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PARLIAMENTARY DEBATES
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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

Monday 4 September 2023

2.30 pm

Prayers—read by the Lord Bishop of Southwark.

Oaths and Affirmations

2.36 pm

Baroness Shields took the oath.

Deaths of Members: Lord Brougham and Vaux and Lord Haworth

2.36 pm

The Lord Speaker (Lord McFall of Alcluith): My Lords, I regret to inform the House of the deaths of the noble Lord, Lord Brougham and Vaux, on 27 August, and of the noble Lord, Lord Haworth, on 28 August. On behalf of the House, I extend our condolences to the noble Lords' families and friends.

Retirements of Members: Lord Hylton and Lord Selkirk of Douglas

2.36 pm

The Lord Speaker (Lord McFall of Alcluith): My Lords, I should also like to notify the House of the retirement with effect from 27 July of the noble Lords, Lord Hylton and Lord Selkirk of Douglas, pursuant to Section 1 of the House of Lords Reform Act 2014. On behalf of the House, I thank the noble Lords for their much-valued service to the House.

Orphan Sites: Hazardous Waste

Question

2.37 pm

Asked by ***Lord Mann***

To ask His Majesty's Government what plans they have to incentivise the clearance of hazardous waste from orphan sites.

The Minister of State, Department for Environment, Food and Rural Affairs (Lord Benyon): My Lords, the Environment Agency has discretionary powers which it can use to remove hazardous waste from orphan sites where it poses a significant risk to the environment or human health. The Chancellor of the Exchequer announced a landfill tax grant scheme at the last Spring Budget which will help local authorities cover the cost of landfill tax in land remediation projects. The grant scheme is currently under development.

Lord Mann (Non-Afl): It is not local authorities which own orphan schemes. There was a superb scheme brought in by the Government in 2018, but not renewed in 2019, that took away the landfill taxes so those orphan sites could be cleared. Some 80% of the cost of clearing them is landfill tax. Since then, the Government have had no revenue. Could we have some common sense and reintroduce what the Government rightly brought in, in the previous Parliament in 2018, which would work if it was given time?

Lord Benyon (Con): I am grateful to the noble Lord. I know he has raised this in both Houses in relation to an area that he used to represent. We have a system in place where orphan sites are transferred to the Crown Estate, which finds a new beneficial owner, and from which the vast majority then get contaminant clearance. Working with local authorities, it has been successful, but I will work with the noble Lord to try to find the best possible system that works in most cases.

Baroness McIntosh of Pickering (Con): My Lords, may I ask my noble friend about a different type of hazardous waste; namely, fly-tipping on private land, which is the scourge of the countryside? Can he update the House on any government policy and on what the Environment Agency and local authorities can do against this dreadful rural crime?

Lord Benyon (Con): My Lords, I once asked the then president of the Campaign to Protect Rural England what he thought the Government should do about fly- tipping and littering, and he said a shoot-to-kill policy. I think he was joking, but at times, I am sort of with him in spirit. The Government have provided more funds, increased the fines for fly-tipping and increased the ability of local authorities and the police to, for example, fine people for littering from a vehicle and to accept dashcam evidence. We are serious about trying to prevent this scourge. There is an organisation which now brings different groups of people together to assist landowners, who bear the brunt of fly-tipping, to minimise the chances of fly-tipping taking place in hotspots, but also provides them, through the local authority, with funding that will catch the criminals and take them to justice.

Baroness Bakewell of Hardington Mandeville (LD): My Lords, the cost of cleaning up hazardous waste sites can be enormous—as in the case of the sheepskin factory in Glastonbury bought by the previous RDA, where sections of land had to be abandoned. Given the extreme shortage of housing, does the Minister agree that it would be more cost-efficient to clean up orphan hazardous waste sites for new homes rather than paying to clear up newly and deliberately nutrient-polluted waterways? Given his comments on water pollution in the past, can he please explain the volte-face on this issue?

Lord Benyon (Con): I think the noble Baroness is conflating two very different issues. What we are talking about here is orphan waste sites where the owner has in most cases gone out of business and nobody, in effect, owns them. We need a mechanism whereby an owner is found and the contaminated waste is cleared. What she is referring to is a system that has failed to unlock much-needed new housing and which has been grossly misrepresented with respect to its impact on our waterways. I would be very happy to have a longer debate with the noble Baroness on that matter.

Baroness Jones of Moulsecoomb (GP): My Lords, it is quite complex cleaning up this sort of toxic waste, because you need a lot of good science to help you do it. I happen to know that several dozen scientists are outside this building at the moment. They are protesting about the Government not developing any new oil deposits, but they could perhaps also help with cleaning up this toxic waste.

Lord Benyon (Con): Contaminated land is a very broad term. It relates to land that poses no risk to the environment or to public health right through to really toxic, unpleasant substances such as parts of fridges which, if burned, can release cyanide. It is rightly the job of the local authority, working with the Environment Agency, to make sure that, where there is a problem, it is cleared up. We have had a system in place since 2018 seeking to do that and, in certain circumstances, the Environment Agency can go in and do the work itself. It is important that we work with the best possible science and evidence, and that we take action where we need to do so.

Lord West of Spithead (Lab): My Lords, can the Minister tell us about another type of waste—radioactive waste—and how the geological disposal facility is moving ahead? Is it moving ahead as we hoped it would? What sort of timescales does it have?

Lord Benyon (Con): The noble Lord is asking about an issue that is not in my knowledge. I will therefore write to him on the matter.

Baroness Anderson of Stoke-on-Trent (Lab): The Minister knows that the dumping of hazardous waste is on many occasions undertaken by organised crime gangs. Given that, how many successful prosecutions have there been over the last 12 months of individuals who have abandoned responsibility for hazardous waste sites?

Lord Benyon (Con): The noble Baroness is right that organised crime is involved in this, as well as very low-level speculative crime, and it is important that we have measures in place to deal with that. In the financial year 2021-22 the Environment Agency brought 94 prosecutions against companies and individuals for waste-crime offences, resulting in total fines exceeding £6.2 million. In the three years since the Joint Unit for Waste Crime was launched, it has worked with 102 partner organisations and engaged in 175 multiagency days of action, and there have been 51 associated arrests.

Dementia Diagnosis

Question

2.44 pm

Asked by ***Lord Weir of Ballyholme***

To ask His Majesty's Government what assessment they have made of the recommendations in the Alzheimer's Society report *Improving access to a timely and accurate diagnosis in England, Wales and Northern Ireland*, published in May, on ways to improve and futureproof the system for dementia diagnosis.

Lord Evans of Rainow (Con): My Lords, while no formal assessment has been made of the Alzheimer's Society report, we welcome research that will help us to improve and future-proof the system for dementia diagnosis. NHS England remains committed to the national ambition of diagnosing two-thirds of people over 65 years of age who are estimated to have dementia. Timely diagnosis of dementia is vital to ensure access to advice, information, care and support to help persons live well with dementia.

Lord Weir of Ballyholme (DUP): I thank the Minister for his response. There has been some hopeful news regarding dementia in recent months that suggests that we are potentially on the cusp of new treatments that, while not curing dementia, could help delay or at least reduce the level of significance of the disease. But that is effective as a form of treatment only if it is not too late in the progression of the disease for the individual. In light of the report that suggests that a lot more work needs to be done on dementia diagnosis, can the Minister outline what specific steps the Government are taking to improve early diagnosis for dementia?

Lord Evans of Rainow (Con): I thank the noble Lord for his question and pay tribute to his work on the APPG on Dementia. Timely diagnosis of dementia is vital to ensure that a person with dementia can access advice, information, care and support to help them live well with the condition and remain independent for as long as possible. NHS England is committed to increasing dementia diagnosis rates. NHS England's *2023/24 Priorities and Operational Planning Guidance* provides a clear direction for ICBs to support the delivery of timely diagnosis with systems.

Lord Hunt of Kings Heath (Lab): My Lords, will the Minister tell the House what has happened to the pilots that were announced, due to start earlier in the year, about the identification of dementia? In particular, will they deal with the very large variation in diagnosis rates across the country?

Lord Evans of Rainow (Con): The noble Lord raises a very important point. He is right that there is substantial variation across integrated care boards in dementia diagnosis rates. NHS England has commissioned a dementia intelligence network to develop a resource to investigate that very issue. It is important that we learn from the very best so that we can put in place an industry-standard best practice to make sure that we get the very best across the country.

Lord Allan of Hallam (LD): My Lords, is the Minister concerned that there may be misdiagnosis of Alzheimer's in people who do not speak English as their first language because of the use of verbal cognitive function tests? What are the Government doing to ensure that appropriate tests are available for people from all the different linguistic groups that have a significant presence in the United Kingdom?

Lord Evans of Rainow (Con): We try to diagnose right first time, but the noble Lord mentioned the important point of different languages. I do not have a specific answer on what we are doing about that, so I will write to him.

Baroness Pitkeathley (Lab): My Lords, timely and accurate diagnosis of dementia is also important to the families of such patients, who are often providing care in very difficult circumstances. While commitment to patient confidentiality is of course important, does the Minister agree that such information must be shared as soon as possible with the families who are providing care?

Lord Evans of Rainow (Con): The noble Baroness is entirely correct. We want a society where every person with dementia and their families and carers receive high-quality, compassionate care from diagnosis through to the end of life. NHS England is committed to delivering high-quality care and support for every person with dementia, and central to that is the provision of personalised care and support, with planning for post-diagnostic support. This is a terrible disease and not one hat fits all, so, as the noble Baroness points out, we have to personalise it wherever we can.

The Lord Bishop of Southwark: My Lords, I am grateful to the Minister for his answers on the diagnosis of dementia. Will he also outline what is being done to measurably improve the structures of support for those diagnosed with dementia, not least in the early stages, given the increasing social isolation that sufferers experience and the onerous costs they must often bear? This is increasingly evident in our parishes, in our wider communities, in the experience of clergy up and down the land and in my own diocese of Southwark.

Lord Evans of Rainow (Con): The right reverend Prelate raises a very important point. I refer him to my previous answer, but he is absolutely right to point out his diocese and parishes across the land. The NHS can do only so much, but it is important to have communities coming together. In my experience, the Church does a fantastic job, including the community groups that church organisations and others have at the very local level. Not everything can be done by the NHS, but people in communities can help carers, families and those with dementia to a very high level, in my experience.

Baroness Bull (CB): My Lords, people with learning disabilities are more likely to develop dementia, but particularly in complex cases of learning disabilities the symptoms are very often masked. What can be done to help those who care for people with learning disabilities to spot symptoms early on, so that diagnosis can take place and treatment can begin?

Lord Evans of Rainow (Con): The noble Baroness is exactly right. She raises a point about carers. Carers are not professional people; they are loving partners who vary in their experience and knowledge of this disease. I do not have a specific answer to her question other than to say that, generally, carers are far more recognised than they used to be and do a fantastic job. In fact, we would not be able to look after those 600,000 people in the country without those individual carers. I will write to her with a more specific answer, but she is absolutely right that carers are key to the care of people with dementia.

Lord Naseby (Con): Is not the key word "timely"? In relation to that word, is it not time that the junior doctors throughout the United Kingdom recognised that timeliness in relation to many conditions is being jeopardised, so long as they continue to go on strike week after week? Should they not recognise the Hippocratic oath that they took in the first place to do no harm to their patients?

Lord Evans of Rainow (Con): My noble friend raises a very important point. It is important that junior doctors and others come to some agreement and do not continue with their strikes. I understand that there are strong feelings on all sides, but we all have to work together—carers and healthcare professionals—to do what we can for people suffering from this dreadful disease.

Baroness Ritchie of Downpatrick (Lab): My Lords, one of the important points that emerged from the report was on the importance of workforce training. In many instances, the first point of contact for anybody with such symptoms is their GP. Can the Minister outline what steps the Government can take to ensure that GPs are trained to identify dementia symptoms and differentiate between types of dementia?

Lord Evans of Rainow (Con): The noble Baroness is absolutely right. There are different types of dementia at different stages depending on the individual and their age. Unfortunately, it can start very early on, in their 30s and 40s. In my experience, GPs and their practices are very well trained and knowledgeable in such matters. If the noble Baroness has any specific concerns in her area I can certainly look into them, but GP services do a very good job overall. We also have on our high streets things such as dementia awareness, where retailers and other public services recognise the early signs of dementia to make sure that people get the services they require.

Lord Crisp (CB): My Lords, the Minister may recall that I asked a Question about dementia palliative care teams before the Summer Recess. Can he give the House an update on the progress in rolling these out around the country?

Lord Evans of Rainow (Con): I do recall the noble Lord asking that Question, but I do not have that information to hand. I cannot update him in person, but I will certainly write to him in detail.

Lord Fox (LD): My Lords, we know that there is a national shortage of care homes, but when people have dementia, getting into a care home becomes even more difficult because many care homes do not cater for patients and people with dementia. Will the Minister acknowledge that this is an additional problem to the care home problem that this country has, and tell us what his department is doing to address the drastic shortage of care home places for people with dementia?

Lord Evans of Rainow (Con): That issue varies around the country. In some areas, there certainly are shortages; we all know of examples where there is a shortage of beds for dementia services. Some areas are better than others and more can certainly be done, but the noble Lord highlights a very good point. Most families will agree that it is very important to keep dementia sufferers in their own home. That brings us on to the point about carers and communities working with families to keep those dementia sufferers in their own home for as long as possible.

Baroness Wheeler (Lab): The Minister has recognised that dementia diagnosis rates vary significantly across the country, but we are less sure about exactly why. Does the Minister agree that, without this key information, it is impossible to address the current diagnosis postcode lottery? What steps are the Government taking to bring the diagnosis pathway up to the required standards everywhere, and what consideration have they given to the introduction of culturally relevant assessment tools to support this?

Lord Evans of Rainow (Con): NHS England is taking several actions to improve diagnosis rates. In the financial year 2021-22 the Government allocated £17 million to the NHS to address dementia waiting lists and increase the number of diagnoses. NHS England is sharing learning on good practice with dementia clinical networks. There is a substantial variation of ICBs throughout the country, as I said previously, and the Government have recognised that. That is why they have commissioned the dementia intelligence network to investigate this and report back.

Military Vehicles: Repair

Question

2.55 pm

Asked by ***Lord Coaker***

To ask His Majesty's Government what recent assessment they have made of decisions to mark military vehicles as "beyond any economic repair" rather than provide them to NATO allies.

The Minister of State, Ministry of Defence (Baroness Goldie) (Con): My Lords, the Ministry of Defence considers all available options when disposing of military vehicles which are no longer required. Vehicles which are assessed as being beyond economic repair are unlikely to be attractive acquisitions for our NATO allies.

Lord Coaker (Lab): My Lords, between 2010 and 2014, the MoD destroyed 43 Challenger 2 tanks, regarded at the time as being beyond any economic repair. These destroyed tanks, however, could have gone to Ukraine or other NATO allies. This new information has highlighted the government policy with respect to stockpiling, storing or mothballing old equipment. Can the Minister tell us what the current government policy on old equipment actually is? Is any review taking place to ensure that such a policy helps guard against future unknowns and emerging threats in an increasingly challenging strategic environment?

Baroness Goldie (Con): I can confirm that there are three main options available to the MoD when disposal is being contemplated: Government-to-Government sale, a commercial sale disposal or—because of reasons of being beyond economic repair or security issues—scrapping the equipment. I reassure the noble Lord that there is both an extensive structure for assessment of what is beyond economic repair and a very robust governance, headed by the DESA, to ensure that appropriate decisions are taken. There is an obligation to be fair to the taxpayer and to ensure a decent return if that is possible. Of course we always take into account what our operational and future needs will be.

Lord Lancaster of Kimbolton (Con): My Lords, I remind your Lordships' House of my interest as the Government's defence exports advocate. The gifting of military vehicles is the easy bit. The really difficult bit is the maintenance of those vehicles, which are often very technical pieces of equipment. Spare parts are often scarce and, crucially, without very experienced technicians you simply cannot maintain them. Probably the most depressing visit of my ministerial career was to an African country—which I will not name—to see a literal graveyard of donated British military vehicles because they simply could not maintain them. If we are to look at this, can we also look at how we can supply our allies with technical expertise and ensure that spare parts are available—which are probably not anyway?

Baroness Goldie (Con): My noble friend makes an important point. To reassure him, these factors are taken into consideration before a gift is made. For example, we consider in what state we would reasonably give equipment to allies, because we have to take into account the availability of spares, the time to bring vehicles up to standard and the implicit costs of that. We are always realistic. Indeed, my noble friend will be aware that we have made a number of donations of vehicles to Ukraine. These have proved to be very helpful.

Lord Browne of Ladyton (Lab): My Lords, given the continuing challenge of getting the Ajax programme on track and the verdict of the Defence Select Committee that defence procurement is "broken", these decisions are particularly concerning. Is it not the case that many of the scrapped Challenger tanks will have been some of our least used vehicles? My recollection is that they were returned from Germany in working order and were in storage for 15 years—since I was the Secretary of State. Can the Minister comment on this and explain how we can ensure that such short-sighted decisions cannot be repeated?

Baroness Goldie (Con): On Ajax, as the noble Lord is aware, a corner has been turned, thankfully, and good progress is being made. On the Challenger tanks, the noble Lord will be aware of the upgrading taking place now to create CR3—Challenger 3—tanks from innovated and improved CR2 tanks. But the noble Lord might be interested to know that money has also been given to the Army to ensure that, in addition, a cohort of CR2 tanks is upgraded so that they are available to operate with Warrior until the full transition

to CR3 has taken place. As the previous Secretary of State for Defence made clear, we will consider whether the lessons of Ukraine suggest that we need a larger tank fleet. That is under consideration.

Baroness Smith of Newnham (LD): My Lords, the Defence Command Paper says that we need to minimise the time when our "assets are unavailable". Looking at the two issues together—the retirement of Challenger tanks and the difficulties with Ajax—are His Majesty's Government sure that we are actually minimising the time when assets are unavailable? Should we be concerned about gaps?

Baroness Goldie (Con): This is an important issue—I would not suggest otherwise—but it is also a situation where we constantly factor into any decision-making what will be the likely transition period and requirements to maintain operational effectiveness, to ensure that there is no hiatus, gap or lacuna. The evidence suggests that that is effectively achieved. But it is worth pointing out to the noble Baroness, who raises an important point, that we were clear in the Command Paper refresh that, in procurement, we also look at exportability. There is proven success in that already, in relation to Type 26 and Type 31 frigates.

Lord Alton of Liverpool (CB): My Lords, the Minister will recall that, in the International Relations and Defence Committee report and the debate that followed in your Lordships' House, widespread concern was expressed from all sides of the House, not so much about gifting but about the replenishment of things that have been given by the United Kingdom, especially to Ukraine. Can she tell us whether replenishment is now taking place at a suitable and necessary rate? What have we done to increase our own capacity for manufacturing such armaments?

Baroness Goldie (Con): Yes, I can reassure the noble Lord that the MoD is fully engaged with industry, allies and partners, because all are facing the same challenges with supply chains. Having said that, that engagement is to ensure the continuation of supply to Ukraine and that all equipment and munitions granted from UK stocks are replaced as quickly as possible. We constantly assess the requirement to replace the equipment and munitions that we grant, and work on replenishing equipment continues. It is perhaps inappropriate to provide details at this stage, but work is there.

Baroness Stuart of Edgbaston (CB): My Lords, the Question refers to "NATO allies". On gifting and replenishing, to what extent are we co-ordinating our efforts with NATO allies to have maximum impact?

Baroness Goldie (Con): Extensive work has been done, and the noble Baroness will be aware of two things: the International Fund for Ukraine—a successful demonstration of the co-operation among allies to which she referred—and the Ukraine defence contact group. At its meeting in Brussels on 15 June, the defence ministries of Denmark, the Netherlands, the UK and the USA announced a major new fund that will deliver hundreds of vital air defence missiles.

Lord Kirkhope of Harrogate (Con): Will my noble friend comment on the interoperability of our equipment and munitions with those of other NATO countries? Historically, there have been concerns that we have been doing our own thing, as it were, and minimising the effect that we can have working together. Is my noble friend happy about the level of interoperability, and do we need to do more?

Baroness Goldie (Con): Interoperability is vital, particularly in an age when we see our MoD capability increasingly being used in alliance and perhaps less frequently on our own sovereign account. My noble friend is absolutely right: interoperability is vital. That is at the forefront among our allies, and we try to ensure that, with the equipment, we have that degree of engagement.

Lord West of Spithead (Lab): My Lords, the outgoing Defence Secretary—who I think had done quite a good job, I have to say—actually said that the Government for some years had been treating defence spending as discretionary spend and that there had been considerable hollowing out. Indeed, he has mentioned hollowing out a number of times. What areas in terms of stores, supplies and back-up have been hollowed out? Where is this hollowing out occurring that he has referred to so many times? As the Secretary of State, he must have been clearly aware of it.

Baroness Goldie (Con): I shall mildly rebuke the noble Lord, as I think that the former Secretary of State for Defence did a very good job, not quite a good job. The issue to which he refers is one that has transcended different Governments. He will know very well from his time as a Minister that hollowing out has tended to refer, in difficult economic times, to trying to see where savings might be made. My right honourable friend the previous Secretary of State did refer to hollowing out, but I think he was referring more to a strategic look at capability. That has been addressed, absolutely, not least in the Defence Command Paper of 2021, and the refresh that was recently published. There is now a very acute awareness of a need for a strategic plan for procurement and equipment, not to mention a very robust plan to accompany procurement, to ensure that defects, to which your Lordships have frequently referred, are being mitigated.

UK Government Resilience Framework

Question

3.06 pm

Asked by ***Lord Harris of Haringey***

To ask His Majesty's Government, further to the commitment in their *UK Government Resilience Framework*, published in December 2022, when they expect to publish the Annual Statement to Parliament on civil contingencies risk and performance on resilience.

Lord Harris of Haringey (Lab): My Lords, I refer to my role as chair of the National Preparedness Commission, and beg leave to ask the Question standing in my name on the Order Paper.

The Minister of State, Cabinet Office (Baroness Neville-Rolfe) (Con): My Lords, the resilience framework set out the Government's commitment to publishing the first annual statement to Parliament on civil contingencies risk and performance on resilience by 2025. Both Houses will be updated in due course regarding the timing, form and content of the statement, but the Government's intention is to publish the first statement during this calendar year.

Lord Harris of Haringey (Lab): My Lords, I am very grateful to the Minister for that assurance. Could she tell the House with regard to that statement, against each of the various risks outlined in the latest risk register, what mitigation arrangements are in place, and do the Government think that they are adequate? What arrangements will be made for both Houses to debate that statement?

Baroness Neville-Rolfe (Con): The statement is still in preparation. I take note of the noble Lord's points and thank him for the contributions that he has made, notably on the debate that we had on resilience in January, which was very helpful. The Deputy Prime Minister has committed to giving a statement to Parliament this year. Both Houses will be given the opportunity to scrutinise this, and the Government intend to update both Houses in the appropriate way.

Lord Wallace of Saltaire (LD): My Lords, the resilience framework statement is full of calls to involve the whole of society:

"we need a shared understanding of the risks we face … We are committed to working with partners, industry and academia from across the UK to implement this Framework … including UK Government departments, devolved administrations, local authorities, emergency services and the private … and community sectors … so we must be more transparent and empower everyone to make a contribution".

I am not aware of any great public information campaign having started yet. Is that also planned?

Baroness Neville-Rolfe (Con): I draw the noble Lord's attention to the developments in openness that there have been. We now have a UK Resilience Forum, which was established to bring together the voluntary and community sectors, emergency responders, business and so on. We have published a very chunky *National Risk Register*, which is available for public comment—and, of course, we are gearing up the local resilience forums, which are led by the Department for Levelling Up, Housing and Communities. We have announced new pilots this summer to work out how best to engage local communities, develop community risk registers and so on.

