The CCP is increasingly explicit in its aim to shape a China-centric international order more favourable to its authoritarian system".

North Korea now has nuclear weapons and is conducting regular tests. As President Putin's war against Ukraine continues, China and Iran are strengthening their links with Russia in what many consider a worrying alliance, not least for those of us in the West. Taiwan continues to be under threat by China and could easily become the focus of international conflict.

Meanwhile, population growth across the world continues apace and is unsustainable. The recent Covid-19 pandemic was also a wake-up call. The virus spread rapidly and no country was able to prevent it infecting its population. It gave us a real-time lesson that, whatever our racial and ethnic background, we are all part of one human race. The pandemic revealed our mutual dependence and we learned a lot about the vulnerability of some of our supply chains.

In every age, a major role of government is the defence of the realm, particularly in turbulent times. I was therefore interested to read the *Integrated Review Refresh 2023*. Having no expertise in defence, I am content to leave that area of foreign policy to those Members of your Lordships' House who are experts. I look forward to their contribution in this debate. However, I note that the review is proposing that expenditure on defence should increase from 2% of GDP to 2.5% over time and as fiscal and economic circumstances allow. The reason I raise this is that His Majesty's Government have made a conscious decision to reduce spending on overseas development assistance from 0.7% to 0.5%. In other words, this is a deliberate policy shift away from assisting foreign countries to develop to increasing our military capability instead.

Of course, there are times when tyrants and bullies have to be confronted. However, it is equally important to develop and deliver a foreign policy that seeks to build a more peaceful world—and peace is dependent on justice. Unaddressed injustices and inequalities breed resentment, and in that dark pool of bitterness is born conflict. It is well said that peace is not the absence of conflict but the presence of justice. This is why Christ calls us to share in the difficult and challenging work of building peace. It is why he said:

"Blessed are the peacemakers, for they shall be called children of God".

This is why the Church of England and other major Christian churches around the world have collaborated and established a peacebuilding team, to support the Church in being a reconciling presence in the midst of conflict. We have urged and continue to urge the Foreign Office to make peacemaking a major plank of its work. It is good that the Office for Conflict, Stabilisation and Mediation in the Foreign Office has a negotiations and peace process department. As far as I know, it is the only place in His Majesty's Civil Service and Armed Forces architecture where a dedicated unit is focused solely on peacebuilding. It is a significant step in the right direction and I congratulate the Government on this. I suggest that a dedicated expert team feeds directly into foreign and defence policy at the strategic level of all policy formation, to offer solutions to conflict built on negotiation, mediation, dialogue and conflict resolution. This is the important strand of a strategic level policy design that appears to be missing from the integrated review.

Allied to this is the need for us to develop and use all the forms of soft power also available to us. The BBC World Service is a vital element of this peacebuilding process, so it is disappointing to see the cuts to expenditure.

Impartial reporting is one of the most important contributions we can make to a world that is often economical with the truth or promulgates false news. It was particularly shocking when, during the protests in Iran—when women and young children were being killed while protesting against the tyranny of the Iranian regime—our Government announced cuts to the BBC Persian radio services.

The Government have now pledged a £20 million uplift to the BBC World Service, but that will do very little to restrict the planned cuts. Many BBC language services, which have played a vital role in covering not only the protests in Iran but the war in Ethiopia and the pro-democracy protests in Myanmar, are set to be cut. For example, just £800,000 could save BBC Persian radio and preserve a service relied on by 1.6 million Iranians currently in an uprising against their Government.

Similarly, our overseas development aid not only provides much needed help for some of the most vulnerable people in the world but supports our strategic goals across the world. For example, countries in the Horn of Africa face devastating famine following war, drought and crop diseases. Nearly 22 million people are in desperate need of food. Many are likely to die but many others will join the ranks of those who decide to migrate and will be added to the queues of desperate people who want to get into the UK. There is a real reason why we need to think about trying to help these areas develop. We know that our failure to deliver aid to the very same region in 2011 led to millions of deaths, but it also led to increased security threats, as terrorist groups exploited hunger to recruit people to sign up to their radical groups.

Over the past few months, I have asked His Majesty's Government a series of Written Questions. It is significant that we have slashed our aid to these very countries. The return to the 0.7% aid commitment would help promote security around the globe—let us be in no doubt. Meanwhile, China is entering into the vacuum and buying its way into these countries across Africa and other parts of the world.

I move briefly on to climate change, which is set to have important consequences for foreign policy in the next decade. We have already witnessed how climate-caused famine can lead to instability in the developing world. Furthermore, as the situation gets worse in the Middle East and Africa, we can expect more refugees to arrive on our borders. The UK's long-term strategy needs to be aware of the consequences of climate change and focus on environmental peacebuilding. This includes providing loss and damage payments for regions most affected by climate change, be that through famine, rising sea levels or other extreme weather events.

Going forward, our foreign policy needs to be conscious of the severe impact of climate change on the developing world and to ensure that we can adequately protect against its consequences. This also means supporting sustainable development, investing in renewable energy and promoting environmentally responsible policies across the globe. One way we can do this is by investing in green technologies, which not only support the developing world but promote British business.

At a fundamental level, the UK has been, and should continue to be, a country that stands up for human rights across our world. Tyrants are watching with interest as some people in our country want to water down some of our human rights. Surely this is the very time when we need to defend such rights and work with all those who promote them, not least in places such as Myanmar, where Rohingya Muslims are being persecuted and killed.

China's disregard for human rights is a significant threat to the world. The CCP's treatment of its own citizens, particularly those of religious and ethnic minorities, political dissidents and activists, is deeply concerning. I am shocked to see the continued ill treatment of Uighur Muslims in Xinjiang province by Chinese authorities, or Beijing's increasingly harsh treatment of Hong Kong protesters and activists, such as Jimmy Lai, who has recently been given a very long sentence.

We have to face the fact that China is not taking a lot of attention from the rest of the world, but we must continue to protest for the sake of all those other countries which may be seeing how the majority respond to China's bullying tactics. China's increasing assertiveness in the Indo-Pacific region presents a particular challenge to what the strategic review calls "our Indo-Pacific tilt". How do the Government plan to counter an increasingly active and aggressive China while simultaneously favouring a strategy promoting relationships in the Indo-Pacific?

I turn briefly to the role of and the treatment of women around the globe. This is an area in which our country has been proud to take a lead. The takeover of Afghanistan by the Taliban just two years ago stands as a clear example of how quickly hard-won victories can be lost. This was a country where the vast majority of women were getting education; they were taking roles in leadership in all sectors of society. What representations have His Majesty's Government made to the authorities in Afghanistan to ensure that girls will again be able to get an education? This is a fundamental issue that we need to stand for.

Another important area is found at the intersection of our foreign policy and our domestic policy. One of the great successes of the UK is our universities and, in particular, the many overseas students who study at them. This is one of the main forms of soft power that we can exercise in the world, and we have been brilliantly successful at it in the past. A study as recently as 2017 found that 58 world leaders had been educated at British universities, compared with only 57 in America and 33 in France. Not only did these students bring in very welcome income, but it means that we sometimes recruit from their ranks as well some very bright people. Even more importantly, they will get a taste of what it is to live in a different sort of world.

Of course, the problem is that this sort of soft power does not cash out immediately in tangible ways, but it does further our values. For example, to go back to the point I made a few minutes ago on women's rights, someone educated here will have a deep experience over several years of studying as equals with women. This is something we cannot simply argue; the experience will far outweigh any theory.

[The Lord Bishop of St Albans]

These are just some of the many aspects of our role in the world. There are many others that I have not been able to touch on. I am looking forward to hearing how those who are experts in our Committee can speak particularly on areas of defence and trade, in which I have very little experience. I hope this brief introduction will set the scene for others as we reflect on our place in today's world.

3.03 pm

Lord Frost (Con): My Lords, I thank the right reverend Prelate for giving us the opportunity for this debate and for his thoughtful opening remarks. I agree with large parts of what he said, and I am sure we can all endorse the wish that we should work to make this a more peaceful world.

This is a timely debate because it comes on the back of the Government's *Integrated Review Refresh* on foreign policy, one of the rare intellectually coherent documents to come out of government. I pay tribute to the role of my friend Professor John Bew, foreign policy adviser now to three Prime Ministers, in writing it. I was a little involved in writing the 2021 original review, so I welcome the fact that this 2023 refresh maintains some fundamental elements of that review's approach, particularly the emphasis on systemic competition as a key feature of today's international system, and the clarity that

"traditional multilateral approaches and defending the post-Cold War 'rules-based international system' are no longer sufficient on their own".

Too much of our post-Cold War diplomacy seemed to put too much emphasis on process rather than substance, a belief that the unique mission of the UK was to preserve the processes of international interaction —in which we, as a P5 member, have a privileged position—rather than to consider whether the outcomes of that system actually suited this country's interests.

This new realism is welcome, and I hope it will be coupled in future with a more clear-sighted view of international institutions and how they work—to see them not so much as producers of global norms or as global NGOs but more, for the time being at least, as what they are: arenas for conflict between the great powers. We saw during the pandemic how the WHO became extremely influenced—perhaps captured—for a time by Chinese perspectives, and I look for these lessons to be learned in our attitude to the pandemic treaty currently being drafted in Geneva.

The IR refresh also states:

"Today's international system cannot simply be reduced to 'democracy versus autocracy', or divided into binary, Cold War-style blocs".

It is certainly true that that is not the only thing going on in the world, but at the same time it is hard to deny that it is a—perhaps the—major feature of the current world scene. The newly revived strength of purpose of NATO and its east Asian partners on the one hand, and, on the other, the closer relationship among China, Russia, Iran and others is surely a clear organising principle at the moment, and it is foolish to think that the latter countries wish us well or to deny that we are engaged in some sort of global competition with them.

It is true that many states around the world are not in either of those camps, but in this world, the strength of purpose and attractiveness of the main players is crucial in determining how those other states play their hand. We have seen in the reactions to Russia's invasion of Ukraine that many of those countries, even those with broadly free societies and those we regard as our friends, do not necessarily always wish to line up with us in condemning Russia if it affects their own direct interests.

There are many reasons for this, but one, I fear, is the current perception that many have of the United States. The US remains the most powerful single country in the world, and it is our closest friend and ally, but it is made less attractive as a society and as an ally by its uncertain leadership under its current President and by the apparent grip that hard-left values have on the Democratic Party and on some parts of US society. We know from comment in other countries round the world that this is weakening US soft power. To many, the US seems in decline, as do we, its western allies.

Where the US and its allies withdraw, we see others occupy the space, most obviously in the recent China-brokered rapprochement between Saudi Arabia and Iran, in the gradual rehabilitation of Syria in the region and in the readiness of Turkey—an ally, at least on paper—to play with both sides in the Ukraine war. We must hope that the US finds it in itself, as so often in the past, to renew its strengths and return effectively to the world stage.

How can our country play its hand in this increasingly difficult world? I will suggest four ways from the many that one could list. First, we should not give in to those who say that we cannot have influence on our own—only as part of a bloc. Obviously, big countries are stronger and more powerful than smaller ones, but the same is not true of large groups of countries compared with smaller ones. The collective uncertainty of purpose shown by the EU in the early weeks of the Ukraine war and, more recently, with regard to China, suggests that the EU as a unit is, more often than not, less than the sum of its parts. Our ability to assess, decide and act quickly and show leadership is a huge advantage, as the early days of the Ukraine war showed.

Secondly, we must invest in our friends, new and old, through thick and thin, and build genuine partnerships and alliances through difficulties, avoiding a tendency we sometimes have to preachiness. Raising our own defence spending on hard power is a crucial part of building the credibility of these relationships. We have begun that with AUKUS and the incipient defence arrangements with Japan, and I hope that in due course the CPTPP will help us to strengthen all those relationships in Asia still further. We have newly strong partnerships with the countries of central and eastern Europe as a result of the Ukraine war, but we must also keep investing in others that matter, particularly the Gulf countries. I worry that some of our long-standing friends think we might be losing interest in them and beginning to look elsewhere.