Lord Browne of Ladyton (Lab): My Lords, I welcome the fact that in June the first ever head of resilience was appointed and the new promised COBRA unit came into being, promised in the integrated review. The first, the head of resilience, of course deals with long-term resilience challenges while the second is more to respond to emergencies, but, after all, these emergencies are usually immediate manifestations of just the same challenges. Why, therefore do these two bodies sit in different reporting frameworks within the Cabinet Office? Is it not sensible that they should be in the same reporting structures and that the best chance of improving resilience lies in encouraging some sort of symbiotic relationship between them?

Baroness Neville-Rolfe (Con): I think we are very aware of the need for symbiosis and have indeed been thinking about that in the way we have set this up and led the way, with the resilience framework, which has been widely welcomed; with the setting up of the Resilience Directorate under Mary Jones; and with various other measures. Exactly how the Cabinet Office is organised is an internal matter; the key thing is that we should make progress in this area, and I have actually been pleased that, since I became a Minister at the Cabinet Office, I have seen what my colleagues have done to progress this very important matter.

Lord Forsyth of Drumlean (Con): My Lords, does my noble friend think that we ought to be taking far more seriously our dependence on technology? The recent example of the entire national air traffic control system being shut down and people being stranded for weeks is a very good example of that. While all these committees and other organisations are being set up, is there not a fundamental problem that we are so dependent now on technology and therefore very vulnerable?

Baroness Neville-Rolfe (Con): I think my noble friend puts it extremely well. Of course, it is at the heart of the work we are doing on resilience; indeed, we have set up a new department, DSIT, to focus much more closely on technology and AI—both the opportunities and the risk that it brings. Technology has improved our lives so much, but we certainly need to keep a close eye on things. The NATS case wrecked many people's holidays and was very unfortunate; I know my grandchildren were all stuck for four days. The case has been looked at carefully: it was not a cybersecurity incident but, obviously, it is going to be looked at independently by the Civil Aviation Authority and there will be a report to the Secretary of State for Transport.

Baroness Chapman of Darlington (Lab): On that topic, the Government should be working constantly to improve the UK's cybersecurity capabilities against artificial intelligence and state-linked cyberattacks, in particular. This is one of the reasons, presumably, that the Government have agreed to publish an annual statement on resilience, but given reports at the weekend of a very damaging security breach where Russia-linked hackers targeted the MoD, can the Minister confirm that the forthcoming annual statement will indeed set out the Government's necessary actions, including skills development, to urgently strengthen our cybersecurity?

Baroness Neville-Rolfe (Con): I have to be careful in commenting on operational matters, and I have already said that the statement is still under consideration, but I very much agree with the noble Baroness's emphasis on skills and cyber skills. Indeed, I chair a subgroup trying to improve cyber skills across departments in government, because there are a number of professional areas that the tech revolution has highlighted, and cyber is definitely one of them.

Lord West of Spithead (Lab): My Lords, historically we have not been taking resilience seriously enough in this country—there is no doubt about it. My noble friend Lord Harris has done a lot of work in this area, and I think he should be congratulated on that. We absolutely have to have more focus. It is all very well saying that how this is organised in the Cabinet Office is an interior matter; actually, it is crucial for the nation that we get this right, that we are properly focused and that we take it as seriously as we should. Yes, there are lots of things happening, but I feel that we need to really move on this one, because resilience is probably one of the greatest threats we face to the nation.

Baroness Neville-Rolfe (Con): Perhaps I can agree with the kind words about the noble Lord, Lord Harris, and the work he has done in this area and continues to do. I have very much valued his advice. I also agree that resilience is incredibly important: it is one of our ambitions to improve this. The Deputy Prime Minister has personally taken this to heart and been very engaged and the whole set-up that we now have, both on shorter-term risks and the more strategic risks, is totally different to what one would have seen five years ago.

Lord Winston (Lab): My Lords, rather than decry technology, would it not be better to do the opposite: encourage our schools to teach much more science and technology and respond more effectively to technology and the downsides that, like anything else, it will always have?

Baroness Neville-Rolfe (Con): I very much agree. I have been a great advocate for making sure that children are taught both digital opportunity and digital risk. I will make sure that my noble friend Lady Barran is aware of the noble Lord's comments, because it is important that the curriculum focuses on not only maths, literature and writing but the tech revolution and how it is changing the world so profoundly, as we all see from our own families.

Lord Harris of Haringey (Lab): My Lords, at the risk of all the nice words about me being rescinded, could I follow up the question of the noble Lord, Lord Wallace, on public engagement? As I am sure the noble Baroness knows, this is National Preparedness Month in the United States; every state is taking part in initiatives to try to ensure that the general population is aware of and ready to face risks. In Sweden, every household has received the booklet *If Crisis or War Comes*, which has practical things that they can do. When will the UK Government do something similar?

Baroness Neville-Rolfe (Con): We learn from abroad, which I am always very much in favour of, but we also do things our own way. Noble Lords will remember that the Government launched and tested the emergency alert service earlier this year and we have strategies such as WeatherReady and "check for flooding". We also have a local tier of work which I know to be very powerful from my local village; local resilience forums reach down into local communities and some of them communicate very well. Through the pilots that the Secretary of State for DLUHC has pioneered, we must ensure that best practice is replicated right across the country so that citizens are prepared and ready.

Electoral Commission: Data Breaches

Private Notice Question

3.17 pm

Asked by ***Lord Hayward***

To ask His Majesty's Government, following recent disclosures of a data breach from the Electoral Commission, what action they are taking to mitigate the effects of this and to prevent data breaches across the public sector.

The Minister of State, Cabinet Office (Baroness Neville-Rolfe) (Con): My Lords, since the Electoral Commission reported the incident to the National Cyber Security Centre, the Government have worked closely with the commission to provide it with expertise and support to deal with the incident and guard against the risk of future attacks. Through our government cybersecurity strategy, we are reducing the likelihood of data breaches in the public sector and the impact of the breaches that happen.

Lord Hayward (Con): My Lords, given the supplementaries to the previous Question, which touched on this whole issue of security, security breaches and the awareness of government departments and individuals of what they should and should not do and how they should work with others, is my noble friend now absolutely clear about where this breach came from and whether it has been secured, let alone whether things will be better going forward?

Baroness Neville-Rolfe (Con): It is a matter for the Electoral Commission, which is independent of government and accountable to Parliament through the Speaker's Committee on the Electoral Commission. Since it reported the incident to the NCSC, we have been working closely to provide expertise and support. The Electoral Commission has made a statement that the breach was limited and not a great deal of new information has gone into the public domain, and it has given advice on what citizens might do. On the cause, I am not sure I have anything to add to the general comment I made on operational matters.

Baroness Smith of Basildon (Lab): My Lords, if I am honest, the Minister's answers are quite unsatisfactory and do not answer the question the noble Lord asked. She will recall consideration of the Elections Bill, during which many of us considered that the Government unnecessarily put in place measures to make it harder to vote. Now, it seems that the backdoor was open to hackers and perhaps more alarmingly, nobody noticed for 10 months. There are two issues about confidence here, the first of which is confidence in the integrity of the system, which the Government said they were interested in. Today, however, the Minister has not been able to give us any detail on what action is being taken to protect the electoral register. Secondly, how

[Baroness Smith of Basildon]
do we instil in the public confidence in continuing to register if their data can be hacked without anybody noticing for almost a year?

Baroness Neville-Rolfe (Con): I may be able to help on that. An independent investigation into the attack revealed that the actors were able to access only reference copies of the closed electoral register and the commission's email system. Those have information about electors including their names, addresses, electoral numbers and franchise markers. They do not contain more confidential information such as national insurance numbers, nationality data, age, or anonymous electors, so the extent of the breach was limited. However, I emphasise that the Electoral Commission is independent, and we have done our best to help it through our cybersecurity expertise in order to make sure that the hackers have been completely taken out of the system and there are no future risks. So, the public can feel reassured in that regard.

Lord Grocott (Lab): My Lords, on a related matter, for a long time there has been discussion about the commercialisation of the electoral register and it being available for sale. It seems to me that the principle of making available for sale something we are required to respond to by law for the proper conduct of elections is questionable. However, can the Minister at least indicate the scale of the income received from the sale of electoral registers, and the companies and organisations to which they are sold?

Baroness Neville-Rolfe (Con): I do not have available any commercial information. It would be a matter for the Electoral Commission, and no doubt there is some information in its annual report. I am afraid I am new to this subject, but legislation sets out which individuals and organisations are entitled to receive copies of the open electoral register from local authorities. The commission, of course, uses the register for various purposes because it is a regulator. There are other organisations, as the noble Lord suggested, such as credit reference agencies, political parties and the Office for National Statistics—which does such an important job—which are entitled to receive copies of the register.

Lord Wallace of Saltaire (LD): My Lords, the Elections Act extended voting rights to overseas citizens for their lifetimes. As it is implemented it will have to rely on a great deal of electronic communication, as the postal service will be far too slow. Have the Government considered that this lays our electoral records more easily open to hacking? Has thought been given to the problems of managing a system such as this? We want a great deal more people who live in distant countries to vote, but the time allowed in the electoral campaign for that will be very difficult to manage without the use of electronic systems.

Baroness Neville-Rolfe (Con): Preventing interference in future UK elections is an absolute priority for the Government—we have to protect our democratic processes. The Government have set up a Defending Democracy Taskforce to drive forward work to protect UK democratic processes, which I hope will be of some comfort to the noble Lord. The taskforce works across government and with Parliament, the intelligence communities, the devolved Administrations, local authorities, the private sector and civil society—a whole of society approach. It has recently set up a new enduring election security capability: the joint election security and preparedness unit. This will make sure that we are fully prepared for the next general election and that there are not attacks on the integrity of our systems.

Baroness Hoey (Non-Afl): My Lords, data breaches in public life are hugely worrying, particularly if people's lives are at risk. It might be slightly outside the Minister's recall but is she aware, and have the Government taken an interest in the fact, that there was a huge data breach in Northern Ireland which actually put the lives of police officers at risk? We have just heard that the chief constable has resigned as a result of that. Would the Minister please ask the Home Secretary to look very seriously at this and at some of the other issues that are now coming out about the impartiality of the Police Service of Northern Ireland?

Baroness Neville-Rolfe (Con): I am grateful to the noble Baroness for raising that point, not least since I raised it myself about 10 minutes ago when I was being briefed for this Question. There was some comfort to know, for today's purposes, that it was not a cyber incident, but it was a very unfortunate security breach, linked, as she will know, to an FoI process error. We must learn from this. As I said in answer to the previous question, there is a combination of things that we must do to try to prevent this kind of thing ever happening again and to ensure that the impact is minimised, if and when there are breaches of the system. Obviously, that is what they are trying to do in relation to Northern Ireland.

The Lord Bishop of St Albans: My Lords, the stakes are very high when these data breaches take place, because they erode public confidence in allowing organisations to collect and use our private data. I am thinking in particular of the NHS, and its great reliance on data; if it can analyse and collect information, this could be of huge help in solving medical problems and curing diseases. To prevent these things in future, what is being done to ensure that the NHS computer system cannot be hacked and that people can have real confidence in it being allowed to collect their data?

Baroness Neville-Rolfe (Con): I described the new, more resilient system that we have got. There is a big focus on cyber and cyberattacks; individual Government Ministers take that very seriously. We have set up a new system called GovAssure, which the Deputy Prime Minister announced in the spring, to make sure that different parts of the public sector are better prepared and able to deal with these points. The National Cyber Security Centre has been much strengthened—actually, it also does a very good job for outside organisations, as I remember from when I was involved in an NGO and on the Back Benches. We are making progress with these things. It is important that we use electronic data, as has already been said by several noble Lords.

The key is to make people take the necessary steps—often personal steps—to ensure that systems are not opened up to hackers, attackers and hostile states.

Baroness Ritchie of Downpatrick (Lab): My Lords, we all know that this incident happened in August 2021. It was brought to the attention of the Electoral Commission in October 2022, which made it public in August of this year. As a follow-on to my noble friend Lady Smith of Basildon's question, could the Minister indicate why political parties and the public were not informed of this data breach that would impact all the public throughout the UK? Why did that not happen? In Northern Ireland, we have had the PSNI data breach, which impacts all the workforce, both service personnel and civilian staff. Maybe whenever she talks to the Cabinet Office, she could impress on it the need to ensure that political policing is ended.

Baroness Neville-Rolfe (Con): That is a point well made. In a sense, the noble Baroness's question is about why this took so long, especially in relation to the Electoral Commission. The Electoral Commission made a statement on this—it is, as I had to emphasise right at the beginning, independent and accountable to Parliament through the Speaker's Committee—in which it said that it needed to take several steps to remove the hackers and that it was necessary to do that before making a statement. It also said that it was determined to protect against future hacking and that by making a public statement that would have been more difficult. However, the noble Baroness's point is well made; being transparent with the public is an ambition that we all share—subject, of course, to security needs.

Baroness Ludford (LD): My Lords, may I follow that up with the Minister? Is she certain that the data breach notification requirements under data protection law were followed? As I understand it, the Electoral Commission said that it knew about this in October 2022, and yet the Information Commissioner's Office appears to have been told only a month ago, and there are requirements—certainly there are under GDPR—for the public to be told, normally within 72 hours. What have the Government ascertained about whether these requirements were followed?

Baroness Neville-Rolfe (Con): I thank the noble Baroness for her point. I will write to her, if I may.

Lord Forsyth of Drumlean (Con): My Lords, I was going to make exactly the same point, but I was also going to add: who has taken responsibility for this breach at the Electoral Commission, and what action has been taken? It is very quick to punish the political parties when they cross the line, so what has been done there, or is this yet another example of something going completely wrong and no one taking responsibility?

Baroness Neville-Rolfe (Con): I note the tone of my noble friend's comment and understand the frustration that noble Lords in this House feel.

Lord Rooker (Lab): Did the breach include any of the marked registers from the polling stations—the noble Baroness must know what they are? Are they kept in digital form and, if so, for how long?

Baroness Neville-Rolfe (Con): As I understand it, it was reference copies. The registers—as the noble Lord probably knows—are kept by local authorities and by the constituency election officers. I think the answer—I will certainly confirm it—is that the marked registers would not have been made available.

Lord Harris of Haringey (Lab): My Lords, I feel that the noble Baroness speaking on behalf of the Government is being slightly complacent about all of this. We of course welcome the fact that the Electoral Commission is an independent body, and we hope that that will continue. However, the whole purpose of hostile state actors in disrupting or breaching the security of the Electoral Commission is to undermine public faith and confidence in the institutions of the country, as the right reverend Prelate said. That has to be a fundamental concern of the Government. How will they address that and make sure that we can continue to have confidence in our institutions and that they cannot be undermined by state actors, as may have happened in this case?

Baroness Neville-Rolfe (Con): On a positive note, I will repeat two big things. First, we set up the Defending Democracy Taskforce to drive forward work on protecting UK democratic processes, because we knew and feared, as long ago as last year when this was set up, that there could be problems, and it has now set up a new and enduring election security capability—the JESP unit. The second point is that all the work we are doing through the National Cyber Security Centre is making things better, although this is not an easy area—whoever tries to run this area would discover that. Therefore, things such as GovAssure, the work on cyber skills, the web check and the resilience framework that we talked about in answer to the previous Question, as well as training—which nobody has mentioned and which I know the noble Lord is always advocating—remain very important.

Levelling-up and Regeneration Bill

Report (5th Day)

3.34 pm

Relevant documents: 24th and 39th Reports from the Delegated Powers Committee. Scottish, Welsh and Northern Ireland Legislative Consent sought.

Amendment 164

Moved by ***Baroness Hayman of Ullock***

164: After Clause 202, insert the following new Clause—

"High street financial services

(1) The Secretary of State must engage with local authorities to devise strategies to reduce the number of high street financial services becoming vacant premises.

(2) For the purposes of this section high street financial services includes but is not limited to banks, post offices and cash machines."

Member's explanatory statement

This is aimed at protecting banks, post offices and cash machines on high streets by placing a new duty on the Secretary of State.

Baroness Hayman of Ullock (Lab): Welcome back, everybody, to the levelling-up Bill. I have the only amendment in this group, Amendment 164 after Clause 202, which would insert a new clause about high street financial services. It says:

> The Secretary of State must engage with local authorities to devise strategies to reduce the number of high street financial services becoming vacant premises … For the purposes of this section high street financial services includes but is not limited to banks, post offices and cash machines"—

although that is, of course, the most usual way of cash access to our financial services in our high streets.

We had a fairly robust discussion about this in Committee and the reason for introducing it is that I believe very strongly that we need to protect banks, post offices and cash machines on our high streets by placing a new duty on the Secretary of State. I am sure anyone who lives in any kind of rural community will have seen the number of bank branches in their local high street diminish substantially. Where I live in Cockermouth, I think we now have one bank left—and of course that is a continuing story. I looked at the figures. From 1986 to 2014, the number of bank branches on our high streets pretty much halved, which is an extraordinary number of closures. Unfortunately, that has continued and hundreds more have been closed this year. I think Barclays Bank is now predicting more closures.

We know that banks close branches to increase their profitability and to redirect investment, and we also know that it is partly in response to customers moving to online banking. The loss of branches potentially has little day-to-day impact on those who are able to move to online banking. It has more of an impact on those who need access to the physical services when they need them. We are particularly concerned about the effect of the closure of branches on people and businesses who need the physical infrastructure of a branch to visit and to make appointments to discuss financial issues.

In my community, we are particularly concerned that we have only one bank branch left in the town. We are extremely concerned about what will happen if that bank branch closes, because the impact on vulnerable people is particularly significant when the last bank branch in a local community goes. We know that an increasing number of people who live in rural areas now live at least 10 miles distant from their nearest bank branch, and this creates significant challenges for the disabled and elderly, who are less able to move to online banking. The Financial Conduct Authority has raised concerns that this could well be contributing to these groups' financial exclusion, and it also has an impact on the 20% of small businesses with a turnover of below £2 million a year that use branches as their primary means of banking.

Bank closures also mean less access to cash. I know that when the branches have gone in our locality, the cash machines sometimes stay for a while, but after a time they also go. We have a number of events in Cumbria where cash is what people really need, and the queues for the one remaining cashpoint are enormous at those times. People might say, "Well, you can get these handheld things that you can tap your card or phone on". That works only if you have very good internet access, which is not always the case in rural communities. I will give a personal example. My hairdresser has just given up on that method, so I am back to cash or cheques for my hairdresser. It is not unusual in certain rural areas for this to become a significant problem.

Back in May 2019, the Treasury Select Committee said that face-to-face banking

> "is still a vital component of the financial services sector, and must be preserved".

It also said:

> "If the financial services market is unwilling to innovate to halt the closure of bank branches, market intervention by Government or the FCA may be necessary to force banks to provide a physical network for consumers".

Some banks may say that they provide a mobile service and that this provides what consumers need. I have noticed that we sometimes have a mobile bank in our Sainsbury's car park. I have to say, I have never seen anybody use it. That is, I think, because people do not know when it is coming and how long it will be there; it is also up quite a steep slope, which is not very good if you are vulnerable, elderly or disabled. So I do not think that that is the solution.

My amendment also talks about post offices. In order to increase the role of the Post Office, many banks came to agreements with the Post Office to enable consumers and businesses to use a range of branch banking services such as checking balances, paying in cheques, and withdrawing and paying in cash. Those arrangements covered 40% of business customers. In 2017, a banking agreement was agreed between the Post Office and major banks to cover the three-year period to 2019; a further agreement then came in in 2019. According to government, this extended banking services to nearly all the large banks' personal customers and 95% of their small business clients.

The then Government said that

> "the Post Office is not designed to replace the full range of services provided by traditional banks".

Instead, the intention is

> "to ensure that essential banking facilities remain freely available in as many communities as possible".

That all sounds very good—except, of course, that we have seen a large number of post offices close. Last year, Citizens Advice analysis revealed that 206 post offices had closed in the previous two years—the equivalent of two closing every week—and closures are continuing. One in three rural post offices is now offered as a part-time outreach service, open for an average of just five and a half hours per week. That happened to a post office in one of the large villages near where I live: it maintained this service for a while but, because it was not getting the footfall since the hours were not at times when many people could go, eventually it stopped offering even that. It then moved into the village hall and people tried to do it through that route but, again, not with great success. It certainly does not replace the services of post offices and banks when they are fully functional.

To sum up, that is why my amendment is so important. People need access to cash and financial services. They often need to be able to talk face to face with somebody who understands their particular concerns; it is also

important that that person is somebody whom they feel they can trust. So I do not believe that we can continue with these closures any longer. They put rural communities at a serious disadvantage and I urge the Minister to consider my amendment. I should also say that, if I do not receive sufficient reassurances from her, I will be minded to test the opinion of the House on this matter.

Baroness McIntosh of Pickering (Con): My Lords, I support the amendment, although if it is pressed to a vote I will not be voting for it. I hope that the noble Baroness, Lady Hayman, will understand.

I take this opportunity to press my noble friend the Minister to clarify, when she responds, the welcome advice given by the Treasury over the summer that any customer living in a rural area should be no further than three miles from a bank branch. This begs the question: why have Barclays and, presumably, other banks, taken this opportunity to undergo another raft of rural bank closures exactly when the Government have announced that rural customers should have the right to be within three miles of a branch?

3.45 pm

I declare an interest. The branch where I opened my first bank account is now closing. It will not affect me so much, since I can visit other, more urban branches, as long as they survive. However, it concerns me, for the reasons that the noble Baroness so eloquently set out. We are living in a time of cost of living concerns. Cash is king. One way of controlling household expenditure is by relying on cash rather than credit cards. The Government also said in the recent Treasury advice that in the event of a bank closure, rural banking hubs will be set up. I have looked into this for the closure of the branch in question, and the hub will not be like for like. There is a rural post office service in UTASS, the Upper Teesdale advisory service of which I am proud to be a patron, but it is open for fewer than six hours a week. UTASS is looking to open a bank facility for between four and six hours a week.

As the noble Baroness so eloquently set out, my point is that there will be no daily post office facility. There will now be no bank facility on the three days a week that is currently offered. The distance involved is 10 miles from the village to the market town, but 10 miles in the other direction up a dale. The distances are great. I accept that the advice given by the Treasury was that it should be within one mile in an urban area but three miles in a rural area. Rural transport is thin compared with urban transport and it will be very difficult for people. One wonders whether they will be able-bodied enough to access transport to a 10-mile radius.

The Government have identified and acted upon a problem, but my concern is that now banks are flouting the very advice that the Government have given. Will my noble friend take this opportunity to give the strongest possible message to Barclays and other banks that they must continue to provide a banking service to those who live in rural areas—not just for ordinary customers but to rural businesses? On a bank holiday weekend, their takings, over and above the usual weekends and weeks, will be considerable, and they will have to travel some distance once this closure has taken place in order to bank that money, posing a security problem as well.

With those few remarks, I look forward very much indeed to my noble friend's response.

Baroness Butler-Sloss (CB): My Lords, adding to what has just been said, I have been a Barclays customer all my life, as has my family before me. The branch in Ottery St Mary, three miles from the village in which I live, closed some time ago. There is now not a single bank in Ottery St Mary. The nearest bank is in Honiton, which is seven miles away. I am told that the Barclays branch there is about to close. We will have to go to Exeter, which is a very crowded place, particularly if you drive. It has bus services, but they are not very frequent. It is 10 miles from the village where I live. Also, there were two branches of Barclays in Fleet Street, just beside the law courts. There is none today.

Baroness Jones of Moulsecoomb (GP): My Lords, I strongly support this amendment. I will sound like an old fogey—so perhaps I should be sitting in the seats opposite—but I used to love going into my branch of Co-op and actually speaking to somebody, asking them questions directly. This has damaged communities, especially communities of quite vulnerable people who cannot travel very far, so the Greens will be voting for this amendment.