Thirdly, one country that I am concerned that we do not influence as much as we should is the United States. Although the defence and security relationship is strong, the political relationship and the relationships

between much of the bureaucracies are not as taut as they used to be. When I entered the Foreign Office 30 years ago it was a much stronger and closer relationship. I fear there is a view in Washington that the British effort, via the embassy and beyond, is not as dynamic or effective as it once was and not as well plugged into the Republican Party than it could be. Indeed, I have heard it said by well-placed commentators that not just Israel or Ireland but countries such as Poland or France are more effective on the Hill than the UK nowadays. I welcome the Minister's thoughts on this.

Finally, we need a clear policy towards China. We had the Foreign Secretary's speech at Mansion House last week. I did not see it as quite as accommodating as many commentators seemed to, and it certainly got across the multidimensionality of the relationship, but it still seemed to be trying to have it all ways and to overestimate our ability to persuade China on issues that are of importance to us. The four elements of our policy might be, "We talk to you, we seek to influence you if we can, but we don't really trust you and we certainly want to make ourselves less dependent on you". Overall in that relationship, the right place for us to be is tougher than the EU and closer to the US.

This is a difficult, dangerous and turbulent world. If we are to navigate it effectively, we must stick by our friends, raise our game and stand up to those who wish us harm. I am confident that this is the Government's intention. If we can do this, I am sure that we will survive, prosper and succeed.

3.11 pm

Lord Browne of Ladyton (Lab): My Lords, it is a privilege to follow the noble Lord, Lord Frost. I admit that I had not expected to use such words, nor did I expect to agree with so much of what he said. However, I do not agree with all of it; I may come to some of that in due course. I join the noble Lord in congratulating the right reverend Prelate the Bishop of St Albans and thanking him for securing this debate. This is a precious opportunity to debate these really important issues. I regularly ask the Government to find more time in the Chamber to debate these issues in a longer debate, but other things are going on.

I was particularly grateful to the right reverend Prelate for opening by reminding us of some of what makes us proud to be British—the constituent elements of our soft power. I am very pleased that he made such a powerful case for our priority for peacebuilding and conflict resolution, which I have not very successfully applied much of my time in politics to trying to achieve. I agree completely that our soft power was built up through long-term strategic patience and application. Peacebuilding requires that, but we seem dramatically short of it. We are not alone in the world in doing this; how the Afghan war ended was the result of a lack of strategic patience.

In preparing for this debate about the UK's foreign policy, I find myself somewhat hamstrung by the question, "Which foreign policy?" Noble Lords will be familiar with President Nixon's madman theory of foreign policy. It was drawn ultimately from Machiavelli, who suggested that in statecraft it can be

"a very wise thing to simulate madness",

to disrupt the calculations of strategic adversaries. Speaking as an observer rather than a participant, it appears that the Conservative Government have in recent years taken this doctrine to the novel extent of applying it inwards, ensuring that our diplomatic positions are sometimes incomprehensible not only to outsiders but even to ourselves. We saw the current Prime Minister's predecessor assert that the "jury is out" as to whether France can be described as an ally of the United Kingdom, and her successor, only months later, hail the "special bond" that exists between the two countries.

We heard the Armed Forces Minister, two weeks ago in the other place, discuss the UK's role as a champion of the "rules-based international order", even as his colleague the Home Secretary introduced the Illegal Migration Bill, with a covering letter blithely admitting that there is more than a 50% chance that its provisions are incompatible with our duties under the European Convention on Human Rights. Further, we see the Home Secretary attempting to dilute the strength of interim measures under the European Court of Human Rights in order that she realise her dream of seeing deportation flights to Rwanda, even as Ukraine relies upon those measures repeatedly in its fight against Russian aggression.

In these 13 years of Conservative government, we have seen our approach to China veer between David Cameron's aspirations of a golden decade of Anglo-Chinese relationships, crowned by President Xi's state visit to the UK, and the current Prime Minister's warnings last November of a China characterised by increasing authoritarianism that poses

"a systemic challenge to our values and interests".

A couple of weeks ago, the Foreign Secretary signalled yet another reset, saying that a hawkish approach to China

"would be a betrayal of our national interest"

and that

"no significant … problem ... can be solved without China".

In attempting to discern some sort of golden thread of consistency in this reflexive approach to China, it is worth remembering that this is the very same Foreign Secretary who occupied the FCDO in the Truss Administration, who planned, before their swift collapse, to designate China as an "acute threat" to British security.

We face crippling economic inflation and the loosening of the bond that ties together a currency and its value. But we have seen the same in foreign policy: rhetorical inflation that stridently declares the emergence of the new global Britain while our capacity to decisively influence the world diminishes. We can see this all around us: those who have travelled hear from residents and diplomats, and from the leaderships of other countries which were our friends and allies—maybe they still are—that we are significantly diminished.

The diagnostic work in the refresh to the integrated review has much to commend it. It rightly states that

"the transition into a multipolar, fragmented and contested world has happened more quickly and definitively than anticipated".

My personal fear is that the more we integrate artificial intelligence into our decision-making processes, the more this acceleration will increase. We are already

[Lord Browne of Ladyton]
trying to catch up on that when it is well beyond us; I am not entirely sure where it is going to take us. It is interesting that those who were largely responsible for the development of artificial intelligence are now abandoning it because it has become so terrifying.

What has our response to this darkening picture been? We have, by the Defence Secretary's own admission, a military that is "hollowed out and underfunded", with the additional £11 billion promised in the recent Budget returning us only to the level of spending, by percentage of GDP, that we saw a couple of years ago. Even this is a promise and an expectation; it is not guaranteed.

Our soft power and diplomatic strength will be critical if we are to emerge from this potentially era-defining period of conflict and tension with a renewed capacity to defend our values and interests. But on the issue of our aid and development budget, it is clear that this Prime Minister is a hostage to the isolationist and regressive wing on his Back Benches in the other place. Money spent on aid and development overseas, quite apart from the supervening moral imperatives involved, represents UK influence in pasteurised form. Not only have we seen the UK resile from its commitment to the 0.7% target, but we are seeing what might generously be characterised as a creative application of the money that we still spend.

According to the Independent Commission for Aid Impact, last year the Home Office spent a third of our foreign aid budget on refugee and asylum-seeker costs here in the United Kingdom. Further, it found that this appropriation of the ODA budget has had a very

"severely negative impact across the UK aid programme".

In seeking to address this problem, we then saw the FCDO pause all non-essential aid spending, as a consequence of which we then missed our pledge deadline for our contribution to the Global Fund, damaging our credibility with our multilateral partners even further. ICAI also found that this pause caused a delay in our humanitarian response to the floods in Pakistan and the famine in Somalia, again fraying the bonds of trust that bind this nation and others throughout the world.

I wish I had the time to give more instances, but those I have outlined indicate a simple truth. These political choices and missteps are having a real-world impact on the UK's reputation as a reliable partner overseas. I take no pleasure in offering these examples today, and it is true that we have reason to be proud of the swift and comprehensive assistance that we have offered Ukraine in its vital struggle against Russian aggression. But that assistance does not, by itself, constitute a coherent foreign policy. It is interesting the number of times that that is what Ministers want to talk about at the Dispatch Box in this House when issues of foreign policy are raised—but not the other issues, which are now apparently being displaced by this.

Statecraft is essentially temporal in nature; it is a sphere where the strategist is inevitably outmanoeuvred by the tactician. It may be that we succeed in our inhumane plan to send refugees to Rwanda by breaching our obligations under international law, but at what cost to our long-term credibility as a reliable partner? We may succeed in deepening our involvement in the Indo-Pacific region, but how can we expect this projection of power to be seen as anything but hollow, given the assessment of a US general that our military capabilities are not only no longer tier 1 but barely tier 2?

I have to say—and I am not alone in this internationally—that AUKUS has all the hallmarks of a pre-election announcement. I fear that the scale of the cost for Australia may guarantee that the Government there do not survive the next Australian election. I cannot get any Minister in our Government to engage with this issue with regard to assessing whether we should have put our name to it. We are told that that is a matter for the Australian Government, but I read the Australian press and I know what Australian politicians are saying, and the cost to them is extraordinary.

I realise that the tone of my contribution today may be somewhat pessimistic, but its central message is not, as the right reverend Prelate said. There is nothing inevitable about any of this—all these things are political choices—and what is made by politics can be unmade by the same means. We can choose to end our flirtation with transgressions of international law and regain our reputation for probity. We can choose to work with allies in the Euro-Atlantic space on a coherent, long-term approach to broader strategic challenges while restoring our aid budget to ensure that we once again play our full part in helping the most vulnerable. We must work out what our global role actually is in an increasingly multi-polar world where norms are now contested and fought over.

These long-term challenges will be addressed only by policy-making that is equally long-term in its nature. We are not prisoners of impersonal historical forces but have agency in shaping what the future will look like. In fact, the calamity of Brexit proves that in spades. It is time to develop a more positive vision and prove that we have both the strategic patience and the endurance to see it realised.

3.23 pm

Baroness Northover (LD): My Lords, I, too, thank the right reverend Prelate the Bishop of St Albans for securing this debate and for opening it so very effectively.

We are indeed in dangerous and rapidly changing times. The war in Ukraine is a reminder that, even in Europe, conflict is not far away. Global powers are vying with each other, as was ever the case. But overarching all that is the existential threat of climate change. So where is the United Kingdom in all this?

We have the *Integrated Review Refresh*, which certainly needed to be "refreshed". As was said at the time, the first one had an EU-shaped hole in it. It promoted "global Britain", as if our country could alone compete on equal terms with the three major power blocs: the US, China and the EU bloc, with their far greater GDP. That review claimed to be "once in a generation". Two years later, it turns out that it needed to be refreshed.

To remind noble Lords of the first review, it claimed that we were renowned in development, but DfID had just been crushed and the aid budget cut. It claimed that we could "shape the international order", but then

came the abandoning of Afghanistan and Russia's invasion of Ukraine. It said that we were a science and technology superpower, yet we had taken ourselves out of Horizon—we had a strong legacy, but we were damaging our future position. It confidently claimed that the UK could tilt to the Indo-Pacific. It stated:

"What Global Britain means in practice is best defined by actions rather than words."

Global Britain was well and truly shown up in the withdrawal from Afghanistan; we could neither persuade our US allies, or even expect to be consulted by them, nor stay if they withdrew. What a terrible situation we collectively left in Afghanistan—starvation, the collapse of public health, as shown on the BBC last night, and the denial of all rights to women and girls. I note what the noble Lord, Lord Frost, said about our influence or otherwise now in Washington.

Now we come to the refreshed review. It is very different in tone; there is now no talk of global Britain. We discover that we have fulfilled the tilt to the Indo-Pacific and can concentrate, sensibly, on our near neighbourhood. Encouragingly, it says that we will reinvigorate our European relationships. Could the noble Lord spell out what this means? There is a depressing chart listing all sorts of bilateral arrangements, which looks laborious and cumbersome—a contrast to being at the table as of right.

We now hear that in relation to Ukraine and NATO:

"The enduring strength of the European family of nations, and of the UK's ties within it, has been reaffirmed".

The foreign policy priority in the short to medium term is the

"threat posed by Russia to European security".

As we have heard, it also has a different approach to China. Could the Minister spell out the detail? I am sure the noble Lord, Lord Alton, will expect no less.

Again, there is an emphasis on science and technology. Now we are not exactly claiming to be a superpower but to have strategic advantage—but only if we specialise. What does this mean in terms of an industrial strategy and significant support? Where is the reference to the Horizon programme? The head of one of our leading scientific institutions told me recently that, before we left Horizon, he would get many inquiries every year from scientists whom he did not know across the EU about potential collaboration on projects. Now that has completely dried up. It is urgent that this is reinstated. Can the Minister update us? It was very concerning to hear of wobbles in the Cabinet on this.

The review rightly points to the stability and resilience of our economy as a precondition of our security. We have not yet seen trade agreements that deliver or look like they have the prospect of delivering trade at the level of that with our nearest neighbours. It points to London as a key financial centre; it is, but it is a wounded one. We should note that Arm listed in New York instead of London, with the co-founder pointing out the damage caused to London because of what he called "Brexit idiocy".