Baroness Hoey (Non-Afl): My Lords, I also strongly support what the noble Baroness said on this. It is something that I have been very concerned about for a long time and you cannot divorce it from the way that post offices have been run down by our Government. The reality is that post offices cannot now do many of the things that they used to do. It is a drip-drip thing that is gradually making it very difficult particularly for the elderly and those who have no access to a bank account or are not near a bank.

Whatever the Government might think of GB News, I do not understand why they will not look more at its huge petition to say that we do not want to be a cashless society. This is really important. The noble Baroness is starting the fightback, which I hope the Government will listen to. I hope that she puts this to a vote, because people talk a lot about it but, when it comes to the crunch, noble Lords need to show that they mean it; otherwise, it is useless us being here.

Baroness Pinnock (LD): My Lords, it is as if we were never away. I remind the House of my relevant interests as a councillor on Kirklees Council and a vice-president of the Local Government Association.

The noble Baroness, Lady Hayman of Ullock, made a very strong case in support of her Amendment 164, to which I have added my name. This amendment is so important because this is, after all, a levelling-up Bill. If there is no access to financial services in the very places that are the focus of the Government's mission statement for levelling up, we are doing them a disservice and not, in fact, helping to level up. So I hope the Minister will take heed of the noble Baroness's arguments.

[Baroness Pinnock]

The House of Commons Library produced a very informative briefing on this very issue last year. One of its statistics was that overall use of cash payments fell from 45% of all transactions in 2015 to 17% in 2021. However, since the cost of living crisis, there has been anecdotal but substantial evidence that use of cash has increased as families find it easier to control their spending if they make cash payments.

The noble Baroness, Lady Hayman, has argued on behalf of those without bank accounts; there are a large number of such people. How will they manage if they cannot access cash? Perhaps the Minister will be able to tell us. As the noble Baroness, Lady Hayman, said, it is also more difficult for some older people and those with disabilities, particularly learning disabilities, to manage bank accounts, whereas they can live more independently with cash.

As the noble Baroness, Lady Hayman, said, all these changes to a more cashless society depend on a good mobile signal or access to broadband. Let us remember that these are simply not available in many parts of the country. The noble Baroness, Lady McIntosh, knows how difficult it is to access a mobile signal, let alone the internet, if you live in the Yorkshire Dales. Moving without thought to a lack of in-person banking access will seriously harm people in rural communities and those folk I mentioned.

So far, we have not thought much about local retailers in small towns and villages, which often carry out their transactions by cash. The question for those retailers, which some of them have raised with me, is where they deposit their cash if there is no bank available. If they have a substantial amount of cash, as some of them will, travelling with it and depositing it is a risk in itself.

The number of physical banks has fallen by 34% between 2012 and 2021—so says the House of Commons Library briefing. That is a substantial number. The Government anticipate that the loss of banks can, on the one hand, be resolved by people using post offices, but the number of post offices too is in sharp decline. Huddersfield is a very large town of more than 100,000 people. The post office in its centre has now moved into a branch of another shop, so it is not even a post office on its own. You have to walk through the shop to get to the post office at the back. That is hardly a presence in our towns and communities that encourages people to believe they have access to cash and banking facilities.

Finally, during the recess somebody told me about a particular banking problem they had. The bank had made an error in a transaction and wrongly attributed it as a charge on their account instead of as a payment. Resolving this problem took a couple of weeks. The person in question could access their internet account and tried resolving it that way. They failed. They tried to phone the bank: "Press 1, press 2, press 3"; "Hold on: I can't do it", they were told, "but ring in the morning, when somebody will know what to do". In the morning, they were told, "Go to your local branch", at which point the person in question said, "It closed last week. Where do you expect me to go?" In the end, they had to travel 20 miles to the nearest bank in a large city to try to see somebody to resolve the issue. It was then resolved, because you are more able to get such things sorted in person.

That will not be the only example; if I have heard of that, there will be numerous examples of that sort of situation. If that happened to an older person without access to the internet or the ability to get by public transport to a branch 10 or so miles away, they would have been at a huge disadvantage and lost that money, because there would be no way to resolve the issue. That is why banking and financial services need to have a physical presence in our communities. We do not expect every bank to have a branch everywhere, but we do expect the Government to agree to the amendment from the noble Baroness, Lady Hayman, to try to resolve this issue so that we can help to level up some of our communities and some of our folk. If the noble Baroness intends to move the amendment to a vote, we will certainly support it.

4 pm

The Parliamentary Under-Secretary of State, Department for Levelling Up, Housing & Communities (Baroness Scott of Bybrook) (Con): My Lords, welcome back. Amendment 164 in the name of the noble Baroness, Lady Hayman of Ullock, seeks to reduce the closure of high street financial services. The nature of banking is changing, and the long-term trend is moving towards greater use of convenient, digital and remote banking services over traditional high street branches. In 2021, 86% of UK consumers used a form of remote banking, such as an app, online or on the phone.

Banking customers can also carry out their everyday banking at more than 11,500 post offices across the United Kingdom. The Government are committed to ensuring the long-term sustainability of the Post Office network and have provided more than £2.5 billion in funding to support the Post Office network over the past decade and are providing a further £335 million for the Post Office between 2022 and 2025. There are more than 11,500 Post Office branches in the UK—the largest retail network in the country—and, thanks to government support, the network is more resilient today than it was a decade ago. The Government protect the Post Office network by setting minimum access criteria to ensure that 99% of the UK population lives within three miles of a post office. I do not know whether this is the figure that my noble friend mentioned earlier. Businesses can withdraw and deposit cash at any of those branches of the Post Office.

The noble Baroness, Lady Pinnock, brought up a real issue, I think, and that is good internet access, particularly for banking services. The Government know that, and Project Gigabit is the Government's £5 billion programme that will ensure that the whole of the UK benefits from gigabit connectivity by providing subsidy to deliver gigabit-capable connectivity to uncommercial premises, which are typically in very rural or remote locations. We have an ambition to connect at least 85 % of UK premises by 2025 and 99% by 2030, so we are working on what is a difficult and expensive issue—we know that, but we are working on it.

The Government cannot reverse the changes in the market and customer behaviour, nor can they can determine firms' commercial strategies in response to those changes. Decisions on opening and closing branches or cash machines are taken by each firm on a commercial basis. However, the Government believe that the impact of such closures should be mitigated so that all customers have access to appropriate banking services.

Of course it is vital that those customers who rely on physical banking services are not left behind, which is why the Financial Conduct Authority has guidance in place to ensure that customers are kept informed of closures and that alternatives are put in place, where reasonable. The FCA's new customer duty, which came into force on 31 July this year, further strengthens protections for consumers, as it will require firms to consider and address the foreseeable harm to customers of branch closures. These issues were debated extensively during the passage of the Financial Services and Markets Bill in 2023, and through that legislation the Government have acted to protect access to cash by putting in place a framework to protect the provision of cash withdrawals and deposit facilities for the first time in UK law. This introduces new powers for the FCA to seek to ensure reasonable provision of cash-access services in the UK and, importantly in relation to personal current accounts, to free cash-access services. Following the passage of this new law, the Government published a statement setting out their policies on access to cash, which include an expectation that, in the event of a closure, if any alternative service is needed, that alternative should be put in place before the closure takes place.

Furthermore, the financial services sector has established initiatives to provide shared banking and cash services, an example being the banking hubs, which offer basic banking services and a private space where customers can see community bankers from their own bank or building society. Industry has already opened eight banking hubs and 70 more are on the way.

I have set out the comprehensive action the Government are taking to protect access to financial services in a way that recognises the changing nature of banking and respects the commercial decisions of UK businesses. This is why we believe that the right approach is being taken, and, while we agree with the noble Baroness's intention, we cannot support this amendment.

Baroness Hayman of Ullock (Lab): My Lords, I thank all noble Lords who have taken part, particularly those who have offered their support. I thank the noble Baroness, Lady McIntosh of Pickering; I fully understand that she may not be able to join me in the Lobby if I call a vote. I appreciate the support offered by the Green Party through the noble Baroness, Lady Jones of Moulsecoomb, as well as the support of the noble Baroness, Lady Hoey.

The noble and learned Baroness, Lady Butler-Sloss, made a really important point about the distances that have to be travelled, and the need to go to Exeter. My husband's family are from Ottery St Mary, and I know the area well. When she said there were no banks there and she had to go to Exeter, I was quite horrified. That is an extremely potent example of the problem.

I thank the noble Baroness, Lady Pinnock, of course, for putting her name to the amendment and for offering her support. I have to say that I was pretty disappointed with the Minister's response. She said that banking is changing and people are now using "convenient" digital services, but the problem is that they are not convenient for everybody. That is the point I was trying to make when I introduced my amendment.

Also, the Post Office network is not always set up in the places and communities where it is needed. We have lost too many post offices and as was mentioned, they are often now not in separate buildings on the high street but at the back of or in the main part of shops. On going to the post office, I have ended up queuing for quite some time because of other people in the shop purchasing things, so it is not necessarily convenient, particularly if you have a lot of money on you. The problem of businesses having to travel large distances with a huge amount of cash has come up. I had not mentioned that issue but of course, it is very important.

The Minister talked about connectivity, but improving connectivity in rural areas has been talked about for years. There are parts of rural areas that are very difficult to connect, and they always seem to get left behind unless the local community agrees to pay what are often very large sums of money. So again, I am not convinced that that will solve the problem. The Minister also talked about having to follow the market. I strongly believe that financial services should be driven not by the market but by the fact that they are important to all our communities, whether we are talking about personal services or business services.

The key point I would like to make concerns the banking hubs. I do not know when we are going to see them. I have never seen one and I do not know what the rollout will be, but they do not seem to be replacing what has been lost.

Having said all that, I am not satisfied by the Minister's response so I would like to test the opinion of the House.

4.08 pm

Division on Amendment 164

Contents 180; Not-Contents 175.

Amendment 164 agreed.

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4.20 pm

Clause 79: Power in relation to the processing of planning data

Amendments 165 to 167

Moved by ***Baroness Scott of Bybrook (Con)***

165: Clause 79, page 88, line 25, leave out "the Secretary of State" and insert "an appropriate authority"

Member's explanatory statement

This amendment provides that the power to make planning data regulations may be exercised by "an appropriate authority".

166: Clause 79, page 88, line 37, leave out "the Secretary of State" and insert "an appropriate authority"

Member's explanatory statement

This amendment provides that the power to publish approved data standards may be exercised by "an appropriate authority".

167: Clause 79, page 88, line 37, at end insert—

"(4) A devolved authority may only publish approved data standards in relation to planning data about which the devolved authority acting alone could make planning data regulations."

Member's explanatory statement

This amendment limits the power of devolved authorities to publish approved data standards to standards that relate to planning data about which the devolved authority could make planning data regulations.

Amendments 165 to 167 agreed.

Clause 82: Power to require use of approved planning data software in England

Amendment 168

Moved by ***Baroness Scott of Bybrook***

168: Clause 82, page 90, line 23, after "regulations" insert "made by the Secretary of State"

Member's explanatory statement

This amendment provides that the power to make regulations requiring the use of approved planning data software in England may only be exercised by the Secretary of State.

Amendment 168 agreed.

Clause 84: Requirements to consult devolved administrations

Amendments 169 to 179

Moved by ***Baroness Scott of Bybrook***

169: Clause 84, page 91, line 10, at end insert ", unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved competence"

Member's explanatory statement

This amendment provides that the Secretary of State may make planning data regulations which contain provision within Scottish devolved competence without consulting the Scottish Ministers where the provision is merely incidental to, or consequential upon, provision that is outside that devolved competence.

170: Clause 84, page 91, line 18, leave out sub-paragraph (ii)

Member's explanatory statement

This amendment removes the reference to a person exercising functions of a public nature from the definition of a provision that is "within Scottish devolved competence".

171: Clause 84, page 91, line 23, leave out "competence after consulting the Welsh Ministers" and insert "legislative competence with the consent of the Welsh Ministers, unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved legislative competence"

Member's explanatory statement

This amendment requires the Secretary of State to obtain the consent of the Welsh Ministers before making planning data regulations which contain provision within Welsh devolved legislative competence.

172: Clause 84, page 91, line 24, at end insert—

"(3A) The Secretary of State may only make planning data regulations which contain provision that could be made by the Welsh Ministers or that confers a function on, or modifies or removes a function of, the Welsh Ministers or a devolved Welsh authority after consulting the Welsh Ministers, unless—

(a) that provision is contained in regulations which require the consent of the Welsh Ministers by virtue of subsection (3), or

(b) that provision is merely incidental to, or consequential on, provision that would be outside Welsh devolved legislative competence.

(3B) "Devolved Welsh authority" has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act)."

Member's explanatory statement

This amendment requires the Secretary of State to consult the Welsh Ministers before making planning data regulations which contain provision that could be made by the Welsh Ministers or that confers a function on, or modifies or removes a function of, the Welsh Ministers or a devolved Welsh authority except in certain circumstances.

173: Clause 84, page 91, line 25, after "devolved" insert "legislative"

Member's explanatory statement

This amendment provides where a provision is "within Welsh devolved legislative competence".

174: Clause 84, page 91, line 30, leave out paragraphs (b) and (c)

Member's explanatory statement

This amendment is consequential on the amendment made to Clause 84 at line 24 on page 91 in the Minister's name.

175: Clause 84, page 92, line 2, leave out "competence after consulting a Northern Ireland department" and insert "legislative competence with the consent of the relevant Northern Ireland department, unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved legislative competence"

Member's explanatory statement

This amendment requires the Secretary of State to obtain the consent of a Northern Ireland department before making planning data regulations which contain provision within Northern Ireland devolved legislative competence.

176: Clause 84, page 92, line 3, at end insert—

"(5A) The Secretary of State may only make planning data regulations which contain provision that could be made by a Northern Ireland department or that confers a function on, or modifies or removes a function of, a Northern Ireland department after consulting the relevant Northern Ireland department, unless—

(a) that provision is contained in regulations which require the consent of the relevant Northern Ireland department by virtue of subsection (5), or

(b) that provision is merely incidental to, or consequential on, provision that would be outside Northern Ireland devolved legislative competence.

(5B) The "relevant Northern Ireland department" is such Northern Ireland department as the Secretary of State considers appropriate having regard to the provision which is to be contained in the regulations concerned."

Member's explanatory statement

This amendment requires the Secretary of State to consult a Northern Ireland department before making planning data regulations which contain provision that could be made by a Northern Ireland department or that confers a function on, or modifies or removes a function of, a Northern Ireland department except in certain circumstances, and provides a definition of the relevant Northern Ireland department.

177: Clause 84, page 92, line 4, after "devolved" insert "legislative"

Member's explanatory statement

This amendment provides where a provision is "within Northern Ireland devolved legislative competence".

178: Clause 84, page 92, line 11, leave out paragraphs (b) and (c)

Member's explanatory statement

This amendment is consequential on the amendment made to Clause 84 at line 3 on page 92 in the Minister's name.

179: After Clause 84, insert the following new Clause—

"Planning data regulations made by devolved authorities

Schedule (Regulations under Chapter 1 of Part 3 or Part 6: restrictions on devolved authorities) contains restrictions on the exercise of the powers under this Chapter by devolved authorities."

Member's explanatory statement

This amendment inserts a new Clause which introduces the Schedule to be inserted after Schedule 12 in the Minister's name which contains restrictions on the exercise of the powers under this Chapter by devolved authorities.

Amendments 169 to 179 agreed.

Clause 85: Interpretation of Chapter

Amendments 180 and 181

Moved by ***Baroness Scott of Bybrook***

180: Clause 85, page 92, line 21, at end insert—

""appropriate authority" means—

(a) the Secretary of State,

(b) a devolved authority, or

(c) the Secretary of State acting jointly with one or more devolved authorities;"

Member's explanatory statement

This amendment provides the definition of "an appropriate authority" for Chapter 1 of Part 3 as the Secretary of State, a devolved authority or the Secretary of State acting jointly with one or more devolved authorities.

181: Clause 85, page 92, line 22, at end insert—

""devolved authority" means—

(a) the Scottish Ministers,

(b) the Welsh Ministers, or

(c) a Northern Ireland department;"

Member's explanatory statement

This amendment provides the definition of a "devolved authority" for Chapter 1 of Part 3.

Amendments 180 and 181 agreed.

Amendment 182

Moved by ***Baroness Parminter***

182: After Clause 86, insert the following new Clause—

"Local nature recovery strategies

(1) A local planning authority must ensure that their development plan (taken as a whole) incorporates such policies and proposals so as to deliver the objectives of the local nature recovery strategy.

(2) Any policies or proposals in subsection (1) must be consistent with the proper exercise of the authority's plan making functions."

Member's explanatory statement

This new Clause sets out the relationship between local nature recovery strategies (LNRSs) and statutory development plans to ensure LNRSs objectives are delivered and aligned with development plans. This is to help secure implementation of Environment Act requirements.

Baroness Parminter (LD): My Lords, I have two amendments in this group, which have been kindly supported by the noble Baroness, Lady Willis of Summertown, who cannot be here this afternoon, and the noble Baroness, Lady Jones of Whitchurch, for which I am extremely grateful.

I do not wish to detain the House long by explaining what local nature recovery strategies are; we have been through that in Committee. They are an important new initiative created by this Government to find a mechanism to ensure that we can bring forward the nature recovery we need. However, they will not work unless they have a firm purchase in the local plans and spatial plans and various other constraints of the planning system. That is what the arguments we made throughout Committee were about. Presently, local authorities do not have to sufficiently have regard to them. The amendments we proposed called upon the Government to bring forward legislation which would incorporate the policies and proposals of local nature recovery strategies in local plans.

I am pleased that, over the summer, following much consultation with Ministers and their civil servants, while we may not have come to an accord we have come to a position where the Government have certainly moved more than half way. They are now proposing seven amendments, whereby local authorities "must" take account of local nature recovery strategies in their various plans and proposals. That does not mean they have to incorporate the policies and proposals, but to my mind—and indeed to legal minds—if the local authority plans were to go, for example, to an inspector, the local authority would have to show how they had taken the local nature recovery strategies into account.

I think we have made demonstrable progress. It has not gone as far as I would have liked but I am a politician and I know you do not always get what you

want. However, we have in this House made the arguments and the Government have been prepared to listen in a way that they have perhaps not been prepared to, and are not going to be prepared to, on other environmental arguments.

I thank Ministers and their civil servants, who have gone to the trouble of putting together seven amendments to make the intentions of the Government crystal clear. I hope that, when the guidance comes forward to local authorities on how they should implement this new legislation, it is crystal clear that they "must" take account, as the Government's new wording says, and that we can therefore do what I think both sides of the House want and ensure that local nature recovery strategies have a firm footing in the planning process. We know that without that we will not deliver the environmental gains that we all want. I beg to move.

Baroness Jones of Whitchurch (Lab): My Lords, I will speak briefly to the amendment. The noble Baroness, Lady Parminter, has set out extremely well why we are keen to make local nature recovery strategies an effective tool for helping the Government hit their legally binding 2030 nature targets.

The noble Baroness quite rightly said that we did not believe that the current requirements for local planning development plans to simply "have regard to" their local nature recovery strategies would be an effective delivery mechanism. A planning authority could disregard all the spatial recommendations of the local nature recovery strategy and still be compliant with the duty. They could simply write that they "had regard to" the local nature recovery strategy without providing any evidence of how it had shaped the substance of their plans.

When we debated this in Committee, the Minister extolled the virtues of the guidance, and the noble Baroness made reference to the forthcoming guidance. But we did have a very good debate, led by the noble Baroness, Lady Willis, which highlighted the many omissions of the guidance already published. I will not go over all of that, but there is still a concern about the detail of it, and I hope that it will now reflect this new wording in the Bill.

As I said, and like the noble Baroness, I am grateful for Ministers having had subsequent meetings and for the further consideration of our arguments that has now taken place. The Government's proposals make it much clearer that all tiers in the planning process must take account of local nature recovery strategies when they make their plans. It is not perfect, but it is a welcome concession. I therefore share the view of the noble Baroness, Lady Parminter, that we should not pursue Amendment 182 at this stage.

The Minister of State, Department for Environment, Food and Rural Affairs (Lord Benyon) (Con): My Lords, I am grateful to both noble Baronesses for their constructive contributions on this subject, both in Committee and more recently. As noble Lords know from the many Statements I have given to this House over recent years, I fully recognise the vital importance of nature and the pressing need for nature recovery. This is at the heart of the Government's environmental improvement plan and our legally binding targets to halt, and subsequently reverse, species decline.

Local nature recovery strategies were created by the Government to deliver more co-ordinated, practical and focused action to help nature recover. We have been clear from the outset that the planning system has a key role to play in making this happen. Local nature recovery strategies and biodiversity net gain, which we will come on to later, are crucial policies that enable us to achieve this in practice.

Given the strong calls we have heard for more clarity about how the new strategies should be taken into account, we have brought forward government amendments to address this. These amendments would impose a requirement for plan-makers, at all tiers of the planning system, to take the content of local nature recovery strategies into account, and they are explicit about the different aspects of the strategies that must be considered in this context. In this way, we are providing a clear legal framework that plan-makers will need to work within—one that will make sure that priorities for nature recovery are properly addressed. As both noble Baronesses said, this will be reflected in the guidance that we have committed to produce for local planning authorities on how they are to consider local nature recovery strategies in planning. This guidance is in draft and will be published shortly. I am happy to have further conversations with noble Lords about this.

Although our amendments do not impose additional reporting duties on local planning authorities, the way that local nature recovery strategies are addressed through their plan-making will be transparent and open to public scrutiny through the processes of public consultation and examination. Given the importance of getting plans in place, and the pressures on local authority resources, it is important that we do not impose duties that can be met through other means. An enhanced requirement for local planning authorities to report on actions taken to deliver the objectives of local nature recovery strategies is not required at this time.

In May this year, the Government published guidance on how public authorities should comply with the Section 40 biodiversity duty under the Natural Environment and Rural Communities Act 2006, stating that local planning authorities should include information in their biodiversity reports about how local nature recovery strategies have informed policies, objectives and actions.

I really hope that what I have said addresses the concerns of the noble Baroness, Lady Willis, about how local nature strategies will work across boundaries, catchments and landscapes to make sure there is a coherence that fulfils the principles of the Lawton review of about a decade ago, which set out how our approach to wildlife sites and nature recovery should work.

I hope that I have said enough. I thank the noble Baronesses again for their work on this with us. I am grateful to have been given the hint that they will not press to a Division Amendments 182 and 202.

4.30 pm

Baroness Hayman of Ullock (Lab): My Lords, I apologise—the Minister jumped up very quickly, but it has been good to hear his introduction to the government amendments.

The success or failure of the local nature recovery strategies is incredibly important, particularly around the Government hitting their legally binding 2030 nature targets, as the Minister is very well aware. Our concern has been that a planning authority could disregard all the spatial recommendations of the relevant LNRSs in their local development plan and still be technically compliant, which is why we were pleased to support Amendment 182 from the noble Baroness, Lady Parminter, because it addresses that weakness by requiring local planning authority development plans to incorporate those policies and proposals to deliver the objectives.

It is important to have a specific and meaningful legal link between the planning system and the local nature recovery strategies so that any substantial investment in their production does not then go to waste because it is simply not happening—and it would also help to inform better decision-making. The consequential Amendment 202 would weave that through the Bill.

As the Minister is aware, the Committee version of these amendments got substantial cross-party and Cross-Bench support when we debated it back in March—it seems a long time ago now. We are pleased that the Government have subsequently tabled the amendments that the Minister has just been talking about, plus the series of consequential amendments following on from Amendment 194A. We welcome the Government's recognition of the need for this specific legal duty, and we think that Amendment 194A represents a step forward—but, again, like the noble Baroness, Lady Parminter, we would have liked to see it move a little further forward than this, because "take account" can be a bit weak. We would have preferred to see it tied more tightly to development plans.