What of the soft power of aid, the justice of which the right reverend Prelate spoke to and the influence to which the noble Lord, Lord Browne, pointed? There are no commitments for extra funding, even as we see the impact of conflict in Sudan and the impact of climate change. The Foreign Office and DfID had very different aims, each vital, and the forced marriage has not been a happy one, whatever gloss the Minister will have been given to say and which the review repeats. That is tacitly recognised in this document, which speaks of "reinvigorating" its position as a global leader on international development.

There is some attempt to give development more emphasis, with the Development Minister—and I pay tribute to Andrew Mitchell in this regard—attending Cabinet and a second Permanent Secretary in FCDO. I am not sure how that one is going to work. It is all a rather tacit administration that that merger was disastrous. Given that so much of the aid money went to support refugees in the United Kingdom, which is allowable under DAC rules for one year, surely now that the Afghans and Ukrainians who were benefitting have been here for more than a year, this should now have ended. Can the Minister clarify? What does that then release?

There are no new commitments here on tackling climate change. Meanwhile, President Biden is turning the US approach around. Acutely aware that in the new green technologies, China has a huge head start, he set in place the formidable Inflation Reduction Act. We should welcome this because of the huge investment in green technologies—that is globally important. But while the EU has immediately set in place its critical minerals Act and is engaging closely with the US and allowing countries to support their green industries—something that we were told could not happen—the Chancellor says that the United Kingdom is considering its position. If it considers its position much longer, we will not have a position to consider.

The UK's automotive transformation fund is only £1 billion, dwarfed by the IRA. The refresh review speaks of "illegal migration" being one of the major challenges of our time, but climate change—and it rightly recognises this—is likely to exacerbate migration, which it does not then call illegal. That is why the development and climate change budgets are so critical. It speaks of climate change and biodiversity loss as

"important multipliers of other global threats".

They are surely far more than that—they are existential threats.

There is a change between the once-in-a-generation review of 2021 and its refreshed version now. The Government's feet are more firmly on the ground, setting aside aspirations for global Britain while ignoring our own continent. But with its emphasis on defence, about which my noble friend Lady Smith may say more, and the lack of resources in other areas, this review underestimates the significance of climate change and the need to use aid to ensure that others elsewhere also prosper, so that the seeds of conflict, as right now in Sudan, can be tackled, and populations do not see the need to uproot themselves and undergo great hardships to find a better life. So I suppose we should expect another refresh in a couple of years or so.

3.32 pm

Lord Alton of Liverpool (CB): My Lords, I join the noble Baroness, Lady Northover, and others in thanking the right reverend Prelate the Bishop of St Albans for

[Lord Alton of Liverpool]
securing this important debate. This year is the 75th anniversary of the Universal Declaration of Human Rights and of the convention on the crime of genocide, and today is World Press Freedom Day. It makes this debate particularly timely.

As the noble Baroness predicted, I shall concentrate my remarks on China, including Hong Kong, but I shall also make reference to North Korea and Iran. I refer to my non-financial interests in the register as well as to the sanctions which have been placed on me and other parliamentarians by those regimes.

As the noble Lord, Lord Frost, reminded us, a week ago the Foreign Secretary delivered a speech at the City of London Corporation. It was trailed in advance as his major China policy address. Given the scale and breadth of the challenges posed by the Chinese Communist Party regime—not, I emphasise, by the people of China, but by the regime currently led by Xi Jinping—I could see no coherent strategy. That is exactly the criticism levelled in two House of Lords Select Committee reports. The tone suggested that rekindling friendship with Beijing in pursuit of something resembling the "golden era" trade and investment opportunities was now a government priority. The Foreign Secretary argued that isolating China would be counterproductive, but I know of nobody—including our own Select Committees—who has suggested that the UK disengage from China. The question surely is not whether to talk to China but how, about what, with what objectives and on whose terms we should engage.

By way of example, I invite the Minister to tell us what the Foreign Secretary will be talking about with the Vice-President of China, Han Zheng, during his coronation visit to London over the next few days. Will he be raising the trashing by Han Zheng of the 1984 Sino-British declaration or his role in the imprisonment of 1,400 political prisoners in Hong Kong, specifically the imprisonment of British citizen, Jimmy Lai—referred to by the right reverend Prelate—and other breaches of Article 19 of the Universal Declaration of Human Rights relating to media freedom in Hong Kong? Will the Foreign Secretary raising this week's announced decision—a breach of the Sino-British joint declaration—to reduce the direct election of district councillors in Hong Kong to just 20%, in a further emasculation of Hong Kong's freedoms?

Will the Government be raising the Motion passed in the House of Commons on 22 April that declared events in Xinjiang against Uighur Muslims to be a genocide; or the UK prohibitions on the purchase of goods made in China by slave labour; or recent reports that Uighur Muslims were banned from offering Eid prayers at mosques or even in their homes during Eid ul Fitr, as well as the reported persecution of people with religious beliefs, including Buddhists and Christians in China and other Article 18 violations; or the continued imprisonment of Zhang Zhan for reporting on the origins of Covid in Wuhan? Will the Government be raising the forced organ harvesting, which the noble Baroness, Lady Northover, has raised in your Lordships' House, along with Members from all sides, on a number of occasions; the persecution of Falun Gong; the crackdown on civil society, lawyers, bloggers and dissidents across China and the alarming threats to Taiwan whose almost 24 million people face increasing dangers and, indeed, an existential threat to their vibrant democracy and self-determination? Perhaps the Minister could also explain why Han Zheng is being welcomed at the Coronation at all instead of being sanctioned.

I also have questions about the recent visit to London of Hong Kong's Secretary for Financial Services, Christopher Hui. Will the Minister tell us whether the three Government Ministers who met him raised with him the case of Jimmy Lai; the seizure by the Hong Kong Government of more than £2.2 billion of Hong Kong BNO pension savings, as reported by Hong Kong Watch, of which I am a patron; the destruction of Hong Kong's freedoms and autonomy; the breach of the joint declaration; the genocide that I have referred to of the Uighurs; and the threats to Taiwan? If those three Government Ministers did not, why not? Perhaps that is not the sort of engagement that the Foreign Secretary had in mind. Given that the CCP regime consistently breaks its promises and obligations under international treaties, and as the CCP under Xi Jinping is so much a part of many of these problems, do we seriously—and rather naively—believe that red carpets, tea and golden era trade deals are the correct response to genocide and egregious violations of human rights?

Last week, as Vice-Chair of the All-Party Parliamentary Group on Hong Kong, I spoke at the launch of the APPG's report on the crackdown on media freedom in Hong Kong—which, on this World Press Freedom Day, I hope the Minister will refer to—and specifically the case of Jimmy Lai, the founder of *Apple Daily*. I also spent time with Jimmy Lai's son, Sebastien. Jimmy Lai is a 75 year-old British citizen, and yet he has spent the past two and a half years in prison serving multiple trumped-up charges, facing the prospect of spending the rest of his life in jail. I know Jimmy and his wife and, in happier times, they were visitors here to your Lordships' House. Later this year, Jimmy Lai's trial under Hong Kong's draconian national security law will begin. He has already been denied his choice of defence counsel, and it is likely that he will receive a severe prison sentence with little hope of a fair trial.

Please will the Minister look at the statements made by Mr Lai's international legal team—led by Caoilfhionn Gallagher KC, who has herself received rape and death threats—and also raise with the parliamentary authorities the absurd and ridiculous decision to force attendees at last week's press freedom event to hand over leaflets on press freedom in Hong Kong? Officials apparently said that "Political slogans and materials are on our list of restricted items"—I mistakenly thought that politics was the whole point of Parliament. But, beyond the absurd, Sebastien has specifically and repeatedly requested to meet the Prime Minister and the Foreign Secretary. Like his father, Sebastien is a British national. Will the Minister explain why that request has so far gone unanswered? Can he establish whether the Prime Minister and Foreign Secretary will commit to meeting Sebastien at the earliest opportunity to discuss his father's case and become more proactive and more public in speaking up for the rights of this British citizen in the future?

Margaret Satterthwaite, the UN special rapporteur on the independence of judges and lawyers, recently wrote to the Chinese Government stating that the draconian national security law has interfered with the rule of law in Hong Kong by undermining the independence of the judiciary and removing safeguards to protect fair trial. Will the Minister please provide the Government's assessment of the current state of the rule of law in Hong Kong?

Turning briefly to North Korea, I declare an interest as co-chair of the all-party group. This year marks the 10th anniversary since the establishment of the UN commission of inquiry into crimes against humanity chaired by the Australian judge Justice Michael Kirby. What steps are the Government taking to follow up and implement the commission of inquiry's recommendations, particularly its call, 10 years ago, for its findings of crimes against humanity to be referred to the International Criminal Court?

On Iran, which has been referred to, will the Minister explain why the Iranian national guard has not been proscribed as a terrorist organisation and say whether we can expect to see action on this soon? Can he tell us about the plight of Iranian journalists, especially women, who are still in prison and about the gender apartheid faced by Iran's women and girls?

Finally, I have spoken repeatedly in the House about the short-sighted decision to cut BBC Persian radio services and attacked the decision to abolish the Arabic services. I welcomed what the right reverend Prelate said about this in introducing the debate. Yesterday, the BBC said that the crisis in Sudan had led it to open a new radio service in Arabic on shortwave—QED. It is essential that we continue to broadcast the values of democracy, human rights, the rule of law and an open society. Are the Government re-examining the funding models for the BBC World Service to ensure that vital language broadcasts to closed societies continue?

I hope that our values will always be at the very heart of our foreign policy as we face the challenges of a changing and increasingly divided and unstable world. If the Minister cannot respond to all my points in detail, I hope he will undertake to write to me on them. In closing, I again thank the right reverend Prelate for giving us the opportunity to raise these matters.

3.42 pm

The Lord Bishop of Leeds: My Lords, I do not wish to detract from the power of the questions that the noble Lord, Lord Alton, has put to the Minister. I promise I will not add more questions to them; I will come at the debate from a different direction. There are two ways of addressing this Motion: first, the role of the UK as seen through our eyes in the UK, who can easily assume that ours is the only way of seeing; secondly, our role as seen through the eyes of "the world" doing the looking in. I am not being pedantic, but why do we in the UK find it so difficult to look at ourselves through the lens of those who might see the world differently?

In his excellent Chatham House speech on 27 April, the Minister for International Development, Andrew Mitchell, addressed the future of international development. Among the very good, welcome and perceptive observations in his speech, one line is understated and easy to miss: the admission that the UK Government's cut in aid from 0.7% to 0.5% of national income has "dented the UK's reputation", as well as being "painful for our partners". Dented? Only the partners who suffered the consequences of that decision can really tell us what they think our role in the world is now and how it is experienced. Painful reality is more persuasive than optimistic rhetoric.

The question that underlies this debate is this: do we in the UK listen to ourselves and the language of mere aspiration, or can we look through the eyes of those who experience us? I ask this simply because there is often a great gulf between our perception of ourselves and that held by others. In fact, the constant repetition of the language of "world leading" and "world beating" in just about any government statement indicates a basic insecurity about which psychologists could probably say a great deal. I would be happy with just "functional", in some respects.

I raise this question simply because Andrew Mitchell's speech admitted a glimpse of light into what has been a depressingly dim discourse in the last decade or so. He offers a language that sounds grown-up. In his stress at the outset of his argument on partnership, progress and prosperity, he returns us to something that sounds both sensible and realistic. Global Britain, whatever that was supposed to mean, seems to have subsided and partnership is back—thank goodness. Gone is the hubris that the UK is still a world-beating power that can function alone in a world of shifting economic and military power blocs. We can argue for ever about the rightness or wrongness of Brexit, but I contend that the corruption of our language with regard to the wider world was damaging in ways we rarely take time to understand.

For example, I have been met with incredulity in Germany and elsewhere in Europe when we make statements about the importance of the rule of law, and our moral demand that countries such as Russia and China should stand by it, at the same time as we draft legislation that consciously seeks to breach it. Just remember the internal market Bill, the overseas operations Bill, the attempt to prorogue Parliament and so on. Our rhetoric has to be supported by our action, for the latter speaks louder than the former.