What we do not want to see is history repeating itself because no effective planning conditions are in place that mean that what we want to be delivered is delivered. I am talking about the Localism Act 2011, which required local planning authorities to have regard to the activities of local nature partnerships. We have heard a lot about the guidance that came along and the guidance that we are promised to go with this. The problem with having just a "regard" duty is that there is limited impact on strategic planning. It is important that we do not have that again—we need something stronger this time around.

We strongly welcome the Government's Amendment 194A. It would be good to be sure as it goes forward and, as the noble Baroness, Lady Parminter said, the guidance must be crystal clear. We must know exactly what the guidance is saying and have confidence that it will deliver what it needs to deliver—and that the concerns that have been raised will not come to pass. It is important that the amendments in this group genuinely make the difference to ensure that local nature recovery strategies are as effective as we need them to be.

Baroness Young of Old Scone (Lab): I am extremely confused about the order we are taking this in, but I understand that the government amendment has to be put. I just want to say one thing: every single time I have a conversation with Ministers or civil servants about the land use framework the Government are preparing, they tell me that local nature recovery strategies are fundamental and central to that. That is why it is important that the government amendment to strengthen the link between local nature recovery strategies and the planning system not only happens but is vigorously pursued and implemented.

Baroness Parminter (LD): I apologise if the order has been a bit wrong; it is just that we are not very used to saying thank you to the Minister. So, I will just sit down and withdraw the amendment.

Amendment 182 withdrawn.

Clause 87: Role of development plan and national policy in England

Amendment 183

Moved by ***Lord Lansley***

183: Clause 87, page 95, line 5, after "the" insert "up-to-date"

Member's explanatory statement

The amendments to Clause 87 and Clause 231 in the name of Lord Lansley would give statutory weight to up-to-date local plans and enable the Secretary of State to set out the definition of "up-to-date" and the weight to be given, respectively, to emerging plans or to those no longer up-to-date.

Lord Lansley (Con): My Lords, I put on record my interest as chairman of the Cambridgeshire Development Forum, which of course involves me in a wide range of planning and development-related issues.

I want to say a couple of things at the outset. First, I say a big thank you to my Front Bench colleagues for the time and energy that they and officials have given to discussing many of these amendments. I know they have worked hard, including through the recess, for us to try to reach agreements about some of these things: even if we do not, I want to say how much I appreciate the effort they are putting into it. The other thing I want to mention is that all my amendments, even if I might end up disagreeing with my noble friends on the Front Bench, are intended to make the Bill work better and in the spirit of how it is constructed.

That brings me to this first group of amendments, all in my name. In Committee, we had a very interesting discussion about what constitutes an "up-to-date" local plan. Why is this important? It is important because when we reach that part of the Bill and we have a plan-led system, we need to know whether the plan has full effect. Almost by definition, an up-to-date local plan has full effect and an out-of-date local plan has no effect, some effect or a differing weight. An emerging plan also has weight attached to it, but we also do not know precisely how much weight is to be attached. The Government's answer to this, of course, is terribly simple and was a very compelling reply to the amendments in Committee. It said that an up-to-date plan is a plan that has been adopted within five years of the preceding plan. That is a cliff edge, they said, and a cliff edge does not do: we need something that is

more subtle than that and acknowledges that there are plans that go out of date, but they are not much out of date and they are relevant, and we have emerging plans to which weight should be given.

So, we have constructed a set of amendments that inserts the words "up-to-date" in front of "plan", because if you have a plan-led system and you just say "local plans" and do not refine what you mean by that, it is rather deficient—and we are intending to have a plan-led system. The Government's arguments are based, in substance, around the proposition that local authorities need to have up-to-date local plans; otherwise, the system will not work effectively. In so far as they do not, the Bill has, as we shall come on to in the next group, the question of national development management policies which, to a large extent, step in in the determination of planning applications in circumstances where a plan is no longer up to date. So, there are undoubted pressures on local authorities to have a local plan that is up to date, but this is not easy.

Although we have a significant slowdown in the number of local plans being progressed by local authorities—not least because of the uncertainties associated with the revision of the National Planning Policy Framework and the uncertainties, frankly, associated with the passage of this legislation, which is not helping the situation—none the less when the Bill goes through and the NPPF is published we need to give greater certainty, and I think statutory weight behind the expression "an up-to-date local plan" gives certainty.

However, it does not solve the problem of a plan being out of date or there being an emerging plan in relation to the existing one. That is why the most important amendment I have suggested in this group is Amendment 187, which gives the Secretary of State a power in regulations to say what constitutes an up-to-date local plan—enabling that term to be defined—and to specify what weight should be attached to plans that are no longer up to date and to emerging plans. I anticipate that my noble friend may reply, perfectly sensibly, that we can do all that in guidance; my point is that we are creating statute and therefore want to give statutory weight to local plans as such and to up-to-date local plans, and to give a statutory framework for the processes by which Ministers determine how up-to-date plans, out-of-date plans and emerging plans are to be considered in relation to the process of determining applications.

When we come on to national development management policies, the interaction between the regulations saying how much weight should be attached to emerging and out-of-date plans and the Government's specific provisions in the national development management policies is an important one, which would be assisted by placing all these things into regulations—to which Parliament can have regard, which is, frankly, not an insignificant consideration. As we have encountered a number of times in the planning considerations in this Bill, where the National Planning Policy Framework and guidance to local planning authorities are concerned, Parliament plays, in effect, no role.

We have a chance now to say that we want a role—that we want to see the regulations and, in exceptional circumstances, to dispute them. The key thing is that Parliament should at least have a chance to see and debate them, and to give statutory weight and legislative backing to the meaning of local plans as they appear at the heart of the plan-making process. I beg to move.

The Earl of Lytton (CB): My Lords, as this is the first time I have spoken at this stage of the Bill, I draw your Lordships' attention to my professional and property interests.

I strongly support what the noble Lord, Lord Lansley, has put forward, for reasons which tangentially affect me to some extent where I live, down in Sussex, where no one could quite work out whether a duly made neighbourhood plan was still extant in the absence of a current local plan. This seems to be one of those things where unforeseen consequences have come about. As the noble Lord, Lord Lansley, has mentioned, making local plans and keeping them up to date is certainly not an unonerous burden; it is a process of constant churn in which at a certain date it becomes law, if you like, and at another date it suddenly drops off the cliff edge, as he referred to it, but the neighbourhood plans do not necessarily coincide with that same cycle.

It is even more of a problem for communities to make their local plans, because they do not have the same sorts of resources. A lot of it is done by voluntary hard work and endeavour. Yet in areas where a neighbourhood plan is still extant but the local plan has gone out of date, the whole thing is left in limbo. I absolutely buy the point that we need greater certainty and that some parliamentary scrutiny of this process is needed, at least to be able to consider a regulation.

Whether it is right that the Secretary of State should have quite such extensive and untrammelled powers to do this is probably a matter that the two sides of the House will never quite agree on. I think there is a valid point about how far one takes that. However, this degree of uncertainty is highly corrosive and is very damaging to confidence in the local plan and to coherence and trust in the process at neighbourhood and local plan level. I warmly support and thank the noble Lord for raising this very important group of amendments.

4.45 pm

Lord Deben (Con): My Lords, I remind the House of my interest as an honorary fellow of the RIBA. I support this amendment because I think there is a huge need for people to know where they are. It is very simple but there is so much of this in government—and probably elsewhere—that people find it very hard to understand and react properly because they do not know where they are. In the planning system, this is particularly notable.

As my noble friend Lord Lansley made his speech, it all sounded so obvious and natural. It is exactly what we should do. Therefore, we know what the Government's answer will be: "We will do that, so we do not need to put it into the Bill". I am afraid I am becoming less and less willing to accept the promises of Ministers based on simply saying they will do something. We recently had a very good example of

[Lord Deben]
this. I thought we understood that we were not going to make deleterious environmental decisions in any legislation at all because we could trust Ministers not to do that. It is very debatable that that is now being maintained.

I say to the Minister that if it is something we do anyway, there is no harm in putting it in the Bill. If the Government object to something because they do not do it, then they should explain that they do not do it. However, if the argument is that the Government already do it and therefore do not need to put it in the Bill, I do not think the House should accept it any more. If the Government feel unhappy with that, I suggest that they remember they are not necessarily going to be the Government permanently. Therefore, when they are thinking deleteriously of those who might replace them, surely they would want to ensure that were they to be replaced, the new Government would have to accept the same rules. I do not think they need to feel unhappy; rather, they should say they are ensuring that the system works for everybody, whoever may be running it. It is also a good thing for a Government to recognise that people really want to know where they are, and this is one of the areas where we do not.

Baroness Pinnock (LD): My Lords, the noble Lord, Lord Lansley, has raised a very important point about the effectiveness of a plan-led system if local plans are not up to date. The noble Lord, Lord Deben, has enhanced that argument by saying that people need to know where they are. If this is only in guidance, but we require there to be local plans—as we do in a plan-led system—why is it not incorporated in statute? I hope the Minister will answer this question.

The noble Lord, Lord Lansley, has raised a fundamental issue. Local plans are at the very heart of a plan-led system. As well as setting out local planning policies, the local plan allocates land for new housing developments; it allocates land for business development, thereby allocating land for jobs; and it allocates land to be protected, such as the green-belt land allocation.

If local authorities are not preparing, or do not have, an up-to-date local plan, then land is not being allocated for development. We will later have debates about housing targets, but one of my concerns about housing targets is that, if local authorities do not have an up to date local plan, land is not being allocated or set aside for housing development. If land is not being set aside for housing development, it is very likely that new houses are not going to be built.

The government website helpfully has an alphabetical list of authorities and the status of their local plans—although it is unhelpful in being able to look at them more carefully. The vast majority do not have an up-to-date local plan. In fact, one or two on the list do not appear to have updated their local plan for several years. What that tells me is that, currently, the expectation is that local authorities will develop a local plan and have it agreed, with a full review after five years. Helpfully, my own authority is not one of those that does not have an up-to-date plan, and it is currently beginning a review a year ahead of expectation.

If land is not allocated for housing, how on earth do we expect housebuilding to take place? I hope the Minister will be able to help me with this, because some time ago in a previous debate on this, I thought I recalled the Minister stating that a five-year supply of land will no longer be a requirement and will be waived by the Government. As I understand it, at the moment that is the only stick to encourage—or force, even—local authorities to allocate land for housing in a local plan. Currently, although it may be waived—and I am waiting for the Minister to respond to that—as I understand it, if a local authority does not have a sufficient supply of land for a five-year allocation according to government housing targets, then developers can choose where to develop. It is open season for housebuilding. If that one stick is being waived—and I hope I have remembered that correctly—then I would like to hear from the Minister on how they will encourage local authorities to have up-to-date plans, because without them, I do not see how we will meet housebuilding targets.

The issues that the noble Lord, Lord Lansley, raised, are fundamental. When he replies, will he say whether he wishes to test the opinion of the House on this? Without an up-to-date plan, all the Government's housing targets approach—which my party does not necessarily agree with—comes to nothing. Only the authorities that do the right thing, having difficult discussions with communities about allocating land for housing and other development, will supply the houses that need to be built. Everyone across parties accepts the importance of building more houses; how we get there is the issue. However, I would love to hear from the Minister how that will be enforced without an up-to-date local plan. If the noble Lord, Lord Lansley, in responding wishes to push this further, we will support him.

Baroness Taylor of Stevenage (Lab): My Lords, it is good to be back in your Lordships' House. I remind the House of my interests as a serving councillor on both a district and a county council, and as a vice-president of the District Councils' Network. I say for the record that, in spite of the considerable difficulties in doing so, not least the local MP calling our local plan in and it sitting on the Secretary of State's desk for 451 days, my local authority has an up-to-date local plan.

During my several recent visits to Mid Bedfordshire—for reasons of which many Members of this House will be aware—it has become clear that the public are becoming increasingly aware of the key role that the planning system plays in determining the future of their area. This is very healthy, and I hope it will continue. That makes it even more important that local plans are up to date and meeting the current challenges of local areas and their communities. The importance and precedence of local plans within the new planning system envisaged in the Bill will be even more diminished where local authorities do not take responsibility for updating their local plans seriously. The figures we heard in Committee, that only 39% of local authorities have an up-to-date plan in place, and that there are around 60 local planning authorities whose plans are paused or stalled, already expose those areas to developers who want to take advantage

of the absence of clear local direction. They are destined under the new regime in the Bill to see the views of local people overridden by NDMPs and other government direction. Our fear is that this will just reduce the incentive for local government to keep its plans up to date.

We have also seen that, in order to keep pace with rapid changes to local economies, it is vital that local authorities work with their business community to ensure that their local development plan is up to date and fit for purpose for that reason, as well as due to all the issues around land use.

The CPRE's review of the impact of local plans led to its conclusion that

"the government needs to give councils more support and consider how to redefine the test for plans being 'up-to-date' in order to reinvigorate democratically accountable locally-led planning".

For fear of misinterpretation, this does not mean the kind of centralisation of plans we see via proposed NDMPs or removing the powers to higher tiers, which we see in a government amendment that will be debated later today. Those options simply remove the connection between the local plan and engagement in its development by local people and communities.

I agree with and support all the comments that were made by the noble Lord, Lord Lansley, about the weight that is given to out-of-date and emerging plans. They need to have that statutory weight, and that needs to apply to all plans that are considered. On recent issues, the development industry, for example—the noble Lord, Lord Deben, mentioned this—has been very keen to stress the importance of it having more certainty in the planning system. Therefore, without clarifying even this element of plan making, about what is out of date and what is not, we leave the "how long is a piece of string" theory in place, which will hold sway in planning. Placing all these matters into guidance, as the noble Lord, Lord Lansley, said, does not give Parliament any role in this; on many occasions recently we have seen what happens when that occurs.

The noble Earl, Lord Lytton, mentioned that the uncertainty about the weight placed on an out-of-date or emerging plan, how out of date it has to be before it is actually out of date, and what a judge is going to say is and is not out of date, damages confidence in and the coherence of our planning system. The noble Lord, Lord Deben, referred to the huge need for people to know where they are, and I could not agree more. If we think we are going to do it anyway, what is the harm putting it in the Bill so that we can all refer back to it? I also thank the noble Baroness, Lady Pinnock, for talking about effectiveness of a plan-led system and the impact that out-of-date plans can have on the delivery of housing targets and the amount of housing needed in local areas.

5 pm

I have read carefully the *Hansard* of our previous discussions in Committee on this subject, and we see no reason why the Government would resist introducing some clarity to the definition of an up-to-date plan or the weighting to be given to up-to-date or emerging plans, so we support the amendments of the noble Lord, Lord Lansley.

Baroness Scott of Bybrook (Con): My Lords, I have great sympathy for the intention behind the amendments tabled by my noble friend Lord Lansley. The value in having up-to-date plans in place is something we can all agree on and is a goal which several of the measures in this Bill are designed to support. Where I must part company with my noble friend is on the best way of achieving that.

These amendments would create a hard cliff edge for policies in plans. A local plan or a neighbourhood plan could be departed from only if there are "strong reasons", or—if it passes its sell-by date—would be relegated to being just a material consideration. This would risk undermining the important policy safeguards in plans, which could allow the wrong development in the wrong places. Within any plan, some individual policies are likely to have continuing importance and relevance, irrespective of the actual base date of the plan. For example, policies which set the boundaries of important designated areas, such as the green belt, are expected to endure for some time. Because of this, it is a well-established principle that planning decisions rely on a judgment about which policies are relevant at the point of making a decision. If we created the sort of all-or-nothing cliff edge that these amendments imply, we would put this pragmatism at risk and could undermine important protections.

None of this is to excuse slow plan-making, and I agree entirely with my noble friend that we must do more to get up-to-date plans in place. We have a comprehensive set of actions to do just that. The national development management policies will mean that plans have to contain fewer generic policies than they do now; our digital and procedural reforms in the Bill will make it easier to prepare and approve policies; there will be more proactive intervention through the new gateway checks on emerging plans; and the Bill also bolsters the intervention powers that may be used as a last resort. Our current consultation on plan-making reiterates the Government's aim that future plans should be produced in 30 months, not years.

We expect the new plan-making system to go live in late 2024. There will be a requirement on local planning authorities to start work on new plans by, at the latest, five years after the adoption of their previous plan and to adopt the new plan within 30 months. Under the new proposals, the Secretary of State will retain existing powers to intervene if authorities fail, and these include the ability to make formal directions and, ultimately, to take steps into an authority's shoes and take over plan-making responsibilities. The plan also provides a new option for the Secretary of State where authorities are failing: local plan commissioners could be appointed by the Secretary of State at any stage of the new plan-making process.

However, we are going consulting. We are asking for views on the proposals to implement the parts of the Bill that relate to plan-making ,and to make plans simpler, faster to prepare and more accessible. That consultation opened in July and will close on 18 October. If any noble Lords would like to see it, it is available on GOV.UK.

[Baroness Scott of Bybrook]

The noble Earl, Lord Lytton, asked whether neighbourhood plans will still be relevant without a local plan. They will: they are still relevant if the planning application is relevant to the neighbourhood plan.

The noble Baroness, Lady Pinnock, asked about the five-year land supply requirement. We have proposed removing that requirement only where plans are less than five years old. This will be an incentive to keep plans up to date by reducing the threat of speculative development where local authorities have done the right thing in having an up-to-date local plan.

It is important that we give these reforms a chance to work, rather than introducing measures that would complicate decision-making and could weaken protections. Therefore, although I understand the intention behind these amendments, I hope that my noble friend has been persuaded to withdraw Amendment 183.

Lord Lansley (Con): My Lords, I am grateful to all noble Lords who have spoken on this group of amendments. I am particularly grateful for the support that noble Lords from all sides of the House have given to the principles behind my amendment.

My noble friend the Minister said that she is sympathetic to what these amendments set out to achieve. I am slightly surprised, because she continued to say that I am looking for something with a cliff edge, as it were. The whole point of Amendment 187 is to give Ministers the regulation-making power to graduate the cliff edge and show the steps up to and down from it. At the same time, my noble friend is trying to use cliff edges. She is saying, "Well, it's five years, then something happens, then two and half years is the limit on the time available". Sometimes, these timetables serve a purpose. My noble friend is right to say that local plan-making needs to be accelerated; setting these timetables is clearly a part of that.

This is interesting, because we are not necessarily debating the five-year housing supply elsewhere. The noble Baroness, Lady Pinnock, made a good point. My noble friend the Minister said that the Government are getting rid of the five-year supply requirement in relation to the plan itself. So, in effect, the local plan can say, "Well, this is our housing requirement, and this is how we are meeting it". However, if you go beyond five years and fall off the proverbial cliff edge, and if a local planning authority does not maintain an annual statement of how it will meet the housing requirement it has identified for its area for the five years ahead, it will in effect see a housing delivery test come in—and it will fail that test. We would return to the situation where developers are able to come in, and that may or may not be a bad thing; but it is not as simple as saying, "We have a housing delivery test", "We don't have a housing delivery test", "We have a different housing delivery test", "We don't have the buffer", and so on.

This issue is all part of the problem that my noble friend Lord Young of Cookham and I will return to in our debate on a later group of amendments, concerning the lack of constraints on local planning authorities that will get them to the point of delivering on the Government's housing targets. The watering down of the housing delivery test is a significant part of that, as is the buffer built into it in trying to meet the deficiencies in supply by local planning authorities.

My noble friend the Minister made some reasonable points. However, the whole point of this amendment is that we need certainty, as my noble friend Lord Deben rightly said. We need that to be achieved in the wake of this consultation on plan-making. It is not about cliff edges; it is about understanding what an emerging plan means in relation to an existing plan and setting that out in very clear terms. Past efforts have not succeeded. For example, Regulation 10A of the town and country planning regulations sets out that a review must start within five years. We saw the results of that. A local planning authority in my area initiated a review on five years plus one day and said, "We don't really need to review all of this. We'll just look at the one thing that we don't like, which is the housing supply number, and we'll review it and lower it"—and that was the end of it. The planning inspector said that they did not have the power to say that there should be a more wide-ranging review.

I hope—and believe—that this will be sorted in this consultation on plan-making. However, my point, which I think that my noble friend completely accords with, is that even if we do not do this in regulations—and I will not press the point—it must be done, with clarity and soon; otherwise, we will move to a new system into which all the past uncertainties will be reimported, with local developers and planning authorities going head to head as they have in the past and which has not been helpful. We want to see them using the certainty of the system to manage the supply of housing more effectively in the future.

With that thought of hope over experience, I beg leave to withdraw my amendment.

Amendment 183 withdrawn.

Amendment 184 not moved.

Amendment 184A

Moved by ***Baroness Scott of Bybrook***

184A: Clause 87, page 95, line 9, after "policies," insert "taken together,"

Member's explanatory statement

This amendment clarifies that inserted subsection (5B) in section 38 of the Planning and Compulsory Purchase Act 2004 requires a determination under the planning Acts to be made in accordance with the development plan and any national development management policies, taken together.

Baroness Scott of Bybrook (Con): My Lords, I do not intend to detain the House for long with Amendment 184A, which is intended solely to avoid any ambiguity arising in relation to the meaning of our changes to Section 38 of the Planning and Compulsory Purchase Act 2004. It clarifies that any determinations are to be made in accordance with the combined effect of the development plan and any applicable national development management policies. This was always our intention, but this amendment seeks to put the matter beyond doubt. I hope your Lordships will be pleased to support it. I beg to move.

Baroness Taylor of Stevenage (Lab): My Lords, way back in March, when we had our lengthy discussions on the planning section of the Bill, we explained that although our amendments necessarily covered the detail of the various clauses, there was huge concern in local government about some of the fundamental principles that underlie the proposed changes in the Bill.

We must ensure that local plans, with the input of local people and democratically elected representatives, retain their primacy over anything that is drawn up centrally in Whitehall. Now that we are on Report, I feel that the amendments in this group reflect that these concerns remain and that the issues we raised in Committee have still not been resolved.

The amendment tabled by the Minister, in relation to determining matters under planning law in accordance with the development plan and any national development management policies, taken together, do nothing to reassure those of us whose concern was about how conflict between national and local policy will be resolved. Therefore, we have tabled Amendment 186 in the name of my noble friend Lady Hayman of Ullock, which asks for consideration of which policy has been most recently adopted, approved and published, what liaison has taken place with local authorities, the importance of adequate housing supply and the protection of the natural environment. In all those areas, it is vital that the latest information and data should take precedence over policies which may be years out of date. I reiterate the ongoing concerns of the Local Government Association in this regard that

"in reality, local plans will be constrained in the event that they conflict with National Development Management Policies, in which case the latter will take precedence. We have previously sought an amendment to reverse this proposal so that local plans will take precedence in the event of conflict. This is critical to ensure that that one of the key principles of the planning reforms—'a genuinely plan-led system'—is enshrined in the Bill".

Amendment 188 in my name reflects our continued concern that the relative weight of various key planning documents and guidance, when taken into consideration with the centrally determined NDMPs, is still not clear enough. When we discussed this in Committee, the NPPF was still out for consultation, but that does not alter the fact that the whole sector must have some clarity before the Bill completes its progress.

In the Minister's explanation in March, in which she gave the rationale to introduce NDMPs, she stated:

"It will help local authorities produce swifter, slimmer plans by removing the need to set out generic issues of national importance".

She just repeated that statement in the last group. In Committee, she continued:

"It will make those plans more locally relevant and easier for communities and other users to digest and to get involved in developing, through consultation and communications with local communities".—[*Official Report*, 22/3/23; col. 1839.]

However, if local authorities do not have the clarity they need about what lies in the hands of their locally elected members working in consultation with the public and what is determined nationally, the whole system could quickly be mired in conflict and litigation.