The 2021 integrated review was a good start in recalibrating our self-perceptions, and the 2023 refresh helpfully illustrated how a nation's role can change quickly depending on the shifting and sometimes dramatic intervention of unexpected factors, unpredicted behaviours or uncontrollable contingencies. At least, it was an attempt to join up different areas of foreign policy to focus on perception, priorities and planning.

To return to Andrew Mitchell, partnership holds the key to future progress and prosperity, not hubris or romantically hanging on to what we think Britain used to be. One way of thinking about this is to look through the lens of those who look at us from the outside. A week or two ago *Der Spiegel* published a very unflattering piece about a number of aspects of decline in UK culture, referring, for example, to food banks, poverty, the cost of living crisis and neglected urban infrastructure. Read other newspapers and listen to

[The Lord Bishop of Leeds]
serious political programmes in neighbouring countries: waving a flag does not change hard reality. We might not want to agree with the perceptions of outsiders, but we would be unwise not to take them seriously.

I want to be positive about a change in direction, signalled by Andrew Mitchell's grown-up approach to partnership, which inevitably assumes what I call a renewed sense of confident humility. I read his speech before considering the conversation among Robert Kaplan, John Gray and Helen Thompson in a recent edition of the *New Statesman*, which took as its starting point the ideas behind Kaplan's new book, *The Tragic Mind*. Indeed, any pragmatic search for policies that drive partnership and progress and dream of prosperity has to be set against the wider and deeper thinking about the existential challenges of great-power rivalry, resource scarcity and what they call the crumbling of the liberal rules-based order in a "global Weimar". The assumptions underlying political rhetoric and the language in which this is framed must be honest about these challenges, not seduce people into thinking that domestic or foreign policy can inevitably be forged in a world of depleting resources and increasing military threat around finite resources.

Given my previous career as a linguist, it might not come as a total surprise that I want to conclude with this plea: if we are to take seriously the existential as well as pragmatic challenges we face as we seek to plough our furrow in a field that is becoming ever more rutted and poisoned, we must listen through the ears of those beyond our shores who might not think as we do in the UK. This means that we must prioritise the learning of the languages of others if we are to know how we are seen and therefore how we might behave or speak—even framing any future foreign policy in a way that can be accurately understood by those we oppose or with whom we might partner.

Language learning is impoverished in the UK. The assumption that everyone else speaks English is both arrogant and ignorant—a dreadful combination of non-virtues. Our children need to be educated in the confident humility of learning to look through the eyes of others. Only then, as the late German Chancellor Helmut Schmidt repeatedly emphasised, can we understand our own culture, by seeing how we are seen and hearing how we are heard. The Empire has gone, and imperial thinking is embarrassingly redundant —although I strongly commend Timothy Garton Ash's recent piece in *Foreign Affairs*, "Postimperial Empire". We will waste time, energy, money and resource if we in the UK do not learn quickly that learning the languages of others is a massive strength and not a sign of weakness.

The UK's role in the world must be framed in terms of realism and what I have called a confident humility. It must be framed in the languages of others, and rooted in deeper thinking than mere pragmatism or flag-waving optimism.

3.51 pm

Lord Popat (Con): My Lords, I start by declaring my interest as the Prime Minister's trade envoy to Uganda, Rwanda and the DRC, a role that I very much enjoy and which rather neatly brings together my three main political interests: the UK's SMEs, exports and building better relations with Africa—being African-born, please forgive me if I am a little biased.

I believe that building stronger diplomatic and trade links post Brexit with Africa should be Britain's first priority to secure our nation's prosperity and economic future. Our approach to Africa has been outdated for some time. We need to re-invent our role in Africa. Brexit offers us a once-in-a-generation opportunity to reshape our global posture, to shift our focus away from Europe and back to Africa, to rebuild our ties with it and re-establish a stronger presence in the booming economies in Africa.

Africa accounts for 17% of the world's population. That population will double in 30 years. With Africa now having a global GDP of 3%, you can imagine the prospect of the potential our country has with Africa by 2050. This shows the huge room for growth for UK companies.

Africa's culture is every culture. Some 70% of the people in Africa work on farms. With a land mass of 30 million square kilometres, which is larger than America, China, India and Europe put together, you can see the fertile land they have. Despite that, as the right reverend Prelate the Bishop of St Albans, mentioned, some 22 million Africans starve from hunger on a daily basis.

Africa contains 30% of the world's minerals. The DRC, for which I am a trade envoy, has $30 trillion-worth of minerals; cobalt and lithium, 80% of which are in the DRC, goes to China. Eight out of nine Chinese companies are now in the middle of business in the DRC. We will need cobalt and lithium for defence, car batteries and mobile phones in the future. It is important that we develop a good relationship with that country.

The good news is that the African continental free-trade agreement is creating the largest free-trade area in the world by a number of countries, with a market size of over $3 trillion. Digitisation, improvements in infrastructure and political reform are driving the continent forward. Africa has grown more democratic in the past 30 years, with multi-party elections being commonplace. Opposition parties are gaining ground and most leaders are leaving office peacefully rather than in coups. We noticed that in Ghana. We saw President Mutharika in Malawi challenged by the court, as was Uhuru Kenyatta, and we saw how the rule of law made the opposition leader the new president. Politics is becoming more competitive because of the free press and an open society.

Look at the impact Africa has in other countries. Four out of the five most senior Cabinet Ministers here are of African descent or origin, including our Prime Minister, Rishi Sunak, from Kenya; our excellent Foreign Secretary, James Cleverly, from Sierra Leone; Suella Braverman, from Kenya; and Kemi Badenoch, from Nigeria. You can see the impact Africa has in our country as well. This shows that Britain remains a force for good because of its strong institutions, and stands ready to help develop its fellow nations.

Your Lordships can see why I am in this debate: to encourage a reshaping of our foreign policy to take hold of the trade opportunities in Africa, to ensure prosperity for that continent and for the UK, and to

help Africa to get out of poverty. The UK's trading relationship with Africa is worth about £27 billion, with £18.5 billion in exports. Not long ago, our share of trade was 30%. Today, it stands at less than 4%. We have had a significant trade deficit for the past four decades which currently stands at over £100 billion a year. We have had a major problem with our trade balance for the last 40 or 50 years. We do not have enough exports to pay for our imports. We can see why China's goods exports to Africa are eight times higher than ours, while we have dropped from being the biggest exporter to the continent to the 13th biggest. China has said to African Governments, "We are your IMF".

Politicians and others often ask me why China is so successful in the region that I cover. The simple answer is that it is not their success but our failure. By engaging with African countries, we can ensure that they co-operate with us rather than with other, potentially hostile nations, such as China. The noble Lord, Lord Alton, spoke very well about human rights and China at the moment.

However, perhaps the biggest barrier that we have is perception. When I first came into Parliament, my interest was in SMEs, so I set up a Select Committee to see what could be done to help SMEs to increase their exports. I took evidence from a large number of businesses in the UK. Our perception of Africa was through a "Band Aid" lens. We saw it as a poor continent, begging for money, with tribalism, civil war, dictatorship and corruption. Now, we are dealing with a new Africa which is more progressive than ever it was. We must accept that, and that a young democracy takes time to shape its democracy into a good form such as ours.

We should see this as a glass that is half full. By bringing the departments of business and trade together, the Government are acknowledging the importance that trade brings to UK plc. However, this work must be in partnership with the FCDO, and we must ensure that we have the same approach across government. Co-operation between governmental departments will be key to the UK's success on the world stage. I want to see the Government have the political will for more trade and investment with Africa. The UK is the second-largest investor in Africa. We will hear later from the noble Lord, Lord Howell, about our historic ties, particularly with the 18 Commonwealth countries in Africa, which are English-speaking and share a commonality of a judiciary and the rule of law. All that will help us. Africa will continue to develop through this century, with or without our support. We must be at the forefront of this development, with British firms playing a key role. Through increased trade levels with Africa, we can help to bring about the political and social reforms needed as a by-product, with increased prosperity and stability correlating with increased trade.

We need a fresh approach to Africa, which builds on the deep and historic links that we have with the continent and the affection that many Africans have for our country, and with large African diaspora living in the UK. We need a clear trade plan for each African country, working with our embassies and high commissions to identify the key sectors and opportunities available, including on visas. I will give a good recent example. Some four years ago, just before the pandemic, I invited the Mining Minister of Rwanda, Francis Gatare, and 80 UK companies to Parliament to see what opportunities were available. We came up with a French-to-English regulatory framework, and now there are four mining companies in Rwanda. I tried a similar exercise six weeks ago, inviting the Mining Minister and the President of the DRC. The DRC has $30 trillion of minerals. People flew from South Africa, two from Ireland and three from Scotland. On the day that we all got together, the Minister and the president did not get visas and it had been known for six weeks. I am hosting the president on Friday, and I will be embarrassed and ashamed.

We need to sort out our visa problems. Africans with passports, Ministers, could not get visas to come here, and people knew about this six weeks earlier. It is no wonder that the Chinese are there and we are not. We need to open our African market and speed up trade agreements. Currently, we have only eight trade agreements with African countries in place.

I conclude very briefly, because time is against me. Africa is not a continent of problems but one of solutions. One thing is for sure: Africa will shape the world's prospects. Post Brexit, the future should be Africa.

4 pm

Baroness Tyler of Enfield (LD): My Lords, it is a privilege to speak in a debate on international relations. It is not an area I normally speak on, and I certainly do not have the expertise of other noble Lords contributing today, but it is something I feel strongly about.

It gives me absolutely no pleasure to say that recent years have witnessed some significant deterioration in our traditional strengths on the world stage, our international reputation and, sadly, our international competitiveness. We have taken a major hit to our GDP from leaving the EU. We have lost our position as the key bridge between the US and the EU. There are to be no US-UK trade negotiations during the present Biden presidency. In my view, we have put at risk our attractiveness to international students and all the benefits of that leadership position. About 10% of world leaders, for example, went to a British university. As others have said, we have also diminished our long reputation for compassion, generosity and thought leadership in international development. We have virtually eviscerated the globally trusted international BBC and British Council operations, a key source of our soft power. It is really not a good and certainly not a balanced score card.

At the same time, our world has become much less safe, with much greater levels of volatility. Russia's brutal full-scale war against Ukraine has resulted in multiple crises for the whole of Europe and may yet lead to the unthinkable use of tactical nuclear weapons or worse. The Covid threat is not yet over—dangerous new variants may yet develop—and new pandemics may emerge and confront us with devastating speed and effect. As my noble friend Lady Northover pointed out, we are likely to see many more severe climate events. These events in turn could lead to large-scale population movements and mass migration in the tens of millions.

[Baroness Tyler of Enfield]

We are also witnessing massive shifts in the tectonic plates of global geopolitics and its economic architecture. US global dominance has been replaced by a multipolar world where China is challenging the US for global leadership and where Russia is trying to reassert its claim to be considered a major global player. In my view the Government's 2021 integrated review identified the right global risks by highlighting the rise of China as

"the most significant geopolitical factor in the world today"

and in identifying Russia as

"the most acute direct threat"

to UK security.

The risks facing us in the UK have increased substantially since the integrated review in 2021, as Ukraine has so vividly demonstrated. In addition, there could be a further major shock to the global system should an isolationist new US president emerge in 2024 and decide, for example, to withdraw from NATO and cease support for Ukraine. We need to be prepared for all these eventualities.

Of course, as others have mentioned, there is still a huge agenda in the areas of tackling gender inequality, seeking to protect human rights and further reducing global poverty, including unacceptable levels of child poverty.

As many commentators have pointed out, the West is losing significant ground to China, in particular, but also to Russia when it comes to the alignment of what is called the global South. Indeed, together, they often seem to be locked in an epic struggle against the West to redesign the whole world order.

In a recent UN Ukraine votes, 141 countries supported Ukraine and the West's position, only six countries voted with Russia, but 32 countries abstained, including China, India, South Africa, Pakistan and Bangladesh, representing well over 50% of the world's population across much of Africa, Asia, and Latin America. China's approach to the global South should give us in the UK real food for thought. China has for decades been developing relationships across the global South with individual states as "equal partners". China offers very long-term and attractive state-to-state partnerships on major infrastructure and agricultural projects, together with massive—and usually non-conditional—financing, including delivery teams on the ground.

Russia has been actively developing state-to-state energy partnerships with many individual countries across the global South, focusing not just on fossil fuels but on seeking to build 50 to 100-year partnerships in the area of new nuclear. Both China and Russia offer long-running education exchange programmes and large-scale support for international students. There are also arms sales and, in many cases, direct military support, including Russian private military contractors. Both China and Russia make no challenge on corruption or governance issues. Critically, both China and Russia have been effective in engaging with many global South states with a history of western colonialisation, leveraging their history and present relationships with their former colonial powers. It is a heady and potent cocktail.

Given all that, what can the UK do to increase our ability to influence international partners and to shape global and regional responses to these critical issues? I think there is a lot that we can do. The relatively easy bit should be rebuilding the UK's comparative strengths, which have been so eroded in recent times. We need to significantly strengthen our trading security and political relationships with Europe and also try to secure much lower-traction trade with Europe. We need to reinvest in BBC and British Council international operations, and we absolutely need to restore international aid expenditure to 0.7% of GNI.

As acknowledged in the *Integrated Review Refresh* this year, our overriding defence priority must be the security of the Euro-Atlantic region. We need the dedicated resources and the capability to do that for the role that is set out. What assurances can the Minister offer on this point?

On the wider security front, we should work with NATO and EU partners to take action now to reduce significantly the risk of further Russian aggression against the Baltic states, Moldova and Belarus. This should involve significantly more military force on the ground in the Baltic states, together with a step change in terms of provision of equipment, training and joint exercises. Next, we should significantly strengthen our partnerships, in particular with China's neighbours, in both trade and security. In parallel, we should seek creative opportunities to work bilaterally with China on specific issues of potential joint interest, including net zero and decarbonisation.

Finally, the UK should seek to develop new strategic long-term partnerships with European, US, and regional friends and players in each region to develop much more competitive long-term offerings to states in the global South. We should be seeking to weaken the competitive position of both China and Russia in the global South. In developing these offerings, we should be mobilising our private sector, universities, and scientific, research and technology communities, among other things.

I conclude by saying, having listened very carefully to today's debate, that we have a very proud heritage as an international player, but we need, as others have said, to repair our tarnished reputation, built up by so many people of all political persuasions over so many years, as a serious and stable player on the world stage, committed, of course, to democratic values and human rights but also to international co-operation and peace resolution. Not everyone will agree, but it is my view that the shenanigans of Brexit, the extraordinary domestic political turmoil that followed and the sight of having three Prime Ministers over a three-month period was not a good optic for our country. We need to act strategically and collaboratively to re-establish trust, credibility and clout on the world stage. I endorse many of the sentiments expressed by the right reverend Prelate the Bishop of Leeds in his excellent speech. Without re-establishing that trust, credibility and clout, we are at risk of being seen as an empty vessel on the world stage. I, for one, would hate that.

4.09 pm

Baroness Meyer (Con): My Lords, I too thank the right reverend Prelate the Bishop of St Albans for tabling this debate. As some speakers have noted, it

was clear, following recent world events, that the Government needed to update their comprehensive integrated review of 2021. While the vision of Britain's long-term goals remains the same, the balance between security and prosperity—the two pillars of national interest—needed to be rebalanced. The revised integrated review did just that by increasing the defence budget to 2.2% of GDP for this year while, on the international front, our top priorities are to rebalance our interdependence on China and bolster the Euro-Atlantic co-operation necessary to contain Russia's aggression.

In this, Britain has a unique role. Indeed, our assertive stand on Ukraine has generated huge admiration around the world. We were the first country to pledge our support and we are Ukraine's second-largest military donor. Public opinion remains steadfast and, unlike other countries, there were no political factions arguing against our military, economic and political involvement. Of all the western countries, we stood out for our courage, generosity and moral leadership. I do not share some of the comments that are beating up the United Kingdom. I do not hear this when I travel abroad. As the Prime Minister's trade envoy to Ukraine, I am incredibly proud of Britain's support and its determination in helping Ukraine rebuild its infrastructure and defence capability. Not since World War II has Britain been able to validate its reputation as the world-leading defender of democracy, and the champion of law and order.

We should not forget the extent of British soft power and its influence across the world. Just look at institutions such as the BBC, whose coverage of the war in Ukraine has been watched around the globe, while the BBC World Service, broadcasting in 40 languages and with a worldwide audience of some 465 million people, has played an invaluable role in the face of massive Russian and Chinese disinformation. I was unaware that some of the BBC's broadcasting had been cancelled.

Today, as the noble Lord, Lord Alton of Liverpool, noted, is World Press Freedom Day. I take this opportunity to pay tribute to all the journalists who have risked their lives to bring us news from war zones, to those who have been killed in the line of duty, and to those who have disappeared or are currently imprisoned in Russia and China because they dared to stand up and express their opinion, some of whom are British. Freedom of speech and its tributary, freedom of the press, are the cornerstone of our democracy. These two fundamental freedoms are what differentiate us from dictatorship. Yet while we are fighting for the rights and freedoms of the Ukrainian people, we are at the same time allowing our basic freedoms in this country to crumble before our very eyes.

How has this come to pass? It all emerged in the United States in the 1990s, with the development of critical race theory and new waves of feminism. Essentially, the ideology behind this new wave is that meritocracy is inherently racist and that judging people as individuals is wrong. Instead, one's identity is better defined by the social groups to which one belongs. This ideology also challenges the notion of sexuality, claiming, according to sexualdiversity.org, some 105 gender identities.

Without realising it, this new ideology has reached our shores. It has toppled our traditional values and long-held beliefs. It has infiltrated every strand of our society, put children's welfare at risk and directly attacked women's rights, family life and religious belief, including Christianity—all at an alarming speed. This happened without the rationality or validity of this new gender ideology even being debated. Instead, anyone, whether heterosexual, transexual, gay or lesbian, who dares express gender-critical views is labelled transphobic and is prey to a witch hunt. Anyone voicing a dissident opinion is silenced—cancelled. We have allowed a small but very vocal minority to infiltrate our society and dictate the rules by which we must blindly abide. Those who do not risk losing their jobs and being vilified on social media, de-platformed, smeared, harassed, intimidated and even threatened with rape or death.

This is happening today in the United Kingdom. A witness we recently interviewed was denounced following a conversation about the definitions of sex and gender at a private party in her own house. A few years ago, this was unthinkable. This was what happened in the Soviet Union, communist China and Nazi Germany—but not in the United Kingdom, a beacon of democracy and free speech. But just as under those totalitarian regimes, indoctrination must start early. Under the umbrella of inclusivity, Stonewall has infiltrated our schools by promoting its ideology, which is biologically incorrect and dangerous. It promotes the sexualisation of children and encourages their transitioning, often without the involvement of their parents.

Recent geopolitical events have shown that Britain still has a role in the world. It has not, I am afraid to say, been damaged by Brexit, as some say. We can still punch above our weight, but how can we uphold our moral leadership if we acquiesce to censorship? Will my noble friend the Minister tell the Committee what steps he will take to ensure that Britain's role in the world is not to propagate such ideologies but rather to advocate freedom of speech and the restoration of women's rights? Does he agree that if we fail to do so, we will play straight into the hands of Mr Putin and Mr Xi?

This is possibly why some countries are not following suit and supporting Ukraine in its war against Russia. Mr Putin has already accused the West of "moving towards Satanism" and

"teaching sexual deviation to children".

He explained that in Russia,

"we're fighting to protect our children and our grandchildren from this experiment to change their souls".

The Russian people still know which bathroom to use.

4.18 pm

Lord Bilimoria (CB): My Lords, I am fortunate to travel around the world a great deal and to listen to what others think about the United Kingdom. Last month, I chaired a geopolitical conference here in London, with 100 YPO—Young Presidents' Organization—chief executives and chairs from around the world. There was a session on Brexit, and I asked them what they thought of it. Some 99% felt that the UK had made a big mistake in leaving the European Union. Whether we like it or not, that is what the world thinks of what we did seven years ago in voting to do that. As the noble Baroness, Lady Tyler, said, we have had three Prime Ministers in a year; I have lost count of the number of Chancellors we had in that same year.

[Lord Bilimoria]

I thank the right reverend Prelate the Bishop of St Albans for initiating this really important debate about the UK's changing role in the world and its implications for foreign policy. The last integrated review, in 2021, was pretty good in predicting that Russia would be a serious threat—it got that spot on. It spoke about global Britain and about being a science superpower and world leading. We have now had the refresh this year, which addresses the Russia situation as well as China, as the noble Lord, Lord Alton, spoke about. We have the quandary of needing to be tough on China while having mutual economic dependency. How do we de-risk our supply chains, particularly with regard to energy?

Looking back in history, our Prime Ministers have built great relations with other world leaders, such as Margaret Thatcher with Ronald Reagan. Tony Blair, before Iraq of course, was a very successful Prime Minister, including economically; and we must not forget Gordon Brown and the role that he played at the time of the financial crisis in convening the G20 leaders to help save the global economy, which was very effective.

I hate it when people talk about Britain as a "middle power". That is utter rubbish. We are not a superpower, but we are very much a global power. We may not be a member of the European Union, but we are still the sixth-largest economy in the world. We are still in the G7, the G20, NATO, the Five Eyes, AUKUS and now the CPTPP. I suggest that we go even further: we should join the Quad—the security alliance between India, Japan, Australia and the United States. Let us make it Quad Plus and circle the world with the United Kingdom as a member. Would the Minister agree?

James Cleverly, our Foreign Secretary, has said that our influence is in persuading and winning over a broader array of countries based on shared interests and common principles. He referred to this as "patient diplomacy". As an entrepreneur, the word "patient" does not exist in my vocabulary; we have to be restless and to go forward at speed.

The noble Baroness, Lady Meyer, spoke about Russia's awful invasion of Ukraine. One of my proudest moments in my time as president of the CBI was helping India in its time of need when it ran out of oxygen; lives were literally saved thanks to British business. Thereafter, I convened British business to provide humanitarian aid to Ukraine in a big way, part of which was about unblocking the port of Odessa to get the grain flowing. I personally spoke to Chancellor Olaf Scholz before the G7 meeting—I was there representing Britain in the B7—and it worked. After talks with Turkey, Russia and the UN, the grain has started to flow now.

I feel that there is so much that we can do with the European Union. The Windsor Framework is a great step, but we need the Northern Ireland Assembly to recommence. The trade and co-operation agreement is a light agreement; we could do so much more. The noble Baroness, Lady Northover, spoke about Horizon. Does the Minister agree that we need Horizon to start immediately?

There does not seem to be any sign of a trade deal with the United States but, whether we like it or not, the United States is our number one trading partner by far.

During the Cold War, our defence spending was 4% of GDP. In the debate in 2019 on the 70th anniversary of NATO, I said that current spending should go up to 3%; the Prime Minister has said that it will go up to 2.5% when "circumstances allow". Does the Minister not agree that we should be at 3%, with all the threats we face right now? When it comes to Russia, that situation is on our doorstep. On China, our tilt towards the Indo-Pacific is spot on.

When it comes to aid, I personally think that the merging of the Foreign Office and DfID was a huge mistake. Those two big departments should be separate, with their two different cultures and two different approaches, both doing great work. They should be demerged to be far more effective. We have reduced aid from 0.7% to 0.5%, with it likely to remain at 0.5% until at least 2027-28. Can the Minister give us some idea of when that will go back up to 0.7%?

I am a passionate believer in the Commonwealth, with its 2.4 billion people and 56 countries. It is a voluntary organisation; countries join it voluntarily. India, with 1.4 billion people, is of course the largest past of it. It is highly underutilised and we need to do much more.

This country has benefited from good migration, without which it would not be the sixth-largest economy in the world. There is no question that we must deal with the awful situation of boats coming across the Channel, but we also need to deal with the good migration that business needs through the points-based immigration system and the shortage occupation list. I was happy to learn that construction was put on that list in the last Budget; more sectors need to be put on it so that we have access to the workforce we need.

In his opening remarks, the right reverend Prelate spoke about international students. I will not repeat what he said but, as a former international student, chair of the All-Party Parliamentary Group for International Students and president of UKCISA, I know that this is one of our biggest elements of soft power. It brings in more than £30 billion to our economy and builds generation-long bridges—I am from the third generation of my family to be educated in this country. As he mentioned, we educate more world leaders, along with the United States, than any other country.