5.15 pm

The comprehensive Amendment 190, in the names of the noble Baroness, Lady Thornhill, and the noble Lords, Lord Best and Lord Carrington, addresses many of our concerns about NDMPs, which were reflected in the debate in Committee. It sets out clear requirements for consultation and publicity; climate change input; a parliamentary process to scrutinise NDMPs, which is very important; and a clear process for timely and comprehensive review.

In Committee, we expressed enormous concern about the introduction of NDMPs from much of the sector, including key institutions such as the Local Government Association, the Royal Town Planning Institute, the Town and Country Planning Association, the CPRE and the Better Planning Coalition. In its excellent briefing on this amendment, the RTPI sets out the reasons for the amendment's great strength. It states that there are no other provisions in the Bill that would allow the scope of NDMPs to be properly limited, but a significant degree of ministerial discretion remains, which could be abused in the regulations or by the conduct of current and future Ministers. It also says that planning policies are notoriously difficult to draft and review by parliamentarians and that using the public is the best way to ensure that policies do not create potentially severe unintended consequences, which otherwise might become apparent only when applied in decision-making.

The RTPI also points out that, if written wrongly, NDMPs, which are subordinate to local development management policies, could still present a significant risk to councils and weaken local plans, because of their scope to open up to legal challenge, continuing the detrimental situation we already see with NPPF policies. Even if they are subordinated, NDMPs will continue to encourage councils to apply what the RTPI calls a cookie-cutter approach to policy—rather than to identify, evidence and assess their own needs and respond to them—as we see, unfortunately, under the NPPF. We always talk about resources, and resourcing has caused some of the delays to plan-making that we discussed earlier. More resourcing is needed to help councils deliver innovative local plans, but their local ambition is equally important.

As the RTPI points out, in the long term, NDMPs still represent a fundamental change to England's planning policy and a system that brings us closer to zonal rather than discretionary plan-making. Whether that consequence is intended or not, it means that, rather than councils drafting their own codes, national government would draft a single zoning code that would allow developers to use urban land that may protect urban amenity without micromanaging councils. A principled defence of local democratic decision-making should make use of every available option to resist that outcome, now and in the future, through continued scrutiny.

The case for explicit parliamentary and public scrutiny is also supported by research conducted by the University of Liverpool and Arup that has been published by the RTPI, which considers the application of national planning policies in other planning jurisdictions. Comparisons with other countries and nations suggest that extensive public consultation has been critical to the success of similar policies in other jurisdictions. I totally support that: public consultation might be difficult to do and painful at times, but involving local communities, in the end, strengthens the local plan

[Baroness Taylor of Stevenage]
and enables the provisions within it to be carried out by local authorities and all the partners with which they work.

The RTPI also points out that political and parliamentary scrutiny is a common feature of the most successful national policy regimes. Where that is absent, central government's authority and status on planning policy and guidance has been far less certain.

Although our preference would be to avoid altogether the centralising tendency in planning that NDMPs represent, our view is that Amendment 190 provides a much greater reassurance that they will be properly consulted on and scrutinised before implementation. For that reason, if the noble Baroness, Lady Thornhill, decides to divide the House on her amendment, she will have our support.

Lord Lansley (Con): My Lords, my Amendment 189 in this group also relates to national development management policies. Following a number of debates in Committee in which we tried to explore what national development management policies would look like, I thought it might be helpful to table an amendment that sets what the demarcation is between what NDMPs should and should not be doing. In the spirit of helping my friends on the Front Bench, I think my amendment aims to do what Ministers intend to do, which is not to pre-empt the role of a local planning authority in determining the policies for the use of land in their area for various purposes and the policies to be applied in relation to the overall structure of development in their area; I think they wish to ensure that there is consistency in plan-making and reduction of complexity in the process of determining applications.

My starting point was to look at the National Planning Policy Framework, as I did on a couple of occasions in Committee. Many of its chapters are essentially divided into two parts. The first asks what the policy is in relation to, say, heritage assets, combating flood risks or green belt designation. There then tends to be a secondary series of paragraphs relating to what happens when an application is received and how it is to be determined in relation to that subject. That is true for heritage assets, the green belt and so on. The simplest and most straightforward is the chapter on the green belt, where there are several paragraphs about how an application for planning permission inside the green belt should be dealt with, as distinct from preceding paragraphs that set out the processes by which plan-making should seek to establish the boundaries of the green belt. Similar things happen in other chapters.

That is why I went to the Bill and saw that, at the moment, the legislation gives Ministers the power to set national development management policies of such breadth that they could supplant many of the plan-making and policy-orientated decisions of local authorities. I do not think that is the intention. What I think they are setting out to do is as I have put it in the amendment, so that in Clause 88, which says what a national development management policy is, it would say that an NDMP

"is a policy (however expressed) of the Secretary of State in relation to",

and then my amendment would insert,

"the processes or criteria by which any determination is to be made under the planning Acts, as regards"

the use of land in England, et cetera. That would mean that it would be confined to the processes and criteria for determining applications, meaning that it is not a policy that can replace a determination of the policy towards the land use and development of land in an area. That is the prerogative of the local planning authority.

I think that is what Ministers are setting out to do and I think that is how the benefits are to be derived, but it is not what the statute says. The statute gives Ministers much wider powers. As my noble friend Lord Deben said in his helpful intervention, we do not know what future Ministers might think; they might think something much more intrusive and much more pre-emptive of the policy-making decisions of local planning authorities. If you take over plan-making in a plan-led system then you effectively take over the allocation of land and development right across the country; you can effectively control it. In my view, we need to be very clear. I hoped that Ministers would find Amendment 189 a helpful clarification, and I put it into this group on that basis.

Baroness Thornhill (LD): My Lords, the facts around our concerns regarding NDMPs have been very well expressed by the noble Baroness, Lady Taylor of Stevenage, and the noble Lord, Lord Lansley, so I will not waste the time of the House repeating them. The amendment tabled by the noble Lord, Lord Lansley, shows the real dilemma around content and demarcation with regard to NDMPs and local plans. Together, these amendments demonstrate just how much uncertainty and potential for conflict there is regarding this bold and radical change. These concerns are expressed across all parties and sectors, which is why I believe that the amendment in my name is crucial to allaying some of these very legitimate concerns.

My amendment would ensure that NDMPs receive full public and parliamentary scrutiny. It was drafted by the Better Planning Coalition and is supported by the RTPI, the National Trust, CPRE, Friends of the Earth, the TCPA and many other organisations. National development management plans could and should be a bold and positive possibility to reform the system radically, or they could be a centralising power grab designed to minimise the voice of the community. Whichever view noble Lords and those organisations take individually, what unites them is that they agree that this is an important amendment for one very strong and principled reason.

As drafted, NDMPs come with no minimum public consultation or parliamentary scrutiny requirements. Please just let that sink in: there is no agreed consultation and scrutiny process enshrined in the legislation. This greatly heightens the risk that they will turn out to be a power grab rather than a positive reform.

To add further to our concern, and as has been expressed by other noble Lords, the contents of NDMPs are as yet undefined. We have a blank page. We may well be able to guess some of the content from some of the NPPF consultation, but ostensibly we still do not know what it is going to be.

It is worth reminding ourselves of what Clause 88 says. It states:

"A 'national development management policy' is a policy (however expressed) of the Secretary of State in relation to the development or use of land in England".

Note those very powerful words, "however expressed". We are used to being asked to agree a process of accepting policies of national importance when we do not know what they are and there is no formal right to parliamentary scrutiny. As of now, those policies could relate to absolutely anything. We may have some familiarity with them, but what we do not know is whether they are going to be tweaked, changed a bit or replaced by completely new policies. The level of uncertainty is just not acceptable.

The Minister will no doubt say that Clause 87 imposes an obligation on the Secretary of State to ensure that consultation, which is not defined, takes place on NDMPs, but—and it is a big but—the legislation also allows Ministers the discretion to define exactly what consultation is appropriate for their policies. This cannot be right.

5.30 pm

As the Bill stands, NDMPs will have primacy over local plans if they are in conflict. As such, they hand significant powers to Ministers to change planning law as they wish—a concern compounded by the regular churn in relevant government Ministers. There have been six local government Secretaries of State since 2018, or seven if you count Michael Gove twice, and the current Housing Minister, Rachel Maclean, is the 15th since 2010. As a result of that, the earlier comment from the noble Lord, Lord Deben, rings rather true.

My amendment mirrors exactly what happens now with national policy statements; that is why it is so lengthy, as some noble Lords have mentioned to me when we have been discussing it. So my key question for the Minister is quite simple: why should the much more significant—as they will apply in far many more instances and be broader—national development management policies be any less scrutinised and accountable than the current national policy statements?

In the other place, the Levelling Up, Housing and Communities Committee clearly agreed that the amendment is needed and recently recommended:

"Each draft NDMP should be subject to full and proper parliamentary scrutiny before coming into force. Any draft NDMP which would have the effect of superseding the plan-led system should be carefully considered in Parliament on a case-by-case basis. The Government should table an amendment to the Levelling-up and Regeneration Bill to make NDMPs subject to similar parliamentary requirements as National Policy Statements, as outlined in section 9 of the Planning Act 2008".

This amendment tabled in my name does just that.

The Minister has said that a legal safeguard to ensure scrutiny of NDMPs will render them ineffective to address urgent situations. However, emergencies would surely be accompanied by their own necessary primary legislation, with the co-operation of this House, as happened during the pandemic. Ministers also have a range of other mechanisms they can use in normal times, as with the Minister's recent ministerial Statement on housing targets, to set policy direction that local authorities and developers must take full note of in plan-making and planning decisions. This amendment deals with how NDMPs are made and modified in normal times. As these issues are of sufficient national significance, we would expect to treat them as we currently treat national policy statements.

In Committee, concerns were raised by Peers across the House about the degree of centralisation these changes represent. This amendment addresses those concerns by ensuring that both parliamentary scrutiny and a minimum level of public scrutiny is required for the designation and review of national development management policies, and this will be based on processes set out currently for national planning statements.

NDMPs will be used in ministerial decision-making, quite rightly, as they will form the basis for any called-in decisions going forward, alongside development plan policies. They will therefore be used by Ministers in the same way as NPSs. There should be an absolute commitment to public and parliamentary scrutiny rather than it being left to another Secretary of State—the more so as we do not know what these polices will contain or what the justification for them will be.

This Better Planning Coalition amendment protects the right of the public and Parliament to have a say in planning policy and aligns the Bill's planning powers with existing processes. I was delighted to get support from the noble Lords, Lord Best and Lord Carrington, and I thank the noble Baroness, Lady Taylor of Stevenage, for her support from the Labour Front Bench. If there is no significant reassurance from the Minister, I will put this matter to a vote of the House.

Lord Best (CB): My Lords, I rise to support Amendment 190 in the names of the noble Baroness, Lady Thornhill, and the noble Lord, Lord Carrington of Fulham. As we have heard, this amendment has the support of the Royal Town Planning Institute and a whole range of other distinguished bodies with planning expertise. Actually, the amendment is relatively modest and pretty straightforward. It does not reject the idea of creating national development management policies. What it does is simply ensure that these new planning policies result from thoroughgoing consultation, after due publicity, and are subject to proper parliamentary scrutiny. Such a consultative process, with accountability to Parliament just as for the national planning policy statements, would mean that these new NDMPs will have the authority and credibility that otherwise they are likely to lack. I hope the Minister will agree.

Lord Carrington of Fulham (Con): My Lords, I too rise to support Amendment 190, to which I have added my name. Your Lordships will be delighted to know that I do not have to speak for very long as everything I was going to say has already been said. The House sounds as though it is unanimous in the view: that there needs to be some sort of constraint on the proposal in this clause, to ensure that there is consultation; that local communities should have primacy in deciding what happens in their area; and that the policy that general consultation should be in the hands of Secretary of State, without the definition of what that consultation should be, is one that no parliamentary assembly should readily accept.

[Lord Carrington of Fulham]

I believe there is a principle in this amendment, that we can trust my noble friend the Minister, and we can probably trust my noble friend the Secretary of State in the other place; but, as the noble Lord, Lord Deben, said, they will change. They will inevitably change. They may change for the better or for the worse; we do not know. But one thing is certain: if you give a power to centralise decision-taking, sooner or later that power will be abused. It is essential to make sure that we do not pass legislation in this House that allows the abuse of power—particularly, the forcing on to local communities of policies that they reject themselves.

It may well be—indeed, I think there is considerable evidence—that our planning laws do not work; we need only look at the problems over the environment, housing and so on. We should absolutely be looking at how our planning laws should be changed and how we should free up, speed up and make less expensive the whole planning process. But the way to do that is not by giving powers to the Secretary of State to override any consultation, any local decision-making and, indeed, the local power of other constitutionally established bodies such as local government.

I support the amendment for a lot of reasons. I hope that my noble friend the Minister will agree that this issue needs greater clarification, that it needs to be properly addressed, that this amendment almost certainly achieves all of that, and that, possibly with a few tweaks from the Government, this amendment could form part of the Bill to everybody's benefit.

Lord Deben (Con): My Lords, some issues continue to affect almost everything we do. One is the principle of subsidiarity—that we should ensure that we do not have a system where all power is centred at the top. That was a very important principle that the Popes upheld when dealing with both the Nazis and the communists, saying that both got rid of all the subsidiarity powers and concentrated them at the centre. Of course those people did so because they were, largely, wicked. The trouble is when it is done by people who think it is the best way forward, and that is what I fear here.

The planning system is obviously not good enough. I declare an interest here, having spent almost a whole year trying to turn a house back into the pub that it was before. You would have thought they would have been keen on all that but, my goodness, there are many complications in trying to do it. However, although we recognise this about the planning system, you do not overcome it by putting on top of that system something that is seen by others as being dictatorial. Unless this power is clearly controlled and confined by the parliamentary procedures that enable it to be used in a way that the public will see is subject to democratic control, then I believe it will fail. It is not just a question of it not being suitable, and it is not just a philosophical question; it is that it will not actually work.

One knows what Ministers have been advised to say: the amendment would make the process more difficult, slower and more complex. Well, sometimes doing things more slowly is a good thing because it gives you time to make sure that you get it right. Sometimes making it more complex is necessary because the issue is more complex, and pretending that it is not means that you make a mistake.

I come back to a question that is particularly affecting me at the moment. We have now seen a number of examples where Ministers have said, "It's not necessary to do this because we're going to do it anyway". I remember Ministers who promised us that we would not sign contracts with other nations that undermined our farmers, but we have done precisely that. We have a case at the moment where Ministers said there would be no diminution of environmental protection and therefore we did not need to put it in the Act, but I fear that is precisely what has happened.

I am in the same position here. I am sure that Ministers intend to do the right thing, and I am sure that Ministers coming from any reasonable party might intend to do so, but, as a former Minister of 16 years, I think it was very good for me to have to do the right thing. That is what I think we ought to put here.

Baroness Pinnock (LD): My Lords, this policy proposal is one of the most contentious issues that we have debated throughout the course of the Bill. So far, it has been a very thoughtful and considered debate about the importance or otherwise of having a centralised group of planning policies imposed on local authorities.

This approach, of having a set of national policies that are imposed on local planning authorities, is not new and does not have a happy history. Even from before my time in local government, some will remember the imposition of county structure plans. Local authorities had to agree to those plans and abide by what was stated in them. That did not end very well. Then in 2004 there was the introduction of regional spatial strategies—this just goes to show that all parties in government have a tendency to centralise—which I remember debating, and they did not end well either. My serious point is that these are messages from history for the Minister and the Government showing that, as the noble Lord, Lord Deben, has said, trying to impose on local communities the Government's idea of national policies that must be adhered to does not have a happy history.

5.45 pm

Communities are great. If you try to impose something on them without proper consultation and without reason, the reaction is always the same: they oppose it because they have not been part of the discussion leading to the creation of those policies. We can all give examples of how someone's grand idea ended in tears because they did not talk to people and explain its purpose but just said, "This is a grand idea and it's what we're going to do". That never ends well, and it is the problem here. That is why my noble friend's detailed amendment is to be supported: it enables the "Let's have a good think about this before it happens" approach.

There is another issue that I want to highlight. As we all said in Committee, and we will repeat it now, we are being asked in the Bill to agree a national development management policy, full stop. There is no content. The Minister has tried to persuade us of the Government's good intentions, but the road to hell is paved with

those and good intentions are not enough. We need to see a clear statement of what the content of the NDMP will be. Without that, we would be giving a carte blanche to the Government to impose on local communities their idea of what a local-plan-led system should be like. Saying "These are the policies that you must agree to before you get down to the nitty-gritty of agreeing a local version" will not do. In Committee we asked, and indeed begged, the Minister to give us a clue about what would be in the NDMP, and if I remember rightly the answer was, "Nothing's going to be said until October"—or possibly November—"and that's when we will begin to talk about the content of it". It is not acceptable to ask us to agree to something when we do not know what it will contain.

As my noble friend has pointed out, and this is an important point, the clause enables Ministers to change planning law on a whim. I think that is what my noble friend said. That is not good, and it cannot be right. The Minister is looking puzzled. Maybe she can explain why my noble friend has not got that right. However, if it is right—as I am sure it is, since my noble friend will have had a long, hard look at what the Bill says—I am sure the Minister would not want that to be the case.

We will obviously support my noble friend if she chooses to test the opinion of the House on this issue and her amendment. All of us, across the Chamber, want a better planning system. We want communities to be able to build what works for them, with the facilities and amenities that they need for a growing community. We know that we need economic development, as well as housebuilding, and that that is at the heart of levelling up. I repeat, and I shall keep saying it: where is that, then, in this section? Where is the bit that says that we are going to help level up less fortunate communities by doing this? That is what the Bill should be about.

All that we are asking in Amendment 190 is for the Government to enable full parliamentary scrutiny of the content of any policies they may wish to put in the NDMP. This has been a good, thoughtful and considered debate. I hope that the Minister will take it in the spirit in which it is intended and respond by saying that she totally agrees and will, on behalf of the Government, accept Amendment 190.

Baroness Scott of Bybrook (Con): My Lords, our proposals for national development management policies have attracted considerable debate and rightly so, given the important role they play in our planning process. I welcome the thoughtful contributions made today, although I should be clear at the outset that I am not convinced that a compelling case for these amendments exists.

Amendment 186 in the name of the noble Baroness, Lady Hayman of Ullock, would mean that several considerations would need to be weighed up by decision-makers where a conflict occurs between plans and the national development management policies. While I appreciate the intention behind this amendment, it would create a more complex and uncertain task for decision-makers, as it does not provide a clear indication of how any conflict should be resolved, nor how the local authority—as the decision-maker in most cases—is meant to take local authority views into account. The end result is likely to be additional planning appeals challenging local decisions, something our clauses aim to reduce.

Turning to Amendment 188 in the name of the noble Baroness, Lady Taylor of Stevenage, I am unsure what a further statement explaining the relationship between the national development management policies and other planning documents would add. The consultation launched in December last year gave details of what we expect the national planning management policies to do, how they would relate to other aspects of national planning policy and how they relate to plans. In addition, our debates on this subject have helpfully provided further opportunities to make our intentions clear. I want to reassure the House that we are committed to further clarification wherever necessary, which we will do when we respond to that consultation, and again when draft national development management policies are themselves published for consultation.

I must respond to the view of the noble Baroness, Lady Taylor, that NDMPs are moving us towards a zoning system. This is not the case at all. We have been clear that NDMPs will cover generic decision-making matters. They will not impinge on the way authorities allocate land or protect certain areas.

Turning next to Amendment 189 in the name of my noble friend Lord Lansley, I agree that national development management policies should have clear and specific roles, but I am not sure that this amendment is necessary as a means of achieving that. National development management policies will, by virtue of the role they are given by the Bill, cover matters which are relevant in the determination of planning applications. At the same time, a legal limitation of the sort proposed here might constrain the scope of particular policies to be used for that purpose, in a way that would become apparent only through the exercise of preparing them. We have been clear that the scope of national development management policies will not stray beyond commonly occurring matters which are important for deciding planning applications. December's consultation confirmed that they would

"not impinge on local policies for shaping development, nor direct what land should be allocated for particular uses during the plan-making process. These will remain matters for locally produced plans."—[*Official Report*, 17/1/23; col. 1806.]

Amendment 190 in the name of the noble Baroness, Lady Thornhill, returns us to the question of participation in producing national development management policies. This is an important consideration and I agree that these policies should be open to proper scrutiny. At the same time, we need to do this in a way which is both effective and appropriate.

Clause 87 imposes an obligation on the Secretary of State to ensure that such consultation and participation as is considered appropriate takes place. We have been clear, through December's consultation and in this House, that full consultation will be carried out before these policies are designated. This will build on the initial questions on the principles underpinning these policies, which we posed in December's consultation, and will in due course give everyone with an interest—whether specialist bodies, local authorities, the public or parliamentarians—the chance to consider and comment

[Baroness Scott of Bybrook]
on detailed proposals. National development management policies will serve a broader purpose than the National Policy Statements, which are used for major infrastructure projects. They will not be used solely by Ministers for decisions on nationally significant schemes, so it is right that we are placing the emphasis on proper engagement as a way of testing our thinking.

I reiterate: we have made it clear that national development management policies will be consulted on, other than in the exceptional circumstances we have previously discussed. This will give parliamentarians and everyone else with an interest the opportunity to scrutinise and comment on proposed policies. That is why broad engagement on the proposed content of the national development management policies is appropriate and will take place. With that, I hope that the noble Baroness, Lady Hayman of Ullock, will agree not to move Amendment 186, and that other noble Lords are content not to move their amendments when they are reached. With that, I ask the House to agree Amendment 184A in my name formally.

Amendment 184A agreed.

Amendments 185 to 188 not moved.

Clause 88: National development management policies: meaning

Amendment 189 not moved.

Amendment 190

Moved by ***Baroness Thornhill***

190: Clause 88, page 95, leave out lines 30 to 37 and insert—

"(2) Before designating a policy as a national development management policy for the purposes of this Act the Secretary of State must carry out an appraisal of the sustainability of that policy.

(3) A policy may be designated as a national development management policy for the purposes of this Act only if the consultation and publicity requirements set out in clause 38ZB, and the parliamentary requirements set out in clause 38ZC, have been complied with in relation to it, and—

(a) the consideration period for the policy has expired without the House of Commons resolving during that period that the statement should not be proceeded with, or

(b) the policy has been approved by resolution of the House of Commons—

(i) after being laid before Parliament under section 38ZC, and

(ii) before the end of the consideration period.

(4) In subsection (3) "the consideration period", in relation to a policy, means the period of 21 sitting days beginning with the first sitting day after the day on which the statement is laid before Parliament under section 38ZC, and here "sitting day" means a day on which the House of Commons sits.

(5) A policy may not be designated a national development management policy unless—

(a) it contains explanations of the reasons for the policy, and

(b) in particular, includes an explanation of how the policy set out takes account of Government policy relating to the mitigation of, and adaptation to, climate change.

(6) The Secretary of State must arrange for the publication of a national policy statement.

38ZB Consultation and publicity

(1) This section sets out the consultation and publicity requirements referred to in sections 38ZA(3) and 38ZD(7).

(2) The Secretary of State must carry out such consultation, and arrange for such publicity, as the Secretary of State thinks appropriate in relation to the proposal. This is subject to subsections (4) and (5).

(3) In this section "the proposal" means—

(a) the policy that the Secretary of State proposes to designate as a national development management policy for the purposes of this Act, or

(b) (as the case may be) the proposed amendment (see section 38ZD).

(4) The Secretary of State must consult such persons, and such descriptions of persons, as may be prescribed.

(5) If the policy set out in the proposal identifies one or more locations as suitable (or potentially suitable) for a specified description of development, the Secretary of State must ensure that appropriate steps are taken to publicise the proposal.

(6) The Secretary of State must have regard to the responses to the consultation and publicity in deciding whether to proceed with the proposal.