Can the Minister say why we include students in our net migration figures? We should do so when we declare them to the UN, but when we report them domestically we should exclude them like our competitors do. The moment you take them out, the figures are nowhere near as scary as they appear. Students are not migrants at all. Of course, we have one of the most diverse Cabinets in the world, with our Indian-origin Prime Minister; ethnic-minority people hold three of the great offices of state.

The City of London is still one of the top two financial centres in the world, but having the highest tax burden in 70 years is not the way to be an attractive investment destination. Putting up corporation tax from 19% to 25% is a very bad move. It may be the

lowest in the G7, but it is still higher than the OECD average. If there is a Labour Government, any talk of equating capital gains tax with income tax will be disastrous. Money will flow out of this country and investment will leave.

Our Armed Forces are some of the best in the world, but they are too small. They number less than 200,000. When he was commander in chief of the central Indian army, my father was in charge of 350,000 troops—our whole Army, Navy and Air Force number less than 200,000. They are too small. I am proud to be an honorary group captain in Number 601 Squadron of the Royal Air Force. Our Armed Forces are very well respected, but too small.

We have some of the strongest elements of soft and strong power in the world, such as our defence services. Our manufacturing may now be less than 10% of GDP, but we are a top 10 manufacturer and I am a proud manufacturer in my business. Some 500 million people watch the BBC around the world at any one time, and of course we have the Royal Family. I am so proud of the Coronation of King Charles III coming up this weekend. Our Royal Family is one of our strongest elements of soft power. Her Majesty the Queen was amazing; she was not only the most famous but the most respected monarch in the world. I think His Majesty King Charles will be exactly as respected. On the environment, he was decades ahead of the game.

I asked His Majesty yesterday, "Why don't we have a state visit to India?" We need a large prime ministerial delegation, with Rishi Sunak leading a jumbo jet full of Cabinet Ministers, Ministers, business leaders, the press and university leaders going out to India to make that impact. That is what we need to push forward and enhance our trade relations with what will be the third-largest economy in the world and the third superpower; it will be the US, China and India—India must be our best friend going forward. We are not a superpower but we are a global power with huge reach and influence. We must always maintain our respect on the global stage.

4.28 pm

Lord Howell of Guildford (Con): My Lords, I feel privileged to speak in the concluding stages of this excellent debate. I am lucky to be here at all, because by some quirk or hiccup I got left off the speakers' list—it was probably my fault. I congratulate the right reverend Prelate on his skill in securing this debate and on the excellent way in which he set the scene at the start. I did not agree with all of it, but it was a splendid survey.

I have a simple message to add to the wisdom we have heard this afternoon. The growing 56-nation Commonwealth of Nations, which is the largest network of its kind in the world, with more nations applying all the time and expressing interest from remarkable quarters, should be far more central to UK foreign policy, strategy and priorities than it is today.

I call attention to an article by the excellent Sir Trevor Phillips in the *Times*, on Saturday, I think, in which he set out with amazing clarity and sense the pan-global importance of today's growing Commonwealth—what the late Queen called "an entirely new conception". Some of us have been trying for almost three decades to get this message deep into the minds of our foreign policy experts and strategists—so far, I must admit, with very limited success. I should also give a backhanded thank you to the Chinese themselves, who now remind us clearly and almost daily of the dangers to the whole Commonwealth network and to our own security, something people overlook, as they seek to entice numerous new member states—the smaller islands and coastal nations, particularly in Africa, are vulnerable —into their hegemony and the authoritarian control system. One very respected China expert recently called it hoovering up the developing nations, because that is what is going on.

A strong and focused reorientation of both our development and defence policy and our broader international priorities is required to counter this new reality in all its dimensions, which are not just military or aid but to do with a thousand other areas in this cyber and internet world. That applies to both the Chinese and the Russians. I noticed that the esteemed diplomatic editor of the *Times* wrote persuasively the other day on exactly this issue, as have an increasing number of distinguished media columnists, which gives one some hope.

I understand the difficulty for professional diplomats of grasping the rather elusive concept of the Commonwealth network. It is not a trade bloc; it is not under a treaty; large parts of it are non-governmental; it is, in fact, more and more a product of the modern age— a network, with its own internal dynamic. I also understand, in the light of our debate, that this is also occasionally difficult for the Church to grasp. This is delicate ground, but I was fascinated by an adage I picked up from de Tocqueville. He said that only by distancing themselves from politics do Churches and faiths preserve their power over men and women's souls—food for thought, I think.

Aside from that, and whether you agree with it or not, we are now moving into an entirely different world where like-minded medium-sized nations need to stick and work together as never before. My noble friend Lord Frost mentioned our likely membership of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership. It has 12 members. When we join, it will have 13. Eight of those are Commonwealth members. You may say, "We don't all agree with each other and there are arguments around the table", but there is such a thing as coffee-break diplomacy and, in a few trade organisations I have been in, that has been very important. It is after the formal sessions when agreements can often be struck that shape an entirely new direction and reinforce our interests.

Most nations, particularly the younger Commonwealth nations, want their own independence. There is a silly argument that the media does not quite understand about whether being a realm or not means leaving the Commonwealth—of course, it does not; that is quite a different thing. Our new King remains Head of the Commonwealth and head, if not directly, of the majority of republics, kingdoms, sultanates and others of which the Commonwealth is composed. One day we will get that straight in the media's mind.

[Lord Howell of Guildford]

Those countries want their own independence. First, they are not automatically on our side, as we found when our foreign officials went round the Commonwealth to check they were all with us over Ukraine and found that half of them were not. Secondly, they are beginning to look at something like the Commonwealth, or the Commonwealth itself, as a potential safe haven from the enormous forces: the hegemonic grab of China, intruding at every point around the entire systems, as I have already indicated; overinfluence and being overbossed by the United States; and the undiluted ideology that belongs to a previous age, which does not really fit all their conditions as they would wish.

Questions hang in the air about Britain. Are we up to this role? Do we understand that there are entirely new forces operating in international relations? Do we understand that our relationship with the United States—which, again, my noble friend Lord Frost and others have mentioned—needs to be examined quite carefully? The Americans are our good friends and our partners, but they are not the bosses. They are not the ones with whom we are the automatic and submissive satrapies. Our relationship with them should be healthy, and, like the independent countries of the Commonwealth, we wish to use and work on all the values that America can contribute.

Indeed, many countries work both ways. They take gold from China, they sometimes take—and regret it; there is quite a pushback going on—too much intervention from China, and too many dubious contributions and money, which they think is grants but it turns out to be loans, which they cannot pay back. These countries need constant support and help, and that is possible in the electronic age. Every day—not occasionally—friends have to be worked on, and can be, and that is what the British Government should be doing. I repeat the questions. Are we up for that role? Do we have the right relationship with the United States? Can we clarify and get a balanced approach to the enormous looming hegemony of China, with all the difficulties that have been mentioned by several speakers? I do not know the answer to these questions but they are the ones we have to work on. Perhaps the Minister will help us a little. They are very difficult but central to our future prosperity and our security in our new place in a new and very dangerous world.

4.37 pm

Baroness Smith of Newnham (LD): My Lords, it is a privilege to participate in this debate and begin the winding speeches, from the Liberal Democrat Benches. It is quite common to say, "I am delighted to speak after the noble Lord or the noble Baroness", and sometimes that seems very formulaic. But on this occasion, it really has been a privilege to participate. I am most grateful to the right reverend Prelate the Bishop of St Albans for bringing this debate to us. As so often, it is a shame that we are meeting in Grand Committee rather than on the Floor of the House. If we were there, we would get much more coverage, and the issues that have been raised could be explored much more fully.

This has been an excellent debate. One of the things we have found is that there are many areas of agreement across all four parts of the House. That begins to pay testament to the nature of the United Kingdom and our approach to foreign policy. Needless to say, I am not going to say from these Benches that I agree with everything that everybody has said—it would be a little strange if I did—and there are many things that I would like to amplify. One area in particular that I will focus on slightly more than people might expect is the Commonwealth.

The area that I am going to touch on, but perhaps not speak on as much as some people would expect, is defence. The reason for that is that my day job is as an academic. My professor of politics at Oxford used to say that I wrote good essays but that I did not necessarily answer the question, so I now look very closely at an exam question, and today it seemed to be about the implications for foreign policy. I noted that the Minister who was going to respond was the noble Lord, Lord Goldsmith, rather than the noble Baroness, Lady Goldie, so I thought I would stick primarily to foreign policy, but I will touch on defence as well.

The starting point of the debate is about the UK's changing role in the world. My immediate sense, when I started to draft notes ahead of the debate, was that we also needed to think about the changing role of the world around us, which many speeches have touched on, particularly the changing role of China. Perhaps slightly strangely, given that we are just over a year into the war in Ukraine, a lot of the discussion has been on China.

The subject that I thought might have caused a much longer debate was actually Brexit. I had a note of just one word: "Brexit". My noble friend Lady Northover, in her excellent speech, pointed out that the previous integrated security and defence review had a Europe-shaped hole in it. Today's debate did not pay very much attention to Europe, but that is probably right if we are rethinking our role. The noble Lord, Lord Bilimoria, pointed out that we need to be strengthening our trading relationship with Europe. That is hugely important and something we need to focus on, as we must on security, but the questions of our role in the world are much greater than that.

I was minded to start from where the noble Lord, Lord Browne of Ladyton, started: which foreign policy? He was looking for a foreign policy from the Government. It is quite easy to see why. I have lost count of how many Foreign Secretaries we have had since the 2016 referendum. For a number of years, the Foreign Secretary and the Prime Minister appeared to set the frame of what the UK Government thought they were doing internationally. Are we going global? What is global Britain? Are we going to focus on trading relations with countries that we already had trading relations with while we were members of the European Union? It was never entirely clear. Going east of Suez sounded like something that might work very well in a Marvel cartoon, but were we going to do anything meaningful by doing so, as Boris Johnson wanted to do as Foreign Secretary? It was never entirely clear. I think we are beginning to get a sense of where the current Government are going, but there are some areas where we could help to steer the Government in certain directions.

It came as a surprise to me, just as it did to the noble Lord, Lord Browne of Ladyton, that we could agree with much of what the noble Lord, Lord Frost,

said about partnership—that we absolutely need to be strengthening our bilateral and other relations. I was slightly worried, when he talked about process, that he might think that thickening up relations with our bilateral partners might fall into that, but he very clearly did not. It would be good to hear the Minister's views on what we are doing to strengthen our bilateral relations with our European partners, as well as with the United States.

I did not entirely agree with the analyses of the noble Lord, Lord Frost, and the noble Baroness, Lady Meyer, on some of the issues about the United States, particularly on whether we are having problems because Biden is President. We might be having some problems, but they are probably not entirely dependent on which particular president the Americans put it office, because we had a few problems with Donald Trump as well. There are clearly some issues, but they are ones where we need to work very hard.

One of the biggest issues associated with the ignominious departure from Afghanistan, which my noble friend mentioned, is the fact that it is very clear that, when the United States decided to act, the other NATO partners, including the United Kingdom, had to follow suit. Your Lordships' International Relations and Defence Committee, of which, at the time, I was a member, called on what was then Her Majesty's Government to talk to the incoming Biden Administration and warn them of the dangers of withdrawal. All the Government said was, "We're waiting to see what President Biden wants to do". Surely the United Kingdom should not play a subservient role. We might want to have an appropriately humble role, but we should be talking to the United States and at least try to be equals in putting forward our views.

That takes me to the Commonwealth. The noble Lord, Lord Howell of Guildford, as we might have expected, talked about the Commonwealth, but we also heard about it in part from the noble Lords, Lord Popat and Lord Bilimoria. The Commonwealth is hugely important, and perhaps we underplay it. It is an area where the United Kingdom could and should have influence, but it is also one where we need to demonstrate a degree of humility. That is where I disagreed with the suggestions from the noble Lord, Lord Frost, and the noble Baroness, Lady Meyer, that somehow members of the Commonwealth or the global South have not been persuaded by the United Kingdom regarding Ukraine because of our issues on a whole set of social policies. It goes deeper than that. This is not about Commonwealth countries necessarily saying, "The West is too liberal" but perhaps, "We don't want to be taken for granted".