38ZC Parliamentary requirements

(1) This section sets out the parliamentary requirements referred to in sections 38ZA(3) and 38ZD(7).

(2) The Secretary of State must lay the proposal before Parliament.

(3) In this section "the proposal" means—

(a) the policy that the Secretary of State proposes to designate as a national development management policy for the purposes of this Act, or

(b) (as the case may be) the proposed amendment (see section 38ZD).

(4) Subsection (5) applies if, during the relevant period—

(a) either House of Parliament makes a resolution with regard to the proposal, or

(b) a committee of either House of Parliament makes recommendations with regard to the proposal.

(5) The Secretary of State must lay before Parliament a statement setting out the Secretary of State's response to the resolution or recommendations.

(6) The relevant period is the period specified by the Secretary of State in relation to the proposal.

(7) The Secretary of State must specify the relevant period in relation to the proposal on or before the day on which the proposal is laid before Parliament under subsection (2).

(8) After the end of the relevant period, but not before the Secretary of State complies with subsection (5) if it applies, the Secretary of State must lay the proposal before Parliament.

38ZD Review of national development management policies

(1) The Secretary of State must review a national development management policy whenever the Secretary of State thinks it appropriate to do so.

(2) A review may relate to all or part of a national development management policy.

(3) In deciding when to review a national development management policy the Secretary of State must consider whether—

(a) since the time when the policy was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the statement was decided,

(b) the change was not anticipated at that time, and

(c) if the change had been anticipated at that time, any of the policy set out would have been materially different.

(4) In deciding when to review part of a national development management policy ("the relevant part") the Secretary of State must consider whether—

(a) since the time when the relevant part was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the relevant part was decided,

(b) the change was not anticipated at that time, and

(c) if the change had been anticipated at that time, any of the policy set out in the relevant part would have been materially different.

(5) After completing a review of all or part of a national development management policy the Secretary of State must do one of the following—

(a) amend the policy;

(b) withdraw the policy's designation as a national development management policy;

(c) leave the policy as it is.

(6) Before amending a national development management policy the Secretary of State must carry out an appraisal of the sustainability of the policy set out in the proposed amendment.

(7) The Secretary of State may amend a national development management policy only if the consultation and publicity requirements set out in section 38ZB, and the parliamentary requirements set out in section 38ZC, have been complied with in relation to the proposed amendment, and—

(a) the consideration period for the amendment has expired without the House of Commons resolving during that period that the amendment should not be proceeded with, or

(b) the amendment has been approved by resolution of the House of Commons—

(i) after being laid before Parliament under section 38ZA, and

(ii) before the end of the consideration period.

(8) In subsection (7) "the consideration period", in relation to an amendment, means the period of 21 sitting days beginning with the first sitting day after the day on which the amendment is laid before Parliament, and here "sitting day" means a day on which the House of Commons sits.

(9) If the Secretary of State amends a national development management policy, the Secretary of State must—

(a) arrange for the amendment, or the policy as amended, to be published, and

(b) lay the amendment, or the policy as amended, before Parliament.""

Member's explanatory statement

This amendment stipulates the process for the Secretary of State to designate and review a national development management policy including minimum public consultation requirements and a process of parliamentary scrutiny based on processes set out in the Planning Act 2008 (as amended) for designating National Policy Statements.

Baroness Thornhill (LD): My Lords, I would like to thank all noble Lords for their contributions during the debate. This House is blessed with some excellent speakers and a considerable amount of wisdom. Some have put the case better than I did, but to me, this is a very simple matter. Regardless of your view about NDMPs—whether they are good or bad, centralising or empowering—Parliament and the public should and must be able to scrutinise them. I accept what the Minister said—we have an idea of what they are going to be—but as yet we still have that blank page.

I accept that the Minister has genuine concerns, but as my nan used to say, "Fine words butter no parsnips." If what the Minister has said is to happen, why not give that reassurance now? Not only we in this House but a lot of organisations out there do not see that. They do not agree with this, and they want some solid reassurance, so I would like to test the opinion of the House.

6 pm

Division on Amendment 190

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Amendment 190 agreed.

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6.10 pm

Amendment 191

Moved by ***Lord Ravensdale***

191: After Clause 88, insert the following new Clause—

"Duties in relation to mitigation of, and adaptation to, climate change in relation to planning

(1) The Secretary of State must have special regard to the mitigation of, and adaptation to, climate change in preparing—

(a) national policy, planning policy or advice relating to the development or use of land,

(b) a national development management policy pursuant to section 38ZA of the Planning and Compulsory Purchase Act 2004.

(2) When making a planning decision relating to development arising from an application for planning permission, the making of a development order granting planning permission or an approval pursuant to a development order granting planning permission, a relevant planning authority (as defined in section 85 (interpretation of chapter 1)) must have special regard to the mitigation of, and adaptation to, climate change.

(3) For the purposes of interpretation of this section, Part 3 of this Act, and Schedules 7 and 12 to this Act—

"the mitigation of climate change" includes the achievement of—

(a) the target for 2050 set out in section 1 of the Climate Change Act 2008,

(b) applicable carbon budgets made pursuant to section 4 of the Climate Change Act 2008, and

(c) sections 1 to 3 of the Environment Act 2021 (environmental targets) where applicable to the mitigation of climate change;

"adaptation to climate change" includes—

(a) the mitigation of the risks identified in the latest climate change risk assessment conducted under section 56 of the Climate Change Act 2008, and

(b) the achievement of the objectives of the latest flood and coastal erosion risk management strategy made pursuant to section 7 of the Flood and Coastal Water Management Act 2010."

Member's explanatory statement

This new Clause places a duty on the Secretary of State and relevant planning authorities respectively to have special regard to the mitigation of, and adaptation to, climate change with respect to national policy, local plan-making and planning decisions.

Lord Ravensdale (CB): My Lords, I will speak to Amendment 191 and declare my interests as a director of Peers for the Planet and a project director working for Atkins. I thank my supporters, the noble Baroness, Lady Hayman of Ullock, and the noble Lords, Lord Teverson and Lord Lansley. I also thank the Minister for the time he has devoted to this issue in a number of meetings since Committee, and I particularly thank him for our constructive discussion this afternoon.

We fundamentally reworked our amendment for Report, based on feedback from and engagement with government throughout the Committee stage. This amendment aims to resolve two issues: planning weight for climate in the system and what we are calling the "golden thread"—ensuring that climate runs throughout the complete planning system. The amendment aims to ensure that climate and the environment run as a golden thread through town and country planning, rather than the inconsistent picture at present.

The existing Section 19(1A) duty, which was restated in the Levelling-up and Regeneration Bill, states that the development of land should

"contribute to the mitigation of, and adaptation to, climate change".

This currently applies to local plans and to a number of other plans and strategies within the Bill, but, importantly, it does not apply to individual planning decisions or the new national development management policies. It also does not refer specifically to our climate change and environmental targets. We feel that there is a fundamental inconsistency here, and our amendment aims to resolve it.

Further, our amendment gives planning weight to climate change in decision-making. It is not sufficient for climate considerations to be in only the National Planning Policy Framework—NPPF—as this is just guidance, and multiple reports from experts have highlighted how the current system is not working. It means that climate is included along with many other material considerations to be weighed up by the decision-maker, and it is for them to decide the importance to be given to climate change in a particular decision. Our amendment provides for a statutory duty that would make it clear that climate change should be a material consideration, with planning weight in the decision-making process—that is the crucial point.

This is not a novel concept in planning. Statutory duties giving planning weight already exist in relation to listed buildings. Our amendment was modelled on Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which gives considerable importance and weight—"special regard"—to the preservation of listed buildings in the planning system. It then sets out in guidance, in the NPPF, how this duty is to be interpreted when making planning decisions. This tried and tested model could be used to include a similar climate change planning duty in the Levelling-up and Regeneration Bill.

As the Government are currently reviewing the NPPF and have not yet published the revised version of that guidance, this is the ideal time to insert such a duty, provide that guidance in the NPPF, and ensure that our planning system and new development do more to contribute positively to the achievement of our climate and nature targets. Importantly, we would have a statutory duty but it would be for the Government to decide on the specifics of how this would be implemented within the guidance set out in the NPPF. It would elevate climate as a consideration in the decision-making process, but it would maintain that important flexibility for decision-makers.

There are many examples of why this is needed and the benefits it would bring. UK clean power has been world-leading, but the planning regime currently in place means that just two onshore wind turbines were built in England in 2022, major offshore wind projects are stuck waiting for planning approval and thousands of new homes continue to be built on flood plains. Local plans to create the sustainable and economically vibrant places we all want to live in are being held

[Lord Ravensdale]
back by planning barriers and inconsistent decision-making. The Committee on Climate Change—the CCC—the Skidmore review, the CBI, and businesses in the construction and building sector all agree that reform is needed. I was grateful to see 21 past presidents of the Royal Town Planning Institute supporting the amendment before us today—they are the people responsible for implementing this.

6.15 pm

We are pushing not only for the key sustainability and economic benefits here; this is also key to empowering local authorities to do their bit in working towards net zero. Many of them have such ambitions: they want to do their bit but they are being held back by the current planning regime. I will listen carefully to the Minister's response but, as things stand, I intend to test the opinion of the House on this amendment. I beg to move.

The Earl of Caithness (Con): My Lords, I fully support what the noble Lord said about the need for climate change to be in the Bill. I will speak to my Amendment 246A in this group. It is on the topical issue of wildfires, which have been exacerbated by climate change. As all your Lordships will know, wildfires have caused an enormous amount of death and disruption, with huge social, economic and environmental impact, across the world this year. You only have to see the regular news about what is happening in Greece and Canada to know what a problem it is. This year, we in the UK have been fortunate that we have not had fires on quite that scale—although we have had fires.

This debate slightly follows on from Committee, since when I have been in correspondence with the Home Office. We have a Minister for Fire there, but, in his reply—I think it was to me; it was addressed wrongly but it landed at my address, so I guess it was—he immediately referred me to Defra. So we have at least two departments in government involved, and although there is a Minister he is not in the department of most interest: Defra. That is why I have tabled Amendment 246A. Subsection (1) of its proposed new clause would require the Secretary of State, together with the Home Office and the Department for Environment, Food and Rural Affairs, to produce

"a national wildfire strategy and action plan"

within six months of the passing of the Bill. It is ludicrous that, in a country that has suffered, and continues to suffer, the wildfires that we have, we do not have an overall action plan.

Action plans are all very well and good, but they have to be implemented at local level. Therefore, in proposed new subsection (3) I suggest that each local planning authority produces a wildfire risk assessment plan in conjunction with the fire and rescue services. This is a local matter in the end, and it is vital that the local authority and local people are involved, as we have heard in two recent amendments. The noble Baroness, Lady Thornhill, waxed lyrical about it. My noble friends Lord Deben and Lord Lansley also mentioned how important it was to have up-to-date plans that were approved by local people.

In proposed new subsection (4), I list some of the things that need to be included in the proposed strategy and action plan. One of the issues is

"a map identifying the areas of current risk produced in accordance with the Met Office Fire Severity Index".

At this stage, I ask my noble friend on the Front Bench—I think my noble friend Lord Howe is going to answer this—whether he considers this to be a valid index.

The current index, known as the MOFSI, helps us to plan for and react to fires but, unlike a fire danger rating system, MOFSI gives an indication of fire severity based only on the meteorological data and does not fully account for the varied fuel types that we see across the UK. Although MOFSI can indicate whether conditions are worsening or improving, its primary role is to determine whether open-access land should be closed to prevent the spread of fire. However, MOFSI does not always work effectively. For example, during the dry summer of 2018, in some regions the indices did not rise sufficiently to trigger land closures in areas that went on to experience severe wildfires. That proves to me that we need a different system of assessment and a fire danger rating system. Does my noble friend agree with me on that?

I do not want to pursue the arguments I used in Committee. I want to look at this issue briefly from another point of view—the insurance point of view. I do not know whether the Government have given any thought to insurance. We have had huge insurance problems with floods. There is a lesson to be learned from that, which is that we must act in advance when it comes to fires.

As I said, we have not had a repeat of the fires of last year, but on 18 and 19 July last year there were 84 wildfires affecting 28 of the 46 response areas, and it overwhelmed the fire and rescue services to such an extent that there was very little spare capacity for other emergencies. If that was not a warning to us that we need to improve the situation, I do not know what other action the Government need to be presented with.

That brings us to the question of insurance. The insurance industry is beginning to look at this in a serious way. As we continue to build, the urban/rural fringe is going to be hugely important. This will be the critical area of damage to the most property. There will be, and has been, damage to properties in rural areas, but the urban area is now most at risk. The expert report on wildfire in the UK for the third climate change risk assessment advised that wildfire and sources of ignition from outside of buildings should be considered in future planning actions and in building regulations and mitigation measures put into action. That is a relevant issue. Marsh McLennan, one of the experts on this, has quantified the benefit of fire buffer zones for the rural/urban interface. In the report it produced, it stated that wildfire

"risks can be greatly mitigated and reduced to a level that is both livable and insurable".

It would be sad if the Government put us in a predicament in which people could not get insurance.

I have stressed the urban/rural fringe for one particular reason. Part of Defra's agricultural policy is rewilding land, which leads to more abandonment, trees closer

to rural areas and a much higher fuel load. It is the fuel load that is absolutely critical. We are blessed in this country with a wide diversity of geological stratas of soil, reflecting the countryside. Because of our maritime climate, we have very high fuel loads at certain times of the year and in certain places. The concern is that these are not assessed at the moment.

If we want to consider whether the fuel load matters, we can take a brief look back at the Saddleworth Moor fire, which was on peat and on very long, unmanaged and unkempt heather. When it burned, it produced something like 36,720 tonnes of carbon. In real figures, that equates to the annual emissions of 86,000 passenger cars—and that was one fire alone. The key in all this is the fuel load and how it is best managed. To do that, it is important that the local planning authorities have the appropriate plans underneath an overriding national fire strategy for England and Wales. I hope that the Government will support this amendment.

Baroness Bennett of Manor Castle (GP): My Lords, I offer Green support for all the amendments in this group, but in the interests of time I will restrict myself to commenting on just two of them. It is a pleasure to follow the noble Earl, Lord Caithness. Due to my Australian origins, I feel I am constitutionally obliged to make a contribution on wildfires, which for most of my youth I would have called bush-fires. In the British context, from 2009 to 2021 there were 362,000 wildfires, with nearly 80,000 hectares burned. The estimate is that, if we were to go to 2 degrees of global warming—something that we cannot afford—the number of very high fire risk days would double. That is because there is less rain in summer and it gets hotter and drier. As the noble Earl just said, if you have a wet winter and a spring that has a great flush of growth, that presents one set of risks—and, of course, peatlands, in which it is extremely difficult to extinguish fires, are another area of serious risk.

When people assess the risk in the UK, we think about those rural areas—those uplands and peatlands—but there is very serious risk, particularly in the south of England. I point noble Lords to the desperate and horrendous events in Hawaii. Noble Lords may have seen the photo of the now famous red-roofed house, which was one house that was not burned in the midst of blocks and blocks of houses. The two key things with that house were that it had a tin roof, rather than the asphalt roofs that most of the houses had, and they had cut back the vegetation. That is a demonstration of how preparation is so crucial in planning and guiding the thinking of people in the UK, who are really not very used to thinking about fires, to prepare for the risks ahead.

I point to a not terribly recent example but one that demonstrates the dangers, as Hawaii did, to urban areas—the peri-urban fringe but extending quite a way into urban areas. The Swinley Forest fire in Berkshire in 2011 burnt 300 hectares and 300 firefighters had to work to stop it getting into Bracknell, population 110,000. So, this is a modest but really important amendment that really is for the age of shocks, the age of the climate emergency we now live in.

6.30 pm

The other amendment I wish to speak to is that in the name of the noble Baroness, Lady Hayman of Ullock, to which I have attached my name—I know she has not introduced it yet but I think I am in the right order—calling on the Government to publish a green prosperity plan. I was thinking about how I might present this to the Government as an idea that might be attractive to them. I would say that the climate emergency is something the world needs to co-operate on in tackling and dealing with. None the less, we have a global geopolitical situation where the US, through the Inflation Reduction Act, is lined up against the EU, through the Green Deal Industrial Plan for the Net Zero Age: perhaps I will just call it the European green deal for short. Both those major international economies are putting huge resources into tackling this, setting up the technological framework we need as one part of dealing with the climate emergency. Your Lordships' House hardly needs me to refer to how often the Government like to talk from the Benches opposite about being world leading. Well, it is very clear that the US has led in investing in a green economy and a green industrial strategy, and the EU has reacted.

I shall just quote some figures on this. They are open to interpretation, but one set I saw calculated that the EU is planning to spend over 10 years the equivalent of $440 billion in public spending. In the US, the Inflation Reduction Act accounts for $336 billion. This is a modest amendment, a "draw up a plan, look to see what we could do" amendment. I am going to put this in the framework of time. The EU and the US have already acted. We know that in a year's time, more or less, one way or another we will have a new Government. I am not even, since I am being emollient, going to make any suggestion about what that new Government might be, but what your Lordships' House could do, what the Government could do by backing this amendment, is set out a plan directing the Civil Service to look in a strategic way, given the current situation we are in globally, at what the UK could be doing. That could set up the new Government, whatever they look like, to be ready to act. Surely, we need to act, given that we are clearly world trailing on green industrial strategy and we desperately need to catch up.

Lord Deben (Con): My Lords, I refer to my past as chairman of the Climate Change Committee merely to say, in very short terms, why I think it is important to take seriously the way in which the planning Acts affect decisions made by the whole nation when it comes to dealing with climate change, both adaptation and mitigation. There is no doubt that we will have to make all our decisions through that lens, because that is the only way we are going to be able to fight the existential threat we now face. No one who has looked at the effects of climate change this year, all over the world, can possibly misunderstand the reality of the threat. If we are going to deal with that, it is not just about policy or programmes but action and delivery.

This Government have been extremely good on their policy and programmes. We cannot complain about a Government who have set the best targets in the world, who led the world in Glasgow, who first set

[Lord Deben]
a net-zero target for 2050. We really have to accept that this Government have done all those things, but the criticism is delivery. Doing those things is essential. Setting those targets is crucial. Leading the world in all those ways has been a privilege for all of us, but we now have to deliver. In this amendment there is a real chance to do one of the pieces of delivery which is vital.

I say to my noble friend, with whom I have worked for many years, including in the Department for Environment, when we began the journey to where we have got today, imagine putting the word "not" into Amendment 191:

"The Secretary of State must"

not

"have special regard to the mitigation of, and adaptation to".

Imagine doing the same in sub-paragraph (2):

"When making a planning decision",

he must not "have special regard". We would find that utterly unacceptable, because we know perfectly well that this is central to the future of this country and of the world, and we therefore have to have that. No doubt we will be told that the Government have got that. Well, once again—which is why I intervened earlier, in wicked preparation for this one—it is not good enough just to have the intention. We know which road

"is paved with good intentions",

and that is not a road we ought to travel, although it is the road down which we are all travelling at this moment. Therefore, I say to my noble friend that I very much hope that he will understand why it is crucial for us to make it clear that the planning system must be used throughout its length and breadth to ensure that we make the decisions upon which the future of our children—and, indeed, ourselves, even those as old as I am—really depends.

I finish by saying this. People attack some of the techniques and ways of behaviour of the extremist organisations, and I join them in that. It is not what I believe in. But what I object to is that people do not ask themselves why they are doing it. It is because there is a whole generation that does not believe that the democratic system can deliver what needs to be delivered on climate change, and we in this House and in the other place have got to overcome that. That is why this amendment is so important as part of reassuring and reasserting that the democratic system can deliver and that you do not have to take to the streets, you do not have to behave in the way that all of us deplore; you have instead to accept this kind of amendment. I hope the Government will see why it is crucial.

Lord Lansley (Con): My Lords, I intervene for a moment in support of Amendment 191, to which I have added my name, and to say a couple of things, partly by way of reiteration of what the noble Lord, Lord Ravensdale, said in what I thought was a very capable exposition of the reasoning and purpose behind the amendment.

First, of course we already have in legislation, and have had for some time, a duty in plan making to contribute to the mitigation of and adaptation to climate change, but I am afraid it is not doing enough. That much is evident, and what the noble Lord said, which is absolutely right, is that some local planning authorities who want to do the most to change their approach to plan making and spatial development in order to mitigate and adapt to climate change are finding that the structure of planning law makes that more difficult.

In resisting the amendment, my noble friends may say that it would lead to litigation. Well, first, it all leads to litigation. Secondly, the problem at the moment is that, for a local planning authority, going down the path of doing the really necessary things to mitigate climate change involves transgressing other objectives under planning law. For example, we can have a big debate about the green belt, but sometimes—as Cambridge's examination before its local plan process demonstrated—if you really want to make a difference, the structure of development must focus on urban extensions and along public transport corridors—and if you try to do that around London, you hit the green belt. So you have to balance these things.

If we are serious about adaptation to or mitigation of climate change, we must raise it in the hierarchy of considerations—which is exactly what the amendment from the noble Lord, Lord Ravensdale, sets out to do. It is not an objection to the amendment that we create a hierarchy that could give rise to challenges; it is its purpose and objective and that is why we should do it.

I will reiterate a second point he made so that noble Lords understand the value of the amendment. It takes a principle presently applied to plan-making and applies it both to the Secretary of State's policy-making functions, including national development management policies, and to determinations of planning permissions. It puts it right in the midst of the whole structure, from the Secretary of State making policies to local authorities making plans and looking at planning applications and determining them. That is the only way competently to address the range and scale of issues that climate change presents to us. It takes it from policy through to individual decisions, and that is why I think it deserves our support.

Baroness Hayman (CB): My Lords, I declare my interests as chair of Peers for the Planet and I have a close family member who works in this area. The last two contributions have added to the clear exposition of Amendment 191 put forward by the noble Lord, Lord Ravensdale, so I can say very little.

I will just say this. I seem to have spent the last three years in this Chamber trying to persuade the Government that in every area in which we legislate—pensions, financial services, skills or whatever we are looking at—if we believe that this is a crucial issue, as the Government say and the public support, and we want to keep to the legislative targets we have enacted in statute on environmental issues and climate, we have to will the means as well as the ends and we have to do it in a coherent way.

I know very little about the planning system. What I have learned, through a little bit of personal experience of trying to do something green and through listening to briefings on this issue, is that there is not coherence, consistency or a clear direction from government that goes throughout the whole system, as the noble Lord,

Lord Lansley, said. The reason why so many outside organisations, such as the construction industry, town planners and people who work in local authorities and want to do this, are supportive of this is that they want a clear framework so that everyone is on the same page on the need for action. Of all the areas I talked about where we have made legislative progress, planning is central—so I very much support Amendment 191.

Baroness Pinnock (LD): My Lords, I think it was the noble Lord, Lord Deben, who said that our planet faces an existential crisis. We must ensure that we take every opportunity to deliver policies and practices that will enable us to tackle the climate change emergency. The noble Lord, Lord Lansley, was right to say that the beauty of Amendment 191 is that it deals with national policy—it could and should be in the national development management policies, but we do not know whether it will be yet—and, equally, is important for local plan-making and local planning decisions. So the amendment deserves and will get our wholehearted support.

6.45 pm

If the Government are minded to accept the amendment, as I hope they are, they will be pushing at an open door as regards local authorities, many of which have passed climate change emergency motions. My own council is currently beginning a review of its local plan; one reason it is important to do so is that it has passed a climate change emergency motion. The policy of the council is now to deal with the climate change emergency in every way it can, including through planning policies. The review of the council's planning processes in my authority should lead to a wide-ranging change to address climate change mitigation and adaptation as regards planning policies and processes. My council will not be alone; many councils have similar climate change emergency declarations. The local is ahead of the central in support for climate change policy.