The noble Lord, Lord Bilimoria, suggested that there should be a state visit to India; I hope that His Majesty the King agreed. However, if we are doing that, it should not be with Ministers saying, "You need to be doing this and we want you to do that". It should be acknowledged that our Head of State may also be Head of the Commonwealth but that King Charles is not the king of India and we no longer have the Raj. India will very shortly be the largest country in the world, if it is not already, and one that we need to speak to equals, not as a former colonial power. We need to recalibrate what we are doing to ensure that we are working with our Commonwealth partners as partners. That might help us to negotiate and persuade them in areas of the world where we have left a vacuum for China—a vacuum that has been talked about by many Peers.

In winding up, I will devote my final few seconds to the situation in China. As many Peers have said, it is not a country that is necessarily an enemy, although it has significant military power. We need to rethink our relationship while understanding that, as the noble Lord, Lord Popat, said, it is in part the IMF of Africa. We need to understand that if we in the West leave a vacuum, China will fill it, and in ways that do not require conditionality, as my noble friend Lady Tyler said. We need to rethink that, and I hope the Minister will agree with that and perhaps tell us where we can go in our relations with China under the refreshed integrated review.

4.47 pm

Lord Coaker (Lab): My Lords, it is a pleasure to follow the noble Baroness, Lady Smith, with her usual insightful remarks. I congratulate the right reverend Prelate the Bishop of St Albans on securing this debate. I join other noble Lords in saying to the Government that, given the importance of this debate, it clearly should have been in the Chamber. When we are talking about the importance of Britain in the world, of foreign policy and of the future of our country with our allies across the world, and given the nature of the various conflicts and challenges there are, as was mentioned by numerous noble Lords, it is astonishing that it was not held in the Chamber. I hope that can be taken back to the Government as something that is important.

The serious situation in Sudan and the danger in which it has placed thousands of British nationals has been a stark reminder of how interconnected our world is today. Hearing the desperate stories of innocent civilians escaping Khartoum and the welcome efforts of the Government to airlift diplomats and their families, we can all recognise that foreign policy has never before had greater implications for life here in the UK and beyond. That interconnected nature of our world places Britain and our allies at a crossroads, and we have a choice as to how we move forward, hence the importance of this debate.

We can choose to stand isolated from our closest allies or we can embrace the opportunity that the world offers, including with the United States. I take the point of the noble Lord, Lord Howell, that this should not be as a subservient partner. The noble Lord, Lord Frost, is absolutely right: it is important for the world and for the values that we stand for, and it is important for democracies across Europe and beyond that the United States, the United Kingdom and allies in NATO and beyond stand together. The noble Lord, Lord Bilimoria, made this point: that we should stand with the confidence—not arrogance or a belief that we know everything or that everyone should follow us, as though we were some empire-building colonial power again—that the democratic values that we hold and the human rights that we stand for are important. If we do not stand with the United States

[Lord Coaker]
to deliver that, we diminish that effort across the world. I could not agree more with the noble Lord, Lord Frost, about that.

The challenge is to ensure that, whoever the President is, the United States itself does not turn inwards and that it sees that its own interests are in working with the UK and NATO and standing firm with respect to Ukraine, as we have seen. We have to work with the United States to deliver that.

The noble Lord, Lord Alton, rightly, constantly reminds us of the dangers of China. That is a challenge for the Government—what our relationship is to be with China, and what relationship will work with China. Of course we have to speak to it; it would be ridiculous to say that we should not speak to China. But how do you speak to China and what do you say? Personally, I do not think that there is anything to be gained by appearing weak or by saying that these are not the values that we stand for—that somehow kowtowing to the Chinese is what works. But surely there is a common interest in dealing with the problems that we face.

I have got carried away as usual—but let me just say what the issue is here. I do not think that the great superpowers of the world can move forward without starting from asking what the common interest is here. To take climate change, there are difficulties on this—but, if climate change is not addressed, there is drought and famine. There is a moral imperative to act on this issue, of course—but as the noble Lord, Lord Popat, said about Africa, the movement of people that we see currently is as of nothing if we do not deal with climate change, famine, agriculture, food security and water. Millions on millions of people will move to search for water, which will affect China, India, Pakistan, Saudi Arabia, Iran, Africa, southern Europe, us, the United States, Mexico and South America. It is in everybody's common interest to deal with that.

Of course, there are issues. The noble Lord, Lord Alton, reminded us about China. I myself have been sanctioned in Russia—but that will not stop him, me or many others in here from saying what we think. The Government should say that we will not be weak on human rights with regard to China—but surely, as has been shown from some international conferences, you can come to some agreement on issues where there are common interests. That is where I would start; that is what we are looking for from the Government. It is not just our country but the world that is at a crossroads here. There are problems that cannot be resolved by individual countries. I shall not get into the Brexit argument, but international co-operation and working together is absolutely crucial, within a framework of individual and national sovereignty. That is what is frustrating.

The right reverend Prelate the Bishop of St Albans mentioned the importance of soft power, which is neglected. As noble Lords will have heard me say in the Chamber, I am a big advocate of defence spending. I do not think that we spend enough on defence as a country; we can argue what that should be, but we need to spend more. Some of the solutions to the problems, as my noble friend Lord Browne said, might come if we could only sort out who was doing what in NATO. We would not all have to have 1,000 tanks or 5,000 fighter aircraft or 20 aircraft carriers. Of course everyone should have an individual responsibility, but the alliance would deliver that power. That is why I think that AUKUS is important and offers a way forward in respect of that.

When we visited the American embassy two or three weeks ago, I made the point about the importance of soft power. That is where the UK has immense reach. I cannot remember which noble Lord mentioned it, but whether you look at the Middle East, Africa or many of the other countries, that soft power is immense and must be given greater priority by the Government. The aircraft carriers sailing around the South China Sea project military power, but my understanding is that it did as much simply by docking at various ports, speaking to people there and trying to understand what was going on. That is why it is so tragic that the Government have cut the aid budget from 0.7% to 0.5%. It was an awful decision from a moral point of view—but also, that aid package is going into all those different areas where there are problems, and that aid is the soft power that demonstrates to countries that we are not only about preaching human rights and democracy, but that human rights and democracy from a country such as ours delivers aid to people when they need it. We have lost that through the cutting of the budget.

The noble Lord, Lord Frost, may have more influence on people in America than me, but I would be saying to them, "I do not understand that America is often criticised for its global actions, yet look at many of the national global emergencies that occur across the world, and whose planes are flying in the aid? Which flag is on the aid packages going in there?" It should be a source of great pride to the American people that often they are right at the forefront of tackling problems when there is an earthquake or a disaster.

There is a need here. The world is at a crossroads. Standing with America, we the West should project democracy, human rights and values, and demonstrate how they work. We should not shy away from that. We should support those fledgling democracies and fledgling movements across the world that are also trying to grow that within their regions. That is hard power, that is soft power, and it is strategic interest.

I go back to the point made by the noble Lord, Lord Bilimoria. If we do not have the confidence as a country, led by our Government, whatever Government that is, to project that with our NATO allies and our alliances, we will not achieve what we all want, and China, Russia and the other autocrats across the world will gain from it. That is the challenge. The Government must be bolder in setting out that vision of where they want us and our allies to go if we are to achieve what we all want.

4.58 pm

The Minister of State, Foreign, Commonwealth and Development Office (Lord Goldsmith of Richmond Park) (Con): My Lords, I thank the right reverend Prelate the Bishop of St Albans for tabling this debate. Without sounding too clichéd, I strongly agree with the noble Baroness, Lady Smith, that it has been a fascinating debate, and probably the most illuminating debate that I have taken part in, at least as a Minister. I have

so enjoyed many of the speakers that we have heard today. Like everyone, I do not agree with everything that I have heard, but I agree with much of it and have enjoyed the passion with which the speeches have been delivered, and the depth of knowledge and wisdom.

As your Lordships will be aware, since publishing the IR in 2021, we have seen a huge escalation in geopolitical competition, with an intensification of threats to our democracy and security. The global turbulence forecast in the review has moved at a quicker pace than anyone had imagined just two years ago. In recent months, we have seen an emerging trend, a transition to a multi-polar and contested world, from Russia's unprovoked invasion of Ukraine to China's growing economic coercion. The world is a most dangerous place, as the noble Lord, Lord Howell, said very convincingly, with far-reaching consequences for the security and prosperity of the British people.

I pay tribute to the noble Lord, Lord Coaker, for delivering his speech so compellingly and covering a lot of the points that I wanted to cover. He made the point that the current situation in Sudan, the most recent of this tumult, amply demonstrates the heightened volatility that is likely to last beyond the 2030s. That is why we published the IR refresh earlier this year, setting out how the UK will meet this reality head on.

The refresh describes how the UK will protect our core interests—the sovereignty, security and prosperity of the British people—and pursue a stable international order, with enhanced co-operation and well-managed competition, based on respect for the UN charter and for international law. Rightly, our approach is an evolution as opposed to a revolution. Our strategic ambition is on track, positioning the UK as a responsible, reliable and effective international actor and partner, investing in the global relationships that we know we need to thrive in an era of international uncertainty. We meet our obligations as a permanent member of the UN Security Council and as the leading European ally within an expanding NATO.

We do have strong relations with our neighbours in Europe. I say that in response to a number of points made by the noble Lords, Lord Browne and Lord Bilimoria, and the noble Baroness, Lady Smith. We have strong relationships, notwithstanding Brexit. I see that in my own work almost every day, much of which would not be possible without co-operation with our friends and allies in Europe, but, yes, we must build on the Windsor Framework to invigorate those partnerships even more. We are deeply engaged in the Indo-Pacific, we are active in Africa and we enjoy thriving relationships with countries across the Middle East and the Gulf.

A number of noble Lords mentioned the Commonwealth. Although I will not focus on it too much in this speech, because I have so many points to cover, I want to amplify the point made so well by my noble friend Lord Howell, the noble Lord, Lord Bilimoria, and the noble Baroness, Lady Smith. It is not just a unique club but an extraordinary club of nations. As one speaker pointed out, it encompasses 2.5 billion people. It is a club unrivalled in its diversity—geographic, economic, cultural and in every conceivable way. There is an incredible strength in it, with these countries—in some ways unlikely countries—bound together by something very strong and with the UK playing a critical role, not least through the role of His Majesty the King. Like others, I believe that there is much more to be extracted from that club. There is much more to be done to strengthen it and give it purpose. That has moved higher up the political agenda, even in the last few months here in the UK.

Today's debate has touched on issues right across the spectrum of our international interests. There is no way that I will be able to answer all the points made, but I will do my best. My noble friend Lord Frost made a point, followed up by the noble Lord, Lord Coaker, about the importance of our relationship with the US. The US is clearly our closest ally. It remains so and I hope it always will. There has been tremendous political volatility recently, with the election of President Trump followed by a shift towards the Administration of President Biden. That has made the status quo trickier and we have had to navigate uncharted waters in that relationship.

I know this is absolutely not central to our debate, but the noble Lord and my noble friend Lady Meyer raised the current obsession within the US, which is unfortunately catching on here as well, with what are often termed culture wars. I can only imagine what our competitors in China and combatants in Russia think when they see western politicians unable even to answer the question, "What is a woman?" It just makes no sense at all. We can laugh at it, but there is something more serious there. The implications go further; my noble friend Lady Meyer made the point, so I will not repeat it, other than to say that we are seeing a creeping intolerance, through every aspect of society, which is antithetical to our values as a country and to any kind of advancement and progress in relation to intellectual discourse, politics or anything else. It cannot just be dismissed as trivia. It is a fundamental issue and I very much share the point that she made.

The UK has provided nearly £6.5 billion in military, humanitarian and economic support to Ukraine since the start of the invasion. This goes to the point a number of noble Lords made about the position that the UK holds in the world. We led the G7 response, co-ordinating diplomatic activity and imposing our toughest ever sanctions, and we have trained thousands of brave Ukrainian troops.