This amendment is utterly important. If we are determined and want to be seen to be determined to address the climate change emergency in every possible way, this is such a way. If adopted, it will mean that houses will have to be built already adapted to climate change, instead of post hoc, which is much more expensive. There are many ways in which that could happen.

Amendment 246A in this group, which deals with wildfires, is very important. The noble Earl, Lord Caithness, made his points very well. He is absolutely right to bring it forward at this stage.

It would be great if the Minister could just stand up and say, "This is a really good amendment; we will accept it and put it in as part of our planning policies". However, if the noble Lord, Lord Ravensdale, wants to push it to a vote, we will give it our support.

Baroness Hayman of Ullock (Lab): My Lords, this has been a really important group for us to debate. I thank the noble Lord, Lord Ravensdale, for introducing it with his important Amendment 191, which I was very pleased to support. I have two amendments in this group: Amendment 275, under which a Minister must publish a green prosperity plan—I thank the noble Baroness, Lady Bennett of Manor Castle, for her support on this—and Amendment 283, which defines adaption to and mitigation of climate change. There is a specific reason why I have put that amendment down, which I will come to.

My Amendment 275 says that:

"Within one year of this Act being passed, a Minister … must publish a Green Prosperity Plan",

specifically to

"decarbonise the economy … create jobs, and … boost energy".

This amendment and the others in the group are about how we consider climate change and the environmental and energy crises that we have been facing as a country. We need to look seriously at how we are going to dramatically reduce our emissions by 2030. We also believe that climate justice should be a priority. It is important that we can all agree on what action has to be taken to accelerate the benefits of nature restoration and recovery alongside this.

We believe that there should be a national mission to upgrade the energy efficiency of every home that needs it. This will help to lower people's bills and reduce emissions. We must make sure that, if we are to change the way we heat our homes and how we manage our gas, electricity and oil, we have a different system that supports the reduction of emissions and looks at ways to meet our net-zero targets. We see this as an opportunity to create many thousands of new jobs and help the country to rebuild the economy. It gives us the opportunity to invest in manufacturing and factories—for example, to build batteries for electric vehicles—to develop a thriving hydrogen industry and to increase the manufacture of wind turbines here in the UK. We see this as a huge opportunity, and we also believe the UK should have the ambition to be a world-leading clean energy superpower.

My second amendment, Amendment 283, seeks to insert a new "Interpretation" clause, concerning the interpretation in the Bill of adapting to climate change and adaption to climate change. The reason for this is that, in the Bill, the words "adaptation" and "adaption" are both used. It is very important that there is no confusion about what is meant by adaption and what is meant by adaptation—they are two different terms but they seem to have been used fluidly within the Bill. Amendment 283 tries to clarify that. It may well be that the Government do not want to accept my amendment, but they might want to look at the wording in the Bill and see whether clarification could be brought through in another way.

Adaptation is incredibly important as we go forward. We know we have a strong framework for emissions reduction and planning for climate risks, as set up by the Climate Change Act 2008. However, we still need better resourcing and funding of adaptation, as it is going to be a critical part of supporting the country as we try to tackle the impacts we are seeing—very regularly now—of climate change. We think it is unacceptable not to do that, so we would like to see a clearer understanding of what is required for what we call "adaptation"—though it may well be called "adaption". This needs to come together in the Bill in a clear and understandable way that will bring about the investment we need in this area.

[Baroness Hayman of Ullock]

This brings me to what the noble Earl, Lord Caithness, has brought forward in his amendment on wildfires; clearly that is an area where adaptation is going to be terribly important, as it will be with flooding—and we will debate that later in the Bill. One thing we know is that wildfires have brought an increasing threat to a wide range of interests across the country. We need a co-ordinated approach, and the noble Earl, in introducing his amendment, was very clear about why this was needed. We know that we have to mitigate the impacts of wildfires on people, property, habitats, livestock, natural capital, wildlife and so on, as the noble Earl explained. We also know from the recent terrible wildfires we have seen—such as that on Saddleworth Moor, as the noble Earl mentioned—that it is going to take decades for those areas to recover. We have to get systems in place to tell us how we manage that, how we avoid it and what we do when it happens. This is a levelling-up Bill, and the impacts of climate change often have an unequal effect on different citizens in this country. As part of the levelling-up agenda, we need to address this.

Finally, that brings me to the incredibly important amendment from the noble Lord, Lord Ravensdale, to which I was very pleased to add my name. The noble Lord, Lord Deben, talked passionately and eloquently about the importance of how we deliver this and how vital it is that we are able to do this. The noble Lord's amendment would be an important step on the way to achieving this. If the noble Lord wishes to push it to a vote and test the opinion of the House, he will have our strong support.

Earl Howe (Con): My Lords, in this group of amendments we return to the crucially important issues surrounding climate change and the green agenda, about which we have heard strong views, and rightly so. Climate change presents clear risks to our environment and our way of life, which is why I am not embarrassed to claim that the Government have led the world in their ambition to reach net zero, and why we are committed to fostering the changes needed to reach that goal. That is the delivery that my noble friend Lord Deben spoke of.

However, what is crucial is that we do this in a way that is effective without being unnecessarily disruptive. That is where, I am afraid, I must take issue with Amendment 191 in the names of the noble Lords, Lord Ravensdale and Lord Teverson, the noble Baroness, Lady Hayman of Ullock, and my noble friend Lord Lansley. For the same reason, I need to resist Amendment 283 in the name of the noble Baroness, Lady Hayman of Ullock. I do so with regret.

The intention of these proposed new clauses—to set more specific legal obligations which bear upon national policy, plan-makers and those making planning decisions—is not at all the focus of my criticism. We all want to achieve the golden thread that the noble Lord, Lord Ravensdale, referred to. The problem is their likely effect, which would be to trigger a slew of litigation in these areas. That in turn could serve to hinder the action that we need to get plans in place to safeguard the environment that we all wish to protect. For example, Amendment 283 would mean that the Bill's existing obligations on plans to address climate change mitigation and adaptation would have to be interpreted in the context of very high-level national objectives. That would not be a straightforward thing to do, because high-level objectives do not, in most cases, provide clear direction at the level of an individual district.

7 pm

It is for this reason that we have committed instead to go further through national planning policy. We think that that is a better and more practical route to take, because national planning policy is tailored specifically to the principles of making plans and decisions at the local level, and it will have much greater force in this area, subject to the passage of this Bill. That is the join-up in the planning system that my noble friend Lord Lansley referred to and the noble Baroness, Lady Hayman, rightly wants. That increased force will arise in three ways: first, through the statutory weight that national development management policies will have in decision-making; secondly, through the greater weight that locally produced plans will also have, bearing in mind that those plans must reflect national policy; and, thirdly, underpinning all of this, through our clear commitment to revise national policy so that it contributes as fully as possible to climate change mitigation and adaptation. Through this route, I believe that we can achieve the stronger emphasis on climate change which these amendments seek to bring about, without creating undue risks to the very plans and decisions on which future action depends.

Turning to Amendment 246A, I am grateful to my noble friend Lord Caithness for raising the issue of wildfires. He made some very good points stemming from his deep experience in these matters, but I hope to persuade him that his amendment is not needed because of the actions the Government have already committed to. Specifically, the Home Office, which is the lead department for wildfires, supported by Defra, has already committed to the scoping of a wildfire strategy and action plan by mid-2024 as part of the Government's national adaptation programme. This will include engagement with other government departments and will determine not only the benefits of such a strategy being developed but what is included and the timelines for delivery.

My noble friend referred to the fire rating system. As I am sure he knows, the current system is the Met Office's fire severity index. However, Defra, Natural England and the Environment Agency have committed to commissioning wildfire research, including an England wildfire risk map and defining effective wildfire risk reduction measures. There is also an ongoing research project called "Toward a UK Fire Danger Rating System". However, I remind my noble friend that this research is still ongoing and that it will not deliver a fully functioning danger rating system, at least not in the short term. I will write to him if I can obtain more information on these matters, but we should also remember that planning already takes into account climate change.

The National Planning Policy Framework makes it clear that plans should take a proactive approach to mitigating and adapting to climate change, taking into

account the long-term implications. What does that mean? It means that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, and, as I have set out, we have committed instead to go further through national planning policy. I hope that reassures my noble friend that we are already on his case.

Amendment 275 is another instance where we can agree the ends but not the suggested means of getting there. Decarbonisation, jobs in green industries and boosting supplies of green energy are important objectives to which this Government are strongly committed. With this in mind, we have published a net zero strategy and the *British Energy Security Strategy* and established the Green Jobs Delivery Group in 2022—these are just a start. Indeed, while acknowledging the work done so far, the Climate Change Committee and the independent review of net zero made recommendations on publishing an action plan or road map for net-zero skills, driving forward delivery of the recommendations of the Green Jobs Delivery Group.

We completely agree on the need to go further, so we are committing to publishing a joint government-industry net zero and nature workforce action plan in the first half of 2024, representing the culmination of several sectoral assessments in the coming 12 months. We are beginning with a set of head start actions from the pilot power and networks working group now, followed by a suite of comprehensive actions for this sector by the end of summer 2023, which can be used as a template for the other sectoral assessments. So it is difficult, at least for me, to see what a legislative commitment to a further strategy would add to that; we need to get on with delivery. Formulating yet another strategy could distract from the job we now need to focus on: delivering the actions needed to address climate change.

Reverting to my initial remarks on Amendment 191, I live in hope that what I have said provides the reassurance necessary for the noble Lord, Lord Ravensdale, to withdraw that amendment, and for the other amendments in this group not to be moved when they are reached.

Lord Ravensdale (CB): My Lords, I listened very carefully to what the Minister said, but I believe that it has highlighted some of the gaps that remain in the approach the Government are taking. For example, he put a lot of emphasis on local plans and how they will help to drive this down through the planning system, but many local authorities do not have those plans or have very out-of-date plans—there has been a lot of research done on that. That flow down to individual planning decisions is not there. That illustrates the nature of the problem and why there needs to be a joining-up of all these approaches, and a statutory duty.

The noble Earl also mentioned litigation. We are basing this around a tried and tested approach; with heritage buildings, we are maintaining flexibility. All we are doing is saying that climate considerations must be of increased priority compared with other factors—that is what we are trying to get across—while maintaining the flexibility in the planning system. As the noble Lord, Lord Deben, said, it is absolutely vital that our planning system supports climate mitigation and adaptation. This really is an enabler that sits at the heart of the whole system.

I recognise the work that the Government are doing; there is much more to be done here. I am grateful to all noble Lords who have spoken in support. I wish to test the opinion of the House.

7.08 pm

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7.19 pm

Amendment 191A

Moved by ***Lord Crisp***

191A: After Clause 88, insert the following new Clause—

"Secretary of State's duty to promote healthy homes and neighbourhoods

(1) The Secretary of State must promote a comprehensive regulatory framework for planning and the built environment designed to secure—

(a) the physical, mental and social health and well-being of the people of England, and

(b) healthy homes and neighbourhoods.

(2) The Secretary of State may by regulations make provision for a system of standards that promotes and secures healthy homes on condition that certain requirements prescribed in the regulations are met.

(3) Schedule (Healthy homes) makes provision about healthy homes standards."

Lord Crisp (CB): My Lords, I will speak to the three amendments about healthy homes in my name in this group: Amendments 191A, 191B and 286. I support other amendments in this group; in particular, Amendment 198, which, like these amendments, links health and housing, and much of what I will say is also very relevant to that amendment.

I am very grateful to the noble Lords, Lord Young of Cookham, Lord Blunkett and Lord Stunell, for adding their names, and more generally to noble Lords across your Lordships' House who have supported these amendments. I am also very grateful to the TCPA, which has supported me with these amendments; there is also a considerable campaign of support for them outside which it has created, including among builders, developers and insurers, all of whom recognise that action is needed.

I am also very grateful to the noble Baroness, Lady Scott of Bybrook, and the noble Earl, Lord Howe, with whom we have had two meetings, but sadly without any progress being made. I wait to hear what may be said later.

In describing these amendments, I will also explain why they are very different from the Government's existing and planned policy. I make a point of this because the Government have consistently stated that these amendments are not necessary as they are already covered by existing or planned policy. However, these differences start with the recognition of the vital link between housing and health and well-being. They are intimately connected issues. Noble Lords will be very well aware of these connections and the problems—for example, of damp, cold, mould, air pollution, safety and more—when poor housing has caused deaths, illnesses and accidents. We need think only of the poor child in Rochdale who died from mould or the child in London who died from air pollution in their homes.

It is also important to remember to mention the mental health issues caused by poor, insecure, overcrowded housing and living in homes and neighbourhoods that are vulnerable to crime. I know that noble Lords debating the amendment of my noble friend Lady Willis will have much more to say about this, and particularly inequalities. It is the poorest people in the poorest neighbourhoods who are worst affected, and that is a very fitting topic for a levelling-up Bill.

Noble Lords will also be aware of the great strides earlier Governments made in understanding the relationship between health and housing and tackling them together, from Victorian times onwards—slum clearances over the ages, but also the great campaign of "Homes for Heroes" after the First World War. People recognised those important links, yet today, there is virtually nothing about health in planning and, if there is, it is about healthcare. The links between health, well-being and planning are simply not addressed. That is why Amendment 191A states:

"The Secretary of State must promote a comprehensive regulatory framework for planning and the built environment designed to secure … the physical, mental and social health and well-being of the people of England, and ... healthy homes and neighbourhoods".

This does three very important things. It places health and well-being firmly at the heart of planning for the built environment; stresses the links between an individual's health and the neighbourhood in which they live; and provides a clear aim for the whole planning and regulatory system. All three are important.

I recognise that this is a substantial strategic change in the approach to planning and regulation which, if adopted, will have a positive impact on the quality of housing and neighbourhoods, should reduce the likelihood of new slums being created and truly help to level up. It will also have a positive financial benefit by reducing the massive cost of poor housing to, for example, the NHS. I will not labour this point, but it is in the many billions of pounds. The respected Building Research Establishment estimates that it is £135 billion over 30 years. Of course, there is all the human cost of poor housing and huge cost to other sectors of the economy. In summary, there is a real choice here between carrying on as before and making a determined effort to create good housing for the citizens of this country that is fit for the future.

I turn for a moment to standards and quality. I imagine that all noble Lords are well aware of the poor standard of some recent developments, mainly but not exclusively those created through permitted development rights. We can see that existing arrangements have not stopped that, and new policies will lack the teeth to make it happen. Amendment 191A refers to the Secretary of State being responsible for creating

"a system of standards that promotes and",

importantly, "secures healthy homes". The system of standards covers 11 areas, which are linked concerns about individuals and the community. They bring health and environment and health and security issues together. Importantly, in Amendment 191B, it is the Secretary of State who is held to account by Parliament for delivery, by the mechanisms in the amendments.

We are not writing the policy; we are making sure it is delivered everywhere. We set out those principles to be followed which need to be enshrined in law; we have deliberately left the Secretary of State with space to define the standards, which will obviously change over time, and the methods they use to deliver them. We are not trying to rewrite government policy here; we are trying to enact legislation.

Since Committee, the Government have proposed the extension of permitted development rights to embrace sites in countryside areas, farms, national parks and hotels. This makes these amendments even more necessary. We need the health and well-being focus, the coherence and the standards as a counterbalance: a free-for-all will not help the public or the economy. As the APPG on homelessness said even before that extension was proposed, PDR can provide extra needed housing, but it needs to be done well, which is why that cross-party group supports these amendments.

Let me touch on costs. I imagine that some noble Lords will be thinking, "Doesn't this cost a great deal of money?" I am not talking about the difference between lower-cost and higher-cost houses, I am talking about the difference between lower-cost housing and housing that is simply not fit for purpose. The analogy I use is the MOT. The MOT dictates whether or not a

[Lord Crisp]
car is fit to be on our roads. If we have such a test for our cars, we also need to ensure that our housing is fit to be on our streets.

I have so far talked about the extraordinary opportunity cost of not addressing these issues. If we do not address them, we are condemning a lot of people to poor housing. But let us look at it from the other side for a moment: from the point of view of opportunity, and homes for heroes, if you like. Who have these homes been built for? There is opportunity here if people have a secure home, a secure base from which to operate, space for children to do their homework, where they are not spending all their time worrying about repairs and everything else. This is about life chances. It is not just about housing affecting health and well-being; it affects people's life chances in the long term.

These are powerful arguments, and I wait to hear how the Government are going to respond. However, I should say at this point that I expect to take this to a vote, because I want His Majesty's Government to think again and engage with the arguments about health, well-being and standards. They have not done so thus far, but it is very important that they do. I beg to move.

Lord Hunt of Kings Heath (Lab): My Lords, I shall speak to Amendment 198 in my name and those of the noble Baroness, Lady Willis of Summertown, the noble Lord, Lord Foster of Bath, and the right reverend Prelate the Bishop of London.

The noble Baroness, Lady Willis, very much regrets that she is unable to be present, for unavoidable reasons, and has therefore asked me to speak to her amendment. In essence, it would ensure that the planning system is contributing to the levelling-up agenda by designing the places people need to thrive and contributing to a general health and well-being objective. Let me say here that I entirely endorse what the noble Lord, Lord Crisp, with his great experience, said. This amendment is entirely consistent with and complementary to his, and I am glad that he will press his to a Division.

I should say that my interest in this came from the particular issue of health inequality, but it is active travel on which I will focus. Subsection (4) of Amendment 198, to which local planning authorities or, as the case may be, the Secretary of State would have to have regard, emphasises some of the points the noble Lord, Lord Crisp, is making:

"ensuring that key destinations such as essential shops, schools, parks and open spaces, health facilities and public transport services are in safe and convenient proximity on foot to homes … facilitating access to these key destinations and creating opportunities for everyone to be physically active by improving existing, and creating new, walking and cycling routes and networks … increasing access to high-quality green infrastructure … ensuring a supply of housing which is affordable … and meets"

health, accessibility and well-being needs. That is entirely consistent with what both the Government and the Opposition would think of when they talk of health and well-being.

7.30 pm

The scale of health inequalities in this country is striking. I have looked at recent research from the Health Foundation showing that people living in the most deprived parts of this country are diagnosed with serious illness earlier than their peers and die sooner than their peers in more affluent areas. A 60 year-old woman in the poorest areas of England has a level of diagnosed illness equivalent to that of a 76 year-old woman in the wealthiest areas, while a 60 year-old man in the poorest areas of England will, on average, have a level of diagnosed illness equivalent to that of a 70 year-old man in the wealthiest areas. As the Health Foundation has commented:

"The NHS wasn't set up to carry the burden of policy failings in other parts of society. A healthy … society must have all the right building blocks in place, including good quality jobs, housing and education. Without these, people face shorter lives, in poorer health".

The evidence now is clear. We can see the impact on the economy. We are all concerned about the rise in the number of older workers who, because of issues due to ill health, are not in the labour market when they should be.

I said earlier that my particular interest in this amendment relates to encouraging active travel. I was pleased to see published this morning a government strategy, *Get Active: A Strategy for the Future of Sport and Physical Activity*, which is designed to encourage more activity. Having read the outline of it very quickly, however, I can say that the problem is that it does not really link to this legislation and the planning system. This is the general issue that many of us feel concerned about when it comes to trying to improve health and well-being. In Committee, the Minister's response on this issue focused on *Gear Change*, which set out investment in active travel back in 2020. He argued that

"the National Planning Policy Framework already contains very clear policy on sustainable development. It includes good design; how to plan for sustainable modes of transport, including walking and cycling; an integrated approach to the location of housing; economic uses; and the requirement for community services and facilities".—[*Official Report*, 27/3/23; col. 77.]

Who could argue with that? It is very difficult to argue with that at all.

As I see it—predecessor documents have often contained some of the same wording—the problem is that the framework has no beef. It has had little impact on the planning system and, therefore, on the local environment. Research that I have seen suggested that only 16% of local planning authorities have ever reported having rejected a site largely due to a car-dependent location and that less than half have discounted any site where this was a contributing factor.

The charity Sustrans, to which I pay great tribute, has surveyed local authority planners on why this is. It is clear that it is largely due to the lack of robust wording in guidance and the lack of support of a framework, such as a statutory duty to provide support in the case of planning appeals. Some 64% of local authorities surveyed found that the lack of this support was a barrier to giving weight to walkable proximity in their site allocation process, with many also saying that they considered that planning inspectors would not support walkability being used in this process.

This has led to a situation where, according to the RTPI, the average major new development is more than half an hour's walk from basics such as primary schools and GPs, despite the national design guidance

on walkability suggesting that facilities should be within 800 metres. Some noble Lords may have seen the recent BBC report on Northstowe, the biggest development since Milton Keynes in the 1960s. Six years after the first people moved in, it does not have a single shop, café or GP surgery. Surely we must beef up the planning system to ensure that people can, under their own steam, get to facilities that are absolutely essential as part of, more generally, a healthy environment and well-being.

The advantage of the amendment drafted by the noble Baroness, Lady Willis, to whom I pay great tribute, is that it would bring together many of these desirable aims and give local planning authorities the licensing tools that they need to create healthier places. It would certainly fill a gap in this Bill where we see that the Government have set out lofty ambitions on health inequalities without any concrete measures. I hope that, when we come to make a decision on this amendment, I can call on the House to support it.

The Lord Bishop of Southwark: My Lords, I also rise to speak to Amendment 198 in the names of the noble Baroness, Lady Willis of Summertown, the noble Lord, Lord Hunt of Kings Heath, whom it is an honour to follow this evening, the noble Lord, Lord Foster of Bath, and the right reverend Prelate the Bishop of London, who sends her apologies that she cannot be here to take part in this debate.

The urgent need to address declining health in the United Kingdom, as well as the widening health inequalities associated with this, cannot be overstated. We have heard many times about the staggering difference in healthy life expectancy, which was already up to 19 years before the pandemic. We must not become numb to such statistics or the reality that underlies them. Amendment 198 is about using the opportunity that this Bill provides to reform the planning system and thereby enable practical action by local authorities to tackle these disparities.

The social determinants of health are familiar and better understood than they have ever been. We know that where we live and the environment that we find ourselves in can have a significant impact on our health and, in extreme cases, fatal consequences. If we are serious about tackling health inequalities, our planning system is a key and necessary lever for better outcomes. By designing spaces better and putting in the right features that are proven to improve health and well-being, we can make huge improvements to the state of health. As we have heard, local planners can improve this in a number of ways, including site allocation, working with developers to improve applications and setting a vision for what facilities are in an area. This amendment would give planners a framework to deliver in each and every neighbourhood infrastructure that boosts everyone's health and well-being.

When a similar amendment was debated in Committee, the Minister, the noble Earl, Lord Howe, said that the National Planning Policy Framework

"contains policies on how to achieve healthy, inclusive and safe places".—[*Official Report*, 27/3/23; col. 77.]

However, the fact that these policies already exist makes a strong case for this amendment, for the simple reason that little has changed. We are still building housing where the basics are not right, such as estates where there are not even any pavements. The National Planning Policy Framework is clearly not a strong enough tool for what we want to achieve. If we are to level up our health, we need to level up our planning system; that means being clear about our priorities within it right across the country.

In a report published by Sustrans, the custodians of the National Cycle Network in 2022, 64% of planners said that they needed more robust regulation or guidance to prioritise health and well-being. A statutory duty to reduce health inequalities in the planning system will give planners the levers that they need to consider health outcomes in a bespoke way that suits local areas, without these being forgotten amid the other requirements that must necessarily be followed.

I also support the "healthy homes" amendments—Amendments 191A, 191B and 286—in the name of the noble Lord, Lord Crisp, who has already spoken. They seek to use the role that planning can play in reducing adverse health outcomes by preventing the creation of inadequate housing, which is an all-too-present reality in the current pressure to build more housing.