As a Foreign Office Minister, I have the privilege of travelling the world and, like my noble friend Lady Meyer, I do not hear people outside this country talking down the UK. I hear people talking up the UK and the role that we have played, in relation not just to Ukraine but to other issues such as climate change, which the noble Lord, Lord Coaker, mentioned and I will come to later. We are seen as a world leader, and I have seen no sign whatever that this has been diminished by the decision we took to leave the European Union—on the contrary. We often hear that we no longer have a seat at the table, but the opposite is true: we have a seat at many more tables than we had before and are able to make decisions often in partnership with the European Union, which we are routinely able to push into much stronger positions.

[Lord Goldsmith of Richmond Park]

As we update our Russia strategy, our objective is to contain Russia's ability to disrupt the security of the UK, the Euro-Atlantic and the wider international order. As we face the most significant conflict in Europe since the end of World War II, we need to know that our Armed Forces are ready for the battles to come—a point that has been well made—and that the wider threat that Russia, Iran and North Korea pose to the international order is contained.

We have already announced that we will bolster the nation's defences, investing £5 billion over the next two years. This will replenish our ammunition stocks, modernise our nuclear enterprise and fund the next phase of the AUKUS partnership. This investment represents significant progress in meeting our long-term minimum defence spending target of 2.5% of GDP and comes on top of the £560 million of new investments last year and the record £20 billion uplift announced in 2020.

Secondly, we know that the prosperity and security of the Euro-Atlantic and Indo-Pacific regions are inextricably linked. It is critical to our economy, security and values that we build on those partnerships. The review makes our long-term commitment to a free and open Indo-Pacific a permanent pillar of our international policy. In answer to questions raised by a number of noble Lords, in particular the right reverend Prelate, that long-term commitment is already bearing fruit across defence, diplomacy and trade, evidenced by our recent accession to the CPTPP, which my noble friend Lord Frost talked about. We are its first European member.

The PM announced in March that the AUKUS partnership will deliver a state-of-the-art nuclear-powered submarine platform to Australia, setting the highest nuclear non-proliferation standard. This capability will help uphold the conditions for a secure and stable Indo-Pacific. I do not pretend to be an expert in Australian politics but, again, I see nothing to suggest that politics in Australia is moving against this new arrangement. On the contrary: it seems to be embraced cross party—or mostly. The Foreign Secretary's recent visit to the Pacific nations demonstrated that commitment to partner with our friends there for the long haul, listening to their priorities and working together on issues that are existential for us all but especially for those small island developing states that are absolutely on the front line when it comes to tackling climate change.

As the Foreign Secretary set out last week, and as someone here also said, China continues to present an "epoch-defining challenge" for an open, stable international order. This is our third key area, which I will focus on briefly. As noble Lords will know, China is a permanent member of the UN Security Council and the second-largest economy in the world, with an impact on almost everything of global significance to the UK. Therefore, it is firmly in our national interest to engage with China bilaterally and multilaterally, and to ensure that we have the skills and knowledge to do so.

I pay tribute to the noble Lord, Lord Alton, for raising, on so many occasions in the short time that I have been a Minister, issues of injustice that flow from the current Chinese Government—I say current, but it has been the same Government all my life. We are not blind to the increasingly aggressive military and economic behaviour of the Chinese Communist Party, stoking tensions right across the Taiwan Strait. The evidence of human rights violations in Xinjiang is truly harrowing.

In response to a couple of the questions that the noble Lord, Lord Alton, asked, I do not know what the Vice-President and the Foreign Secretary will talk about but I hope it will be Hong Kong and the situation in relation to the Uighurs and Jimmy Lai, the noble Lord's friend, who is clearly being pursued as a mechanism to silence a critic and as part of a broader attack on media freedom—there is no doubt about that. I hope these issues are raised and that the Foreign Secretary is able to lay out the UK's position on them. I will write to the noble Lord about the commission of inquiry in relation to North Korea, as I am afraid that I cannot give him an answer. On the Iranian national guard, we have responded to Iran's completely unacceptable behaviour by sanctioning the IRGC in its entirety as well as certain of its leaders specifically. That was announced last week.

Going back to China, our approach must combine these two currents. We will strengthen our national security protections wherever Beijing's actions pose a threat to our people or our prosperity. We will ensure alignment with our core allies and a wider set of international partners, and we will engage directly with China to create a space for constructive and stable relations.

The noble Lord, Lord Coaker, made the point that there are many problems globally that we cannot solve without China. This international co-operation occasionally works; I saw that myself in Montreal, where China held the pen of the CBD COP 15, working with Canada as the host and delivering something which exceeded anyone's expectations. I was about to use a word that I would come to regret—I am enthusiastic about efforts to protect the environment—but I certainly did not expect that the outcome would be what it was. To be fair about it, we must acknowledge that China played a very unexpected but positive role. A lot of that was a consequence of engagement. There was a real sense of expectation in China, with the pressure of a risk of being seen to fail, which I think led to them taking a stronger position than they would have otherwise.

To support all these efforts, we have confirmed that we will double our funding for China capability, to continue to build expertise and language skills here in government. I acknowledge the point made by my noble friend Lord Frost about the behaviour of the World Health Organization during the Covid crisis. He is right. While on one level it is also right that we should be critical of the efforts that China made to capture that organisation, I am far more upset with the World Health Organization for allowing itself to be so obviously captured.

Baroness Lawlor (Con): Would my noble friend the Minister consider how this country can lessen its economic dependence on China? There is a great deal of research now about not having dependency for more than 25% of imports on any one country, and—

Baroness Stedman-Scott (Con): With no disrespect to my noble friend, the noble Baroness was not here at the beginning. It may be a rule that she is not familiar with.

Lord Goldsmith of Richmond Park (Con): The noble Baroness does make a very important point. I will be touching on it in the remaining stages of my speech but yes, absolutely that must be a focus. That is at the heart of our critical minerals strategy but it goes way beyond that, for precisely the reasons that she has said.

Responding to this ever faster-moving global context means stepping up to protect the UK's economic resilience, not least by acknowledging the point made by the noble Baroness. We have established a new directorate in the FCDO, incorporating the government information cell, to increase our capacity to assess and counter hostile information manipulation where it affects UK interests overseas. A new economic deterrence initiative will build our diplomatic and economic toolkit. With initial funding of up to £50 million over two years, the initiative is designed to strengthen our sanctions implementation and enforcement, and to give us new tools to respond to hostile acts and crack down on sanctions evasion. A new national protective services authority, located within MI5, will provide UK businesses and other organisations with immediate access to expert security advice. We will be publishing the UK's first semiconductor strategy, which will grow our domestic industry for that vital technology, as well as the updated critical minerals strategy that I mentioned a few moments ago.

On science and technology, I want to acknowledge a point made by the right reverend Prelate on the importance of investment in science and technology. In a world of technological change, we are investing more in the UK's science and tech ecosystem than ever before. Through our international tech strategy, we have laid out how we will cement the UK's place as a science and tech superpower, working with partners to secure strategic advantage and ensure that technology promotes our shared values of freedom. We have already reorganised government to focus better on this area and are increasing our resilience for the long term, spending around £20 billion a year across government on research and development by the next financial year.

The noble Lord, Lord Browne, raised the issue of AI. I cannot go into detail but AI technology is a step forward, which offers potential answers to questions that we have never been able to answer. It is an incredibly powerful tool and there is a question of whether we have demonstrated that we have sufficient wisdom to control such a powerful tool. Rather than rushing in as we are, we should be discussing, debating and figuring out what we want from AI and how we can prevent that incredibly powerful new thing from falling into the hands of people who will not be approaching issues in the benign manner that noble Lords have in this debate today.

I want to talk about Horizon very briefly. A number of speakers, including the noble Lord, Lord Bilimoria, mentioned it. Yes, we are discussing association. We want negotiations to be successful. Clearly the outcome needs to be in our interests, but that is very much a government policy and will continue to be.

On soft power, I will talk on international development, because that is probably one of the best examples of where we deploy soft power. Sustainable international development clearly is and remains central to our foreign policy. It is fundamental to the goals of the integrated review. I apologise to the right reverend Prelate the Bishop of Leeds for having left the Committee to answer the call of nature half way through his speech. I very much share his views on Lord Mitchell—or rather Andrew Mitchell; he is not a lord, although he may become one—who is one of this country's great experts when it comes to development, as you could see by the reception he received when he was given that appointment. We spent £11 billion on international development assistance last year, including on climate, girls' education, global health and so on, and we remain absolutely committed to that broader agenda.

To support our commitment to development earlier this year, we launched the women and girls strategy to tackle threats which have been debated and discussed—three minutes to go; halfway through. This year we will go further and faster to deliver that strategy, the IDS. The IDS was not given the prominence that it merited, and I encourage noble Lords to really have a look at it to see what is driving our approach to international development.

I will have to use the last few minutes to talk about climate change. The noble Baroness, Lady Northover, described it as an existential threat, and the noble Lord, Lord Bilimoria, praised the King for his history of involvement long before others, at a time when it was almost crank-like to worry about these issues, which have become mainstream, and I totally agree. I also just emphasise the UK's leadership on this issue. COP 26 was the first COP where nature was brought in from the outside and put at the centre, with 90% of the world's forests covered in commitments to end deforestation this decade, and 90% of the global economy signed up to net zero—it was only 30% when we took on the presidency. Real leadership through the UK resulted in a COP which again surprised the world in its effectiveness and how far-reaching it was. Our job now is to make those commitments real. We saw some of that at COP 27, where the UK had, other than the hosts, probably the most impactful interventions. We saw that in Montreal, which I mentioned earlier, where the UK did more heavy lifting to get that agreement over the line than any other country, including the presidents and the hosts of that conference. Many countries would agree that we would not have succeeded had it not been for the UK's involvement.

I see I have only 30 seconds left, which is awful, and I have not even begun to address the comments from my noble friend Lord Popat on Africa, but I agree with him very strongly that there is huge promise there. The noble Lord, Lord Coaker, made an interesting point about why investing in and supporting Africa is in our interest. One example of that is that the Congo Basin produces nearly two-thirds of Africa's rainfall, yet it has been cut down at a rate of half a million hectares a year. If that were to continue—it will if we do not intervene—we will see a humanitarian crisis on a scale that exceeds anything even in the Bible. We would be looking at something off the scale. That is not a question for debate. We know that the forests generate

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rainfall and that cutting down the forests will stop rainfall, and we know that rainfall is necessary for the lives and livelihoods of hundreds of millions of people and those to whom that food is exported.

I apologise that I have to conclude. I was going to address the 0.7% question, but I will simply say that I agree very much with the comments made. I urge the Government to move as quickly as possible to restore that 0.7%. It is an incredibly valuable thing the UK has in its armoury, not only doing good but benefiting us as well.

The UK has committed to work with our allies to shape an open, stable, international order with co-operation and partnership at its heart. Today, in a climate-threatened and geopolitically contested world, we are taking steps to adapt. We commit to taking the long-term view, acting with agility and, as always, being a champion for the values that we hold dear. I thank noble Lords again for their insightful comments and I apologise for not answering every question.

5.19 pm

The Lord Bishop of St Albans: My Lords, sometimes I am asked what it is like being a Member of your Lordships' House, and I often say that it sometimes feels like sitting in an incredibly informed, fascinating seminar with a number of world experts, and today has been just that. I will not try to name all the different speakers and the points they have made. I will just say that, for me, the fascinating speech by the noble Lord, Lord Popat, on Africa was very good, as was the speech on the Commonwealth from the noble Lord, Lord Howell of Guildford; I was particularly grateful for that.

I am also grateful to the Minister for responding. His Majesty's Government will hear a lot more from our House on three main clusters of areas, which I hope will be received helpfully. One, which I pick up from many of the speeches, is concern for a long-term strategy worked out with our partners as we address China, including human rights, defence and security. That was coming out loud and clear in many of the speeches. Secondly, the huge importance of the UK's soft power, particularly in universities, in our aid budgets and in the BBC, was echoed on a number of occasions by noble Lords. Third is the vital importance of integrating climate change and environmental issues into our foreign policy. We will return to these, I am sure. Meanwhile, I thank noble Lords for their fascinating contributions.

Motion agreed.

House adjourned at 5.20 pm.