In conclusion, I hope that we will consider giving planners these tools today, as while we wait the gap, not only in life expectancy but in healthy living, is increasing. To deny these amendments is to store up dangerous and expensive problems for the future. The answer to increased housebuilding lies elsewhere.

Lord Young of Cookham (Con): My Lords, I have added my name to the amendments tabled by the noble Lord, Lord Crisp, and commend his tenacity in pursuing this issue through his Private Members' Bill and all the stages of this legislation. I shall add a short footnote to his speech.

After the debate in Committee and the very helpful meeting that we had with Ministers, on 25 May the Minister wrote a comprehensive nine-page reply taking the objectives of the amendments one by one and outlining how, in the Government's view, existing provisions reflected them. We can discuss whether there is total alignment between current provisions and what is in the amendments, but the letter asserting this and existing statements from the Minister in our debates indicate that there is not a lot of distance between what the Government say that they want and what is proposed, which would help to bridge the gap that the right reverend Prelate has just referred to.

The letter dated 25 May said: "Following on from our meeting, I thought that it would be helpful to set out where the principles of healthy homes are already being considered and addressed through existing laws, systems, policy and guidance". I want to make two points, picking up the key objections to the amendment that were made by my noble friend Lord Howe in his reply to the debate on 27 March. He said, referring to the noble Lord, Lord Crisp:

"Where we had to part company with him—and, I am afraid, must continue to do so—was on the extent to which new legislation should duplicate legal provisions already in place, and, to the extent that it does not duplicate it, how much more prescriptive the law should be about the way in which new housing is planned for and designed".—[*Official Report*, 27/3/23; col. 76.]

[Lord Young of Cookham]

On the first objection, I would prefer "consolidate" to "duplicate" to describe the impact of the amendments. Annex A to the letter dated 25 May explains that the relevant policies in the amendments are set out in no less than 11 groups under the heading "Healthy Homes Principles". These groups in turn referred to 28 different chapters or clauses in building regulations, design codes, the NPPF, planning legislation and orders. The amendment brings all those provisions together under one overarching umbrella and provides what is currently missing: namely, a clear statement of government policy on healthy homes all in one place, breaking down the silos between all the government departments involved—the Department of Health and Social Care, the Home Office, the Department for Transport, the Department of Energy and Climate Change, Defra and DLUHC. The 28 different references would then have a coherence which is lacking at the moment and which would be embodied in the statement that the Secretary of State has to make, underlining the commitment to healthy homes.

The second objection was that the amendment was prescriptive. However, the wording of paragraph 4 in the new schedule proposed in Amendment 191B gets round that objection in that it uses "should" instead of "must" throughout. The only compulsion is in paragraph 1, which obliges the Secretary of State to prepare a statement in accordance with the proposed new schedule. The groundwork for this has already been laid by the noble Lord, Lord Crisp.

I hope that my noble friend will reflect on these points and that his customary emollience will go one step further into acquiescence.

Lord Ravensdale (CB): My Lords, I will speak to Amendment 280. I thank my supporters, the noble Baroness, Lady Hayman of Ullock, and the noble Lords, Lord Best and Lord Lansley. I also thank the noble Baroness, Lady Scott, for her engagement with me on this issue over recent months and for her letter outlining the position of the Government.

I will focus on the changes to the amendment since we were in Committee, where we highlighted the magnitude of the issue of embodied carbon, with 50 million tonnes of CO_2 equivalents a year—more than aviation and shipping combined, so it is a significant amount of emissions. When we consider the effort and investment that is going into some of these other areas, it points towards the need to do a lot more on embodied carbon.

We also set out that industry is ready. On an infrastructure-related bid that I am currently working on for the private sector, we are looking to set targets for embodied carbon and assess it in the design phase, something that we now do almost as a matter of course. However, regulation needs to catch up, to ensure that this is applied consistently and to seize the wider sustainability and economic benefits of this change applying across the whole of industry. Our amendment focuses purely on the initial reporting stage, whereby industry will be mandated to report embodied carbon for all new construction projects above a certain size; the subsequent stage, using data gathered in the initial stage, would be to set out actual regulated limits for embodied carbon in buildings.

7.45 pm

In the short term, we need a few things. The first is a timeline for a consultation on embodied carbon reporting and regulation. I welcome the Government's commitments to consulting in 2023. The amendment now includes a commitment on consultation timescales. Secondly, and most importantly, we need that signal of policy intent that is required from the Government: a date when that reporting phase will start so that industry can start preparations early and put the necessary processes in place. There is no reason why we cannot get on with this now. The Minister may say that this will all perhaps fall out of the consultation, but there is no reason why the Government cannot commit to an aspiration to a date now and invite comments on that within the consultation. That would be of enormous significance in helping to get things moving on this issue. This date could perhaps align with the future homes standards, due to the obvious crossover here. We have added this to the amendments. Thirdly, we need a timescale for the implementation of regulations following the reporting phases needed, again for a clear road map to be in place so that industry can plan for implementation.

Our amendment on Report now sets out a clear road map for implementation of embodied carbon reporting and regulation. The Government should seize the opportunity to progress with this now and realise the many benefits. It would mean alignment with many other countries which are already implementing regulations—France, Sweden, Denmark and others. There are also the efficiency benefits in aligning standards and assessment methodologies across industry. There are economic benefits too—for example, the development of new low-carbon building materials and reuse of buildings.

Lord Naseby (Con): My Lords, it has been my privilege to have been involved in public sector housing for 50 years. I welcome the broad thrust of the thought of the noble Lord, Lord Crisp, that every home should be a healthy home.

We must be a little practical. I congratulate my noble friends on the Front Bench on the degree to which they have adjusted, even in the time of this Government. However, looking at some of the specifics, I live in Bedfordshire, and there are whole hosts of small developments there. They are historical and are basically just hamlets. There is no way that I would want to stop any new developments of hamlets of that nature. The residents cannot possibly walk to the shops in 10 or 20 minutes. It would probably take them half an hour. That is the practicality of life.

The second point—and I know that the noble Lord, Lord Crisp, feels strongly about this, and I share some of his concerns—relates to retail conversions in a fast-changing retail environment. In our county towns and other leading towns, we are now seeing a huge number of empty properties, a fair number of which are potentially being developed for living in. In no way

can some of these shops meet all the requirements that are listed here. However, it is equally true that for some of the recent ones, which I have looked at locally, the PDR requirements have not been met properly. The noble Lord would be doing a major help to places such as Bedford, where we see an empty high street and we know that people want to convert some of those properties into flats and that there is a need for flats.

Finally, I would like to tell my noble friend and the House that there are 4.2 million people looking for affordable housing. I had the privilege of representing a new town; it worked because there was a major thrust of development. The principle of why it worked was that it was low-level, high-density building. I still think that that is the way forward. It does not mean that it cannot be healthy; it can and it must be healthy, and a great many of our new towns are low level and high density. I sympathise with my noble friend on the Front Bench. We have to move forward, but in a practical manner.

Baroness Hayman (CB): My Lords, I think I can beat the noble Lord, Lord Naseby, on his 50 years' involvement with housing, because when I left university aged 20—which was more than 50 years ago—my first job was with Shelter, a newly formed organisation. I have not been involved in housing a great deal since, but that experience left me with an abiding conviction of the harm that is done to children and families, and to the prospects for individuals, by living in homes that are not fit for human habitation, that are not to the standards that we need, that are not secure and that deprive them of opportunities. So I very much welcome the amendments in this group that we have heard proposed very eloquently.

My two amendments are not about those high-level aspirations; they go back to the theme of delivery and how we actually make this happen. One deals with the supply side and the other with the demand side.

My Amendment 282H deals with rooftop solar power and the problem of getting affordable and clean energy to people. I am extremely grateful for the support of the noble Baronesses, Lady Sheehan and Lady Blackstone, and of the noble Lord, Lord Lucas, who had brought forward his own amendment on this subject in Committee.

This amendment requires the Secretary of State to make building regulations to ensure that, in England, new homes and public and commercial buildings, as well as existing public and commercial buildings, are fitted with solar panels. It recognises that of course flexibility is needed: there will be circumstances in which design optimisation and practical constraints mean that it would not be possible or useful to put solar panels on every building. However, the default position should be installation, because that is how we give householders the opportunity to minimise the energy consumption of their homes and to live in warm homes at reduced cost.

The Government recognise this. They know that solar power is one of the cleanest, cheapest forms of energy, and they have therefore set a national target for 70 gigawatts from solar by 2035. This is not only to reduce emissions but to reduce our reliance on imported fossil fuels; this is not simply a net-zero issue but an energy security issue. It will also reduce the cost of energy bills for consumers, which, in the current situation with spikes in energy prices, means energy bills for the Government or taxpayers as well, because we have to subsidise those bills. In spite of these ambitions, the CCC's recent assessment was that the Government's solar targets are "significantly off track". This is the same issue we were talking about earlier—that of delivery, rather than aspiration.

A recent report by the CPRE found that installing solar panels on new buildings, warehouse rooftops and other land such as car parks could provide at least 40 to 50 gigawatts of low-carbon electricity, contributing more than half of the national solar targets. Proposals in this amendment have widespread support—for example, from the Skidmore review, the Environmental Audit Committee and industry stakeholders such as Solar Energy UK. The provision would place no burden on households; indeed, it does the opposite, because it reduces financial outgoings. We all know that the cost of retrofitting—which we are doing constantly because we did not have the right standards in the first place—is more expensive. I hope that the Minister will think carefully about his response to the amendment.

My other amendment, Amendment 282L, deals with energy efficiency. I am grateful to the noble Lord, Lord Bourne, who is very sorry that he could not be here, and to the noble Lords, Lord Stunell and Lord Hunt of Kings Heath, for their support.

I am not going to weary the House by repeating at length the arguments on energy efficiency that I and many others have made on the Social Housing (Regulation) Bill, the Energy Bill and this Bill. We have spoken at length on why it is crucial, can achieve multiple policy aims and will provide opportunities to contribute to levelling up, such as cheaper heating, rapid emission cuts, addressing the health implications of poor quality and damp homes, job creation in sustainable areas, high-quality skills and creating homegrown industries that can be rolled out across the country, because housing and buildings are everywhere. I will not repeat and lay down a list of all the reports, parliamentary and external, that have endorsed the need for both a coherent strategy and urgent action on energy efficiency. Yet the CCC recently concluded that the Government continue

"to avoid big, impactful decisions and action"

in relation to emissions from buildings.

This amendment is practical and unprescriptive. It merely requires the Government to consider all the options available and to produce a comprehensive plan, so that industry and the public have certainty, clear direction and clear milestones. The sector is poised to take action to scale up what could be a hugely productive market, but time and again in this area we have seen schemes start with a blaze of glory and then splutter into nothing. They have reduced confidence—confidence in the sector and in home owners, householders and tenants to support this.

This is an important time for the House to make clear its view on energy efficiency. We passed an amendment on energy efficiency on the Energy Bill.

[Baroness Hayman]
Tomorrow, along the corridor, they will be discussing that amendment. It will come back to us on ping-pong. It is important that we continue to talk about this. It is also important because we have a new Secretary of State: she will have an enormous in-tray but also opportunities. There is an opportunity for what we have been talking about all evening—strategic and comprehensive leadership. This amendment gives her that opportunity, and I hope it will be supported.

Baroness Blackstone (Lab): My Lords, I have added my name to Amendment 282H, from the noble Baroness, Lady Hayman, on rooftop solar. Before speaking to that, I briefly record my very strong support for both Amendments 191A and 198, which would impose a duty to make regulations to promote healthy homes and neighbourhoods, and to reduce health inequalities, which are at a horrifyingly high level. I say this with some experience of both education and children's health. I believe that it is especially important that children and young people have access to good, open, public space which enables them to benefit from exercise outside, within easy reach of their homes. It should be somewhere they can go without having to be taken on a bus or in a car a long way from where they live.

I turn to the rooftop solar amendment, which in no way suggests that it is an alternative to other important renewables, in particular onshore wind—which, rumour has it, I am delighted to say, the Government are at last coming round to accept will be needed on a much greater scale than before. Solar roof panels are also not an alternative to heat pumps. They complement them, and in so doing make the cost of heat pumps more affordable and avoid driving up consumers' costs unnecessarily. Solar Energy UK estimates that, in a typical heat pump heated home, installing solar panels leads to an annual saving of around £1,500 a year.

8 pm

I am very pleased to say that the Government have already said in Committee that they agree with the spirit of the amendment, so why not go a step further and agree to its adoption? The Government apparently think it is enough that they encourage local authorities and developers to incorporate solar and that the amendment is redundant. I really cannot agree with that, and I am sure that will be true for many other noble Lords. This just will not do. Encouragement is all very well, but a requirement is what is needed—with, of course, as the noble Baroness, Lady Hayman, said, exemptions where solar is not technically feasible.

The Committee on Climate Change recently reported, to use its words, that solar development is "significantly off track". If we are going to reach the target of 70 gigawatts by 2035, the Government really do need to get moving. I believe they recognise this, because they have said that they want to go further and faster on solar. If so, I ask the Minister to accept the amendment and, in doing so, match what many other countries are already doing. Apart from the benefit to UK energy consumption, it would lead to supporting around 600,000 new jobs. That is not something to be sneezed at; it would be another very important benefit to this amendment being implemented. I hope to hear a positive response from the Minister to the amendment in the name of the noble Baroness, Lady Hayman.

Lord Best (CB): My Lords, this a very full group of powerful amendments and I find them all very appealing. I particularly support the noble Lord, Lord Crisp, in his brilliant Healthy Homes campaign with the Town and Country Planning Association, but a completely convincing case has been made from all parts of the House for his amendment. I will concentrate on Amendment 280, to which I have put my name in support of the noble Lord, Lord Ravensdale, on creating a road map for addressing embodied carbon emissions in buildings.

It has been a rather rude awakening for me to discover that, in concentrating on the energy efficiency of buildings once occupied and taking measures to cut their operational carbon emissions when in use, I have been missing the bigger picture: half buildings' emissions come from the process of producing and maintaining the building—that is, from the embodied carbon generated by the whole construction process. Many of us in the world of housing have focused on improving energy efficiency in new homes and have failed to recognise that we could be doing far more to cut the carbon emissions that result from the construction of those homes.

Construction, which uses more raw materials than any other industry, is responsible for a quarter of all carbon emissions. Half of these come from embodied carbon, particularly in the production of concrete and steel. Half a million tonnes of building materials are used daily in the UK. Moreover, demolition and excavation generate no less than 62% of all UK waste, to say nothing of the consequences for landfill and the nasty impact of air pollution.

I am very grateful to Shaun Spiers and colleagues at the Green Alliance for their work on "circular construction": reducing the type and quality of raw materials, reusing, recycling and regenerating, rather than demolishing and building anew. Their work shows that there are plenty of ways in which this huge driver of carbon emissions can be addressed without adding to cost. An example is British Land's new headquarters in London, which went for retrofitting in place of new build and took less time, while cutting costs by 15% to 18.5%.

A new embodied carbon section in the building regulations, referred to as Part Z, would send the construction industry down the right road. The Environment Act 2021 gives the Government the power to take this approach forward. Some neighbouring European countries are already getting there: for example, the Netherlands is committed to reducing raw material consumption by 50% by 2030. But what is needed first in the UK is an agreed set of metrics—an approved methodology—as the basis for calculating the whole-life carbon emissions, both operational and embodied, of construction work. Big players such as Lendlease, Atkins and Laing O'Rourke stand ready to help in devising this. The amendment from the noble Lord, Lord Ravensdale, provides the basis for that essential first step, with proper regard to the need for full consultation.

Frankly, I have been pretty ignorant about the significance of embodied carbon in construction. I now realise that concentrating on energy efficiency in the use of buildings once built misses the point. Key players in the industry are ready to adopt new practices to cut embodied carbon emissions. This amendment would enable the Government to progress this change of emphasis, which is surely overdue. I strongly support the amendment from the noble Lord, Lord Ravensdale.

Lord Lucas (Con): My Lords, I have an illustration—as ever, from Eastbourne—of what is going on with solar panels. We have in the middle of town about 400 hectares of grazing marshes. There is a proposal to build a solar farm on a chunk of that, right next to 100 hectares of industrial estate. None of the firms have solar panels and nor do their car parks. There is clearly a local demand for solar electricity and the grid connection needed for it, but nothing is happening to provide solar panels on the existing space, which could so easily be used for them.

The Government's policy is pointing in the right direction, but it is inadequate. It needs reinforcing. They need to give a much harder shove to putting solar panels on existing commercial buildings and commercial space. I very much hope that, if the exact wording of the amendment from the noble Baroness, Lady Hayman, cannot be accepted, the Government will commit to bringing something back at a later stage or finding another way of doing something about it, because where they are at the moment will not do.

Exactly the same applies to the amendment from the noble Lord, Lord Hunt, which I have great sympathy for. Therefore, I do not see the virtue in Amendment 191B, the wording of which seems very strange. I do not think that "should" bears the meaning that my noble friend tried to put on it; it is an imperative in legislation. Statements such as

"all new homes should be secure and built in such a way as to minimise the risk of crime"

mean that we would need to have eight-inch thick concrete blocks with tiny portholes for windows, because these are absolute words and not the much more open and discursive words employed in Amendment 198, which I therefore favour.

I also like the amendment from the noble Lord, Lord Ravensdale. We need to look seriously at embodied carbon. If that involves new construction methods, we need to learn from the lesson of reinforced autoclaved aerated concrete. It was the miracle of its time, but that wonderful new method of doing things has not worked out. If we are going to introduce new methods and new structures extensively in housing and other buildings, we really must go back to not only testing them to destruction but monitoring how they are working in the environment. We used to do that with new building methods; we need to get back to it now.

Baroness Bennett of Manor Castle (GP): My Lords, I rise very briefly to offer the strongest possible Green support for all these amendments, which really fit into the intersection of Green policies on public health, climate and poverty eradication. I will make just three brief points.

First, on solar panels on a suitable new homes and buildings, I thank the noble Baroness, Lady Hayman, for pursuing this for so long. If I look on Twitter, the question I am asked most often is, "Why do new homes not have solar panels?" It seems such a no-brainer to the public, and they cannot understand why. Of course, the answer to that goes back to 2013 when David Cameron had gone from "hug a husky" to referring to "green crap". The plan to bring in this effective regulation was abandoned a decade ago. This means that more than 2 million British households are now paying vastly more for their energy than they need to be paying, while also emitting more carbon than they need to be emitting.

Secondly, the noble Lord, Lord Hunt, and others have been extremely powerful on the parlous state of public health and the relationship that has to housing. It is interesting that if we go back to the start of the NHS in 1948, Aneurin Bevan was Minister for both the NHS and housing. Those two things were seen as intimately interrelated. Somehow or other, we seem to have lost the plot with this. To quote some figures from the Building Research Establishment, it is estimated that poor housing costs the NHS £1.4 billion a year—money that could be saved.

Thirdly and finally, I acknowledge the comments made by the noble Lord, Lord Best, about his awakening to the issue of embodied carbon. This is something that has been largely ignored. There has been the shallow approach of "That's a terrible building. We'll knock it down and build something better". I have just come from a conference in Zagreb—an international conference with a lot of European speakers. I was hearing of so many amazing projects that are happening across Europe and looking at how we can build in innovative new ways while using existing materials.

I shall quote just one example of this. If a building needs to be knocked down, how can we reuse those materials, rather than just throwing them away? In Copenhagen, there is something called Resource Rows: housing has been built largely with slabs of bricks cut from existing buildings that had to be demolished. Those slabs are cut out and put into the walls of the new buildings. They have recycled materials. The timber is coming from where they have put a new Metro extension in. The timber frames that went around the concrete pieces for the Metro then go into building housing right beside it. They have greenhouses for growing vegetables on site, made from old windows. This is the kind of innovation that is happening elsewhere because they have the regulations that demand it. We are lacking those regulations; we are lacking this guidance from the Government. Just look at what we are building now.

Baroness Sheehan (LD): I refer noble Lords to my interests as laid out in the register and as a director of Peers for the Planet. In the interests of time, I will address just two amendments in this group, but that is not to detract from my strong support for the remaining amendments.

First, Amendment 282H, in the name of the noble Baroness, Lady Hayman, which has support from across your Lordships' House and to which I have added my name, simply calls for the Government to

[Baroness Sheehan]
require all new domestic, public and commercial buildings to be fitted with solar PV and will include existing public and commercial buildings, subject to appropriate exemptions and criteria. Frankly, I do not understand the Government's opposition to this very sensible measure. I spent four consecutive years on the planning committee while I was a councillor for Kew ward in the London Borough of Richmond. My experience there taught me absolutely to recognise that progress on this issue will be vastly expedited if the decision is not left to construction companies whose sole concern, at least for the majority, is profit.

The Government's argument is that it is happening anyway. That fails to demonstrate that they take the need for urgent action on climate change seriously. Anyway, where is the evidence that it is happening already at effective rate? Is the figure for new-build solar PV 10%, 5% or 50%? What is the Government's policy on this? Can the Minister tell me? Who keeps account of these figures? Surely the Government's policy must be 100% solar PV on all new buildings and, if not, why not?

8.15 pm

The cost of solar has dropped dramatically, exceeding all projections in just one decade, and it is so much cheaper to install it up front than to have to retrofit. Air conditioning will become more necessary with each passing year. Therefore, cheaply available energy when the sun is shining will save countless lives as heatwaves become a regular feature of life in Britain. This amendment is a no-brainer and will have the support of the Lib Dem Benches if in due course a Division is called.

Moving on, Amendment 282NA in my name seeks to make provision for the retrofitting of an existing town to be powered exclusively by renewable energy and heated exclusively by a ground source heat network. It is that heating element that I want to focus on in my remarks.

I want to try to focus attention on the huge problem of decarbonising domestic heating—in fact, heating in all buildings—and, these days, the problem of cooling residential homes in towns and cities. My aim in tabling this amendment is to expand the Government's interest in pilot projects from only hydrogen as a possible solution for domestic heating to other sources of heating which are much further advanced and, if I may say so, much less likely to go bang. I refer to providing decarbonised domestic heating by ground source heat networks; that is, to use the heat beneath our feet, available 24/7, 365 days a year, regardless of temperature changes.

On 6 July this year, the noble Lord, Lord Cameron of Dillington, who I am sorry to say is not in his seat, led an excellent debate on geothermal heat and power. For the sake of time, I will limit my remarks and refer noble Lords to my contribution to that debate, particularly with reference to the successful Heat the Streets pilot carried out by the Kensa Group in Stithians, Cornwall. The technology of providing domestic heating and cooling—all you have to do is turn the switch and you can start to cool a building as well as heat it—via shallow geothermal ground source heat pump grids in the form of an easily accessible utility service analogous to piped gas is proven and shown to be popular with participants. What is needed now is a trial to deploy it on a much larger scale in a realistic UK town or city scenario, which is what my amendment seeks to do.

Lord Stunell (LD): My Lords, I rise because every one of these amendments merits serious consideration by the Government. I hope very much that the Minister, the noble Earl, Lord Howe, will be able to stretch his brief somewhat in responding to them.

It is a particular pleasure to support the noble Lord, Lord Crisp, in his advocacy for healthy homes in Amendment 191A. He has rightly argued that having healthy homes in this country is a vital step in promoting and enhancing well-being. Well-being was at the heart of 19th-century reforms of housing. It was also at the heart of 20th-century reforms of housing, where the underlying and clearly expressed purpose was to make sure that people's homes enabled them to live lives which were productive, meaningful and, for them, a success. As the noble Lord, Lord Crisp, argued cogently, a healthy home is a gateway to life; it is a prerequisite of educational attainment as well as gainful employment. It has to be at the core of any genuine attempt to level up.

I want to take the noble Earl, Lord Howe, back a little way to what is almost a historic document now. A White Paper was produced on levelling up, and in it were missions which the Government committed to and set targets to achieve. Mission 10 said that, by 2030, which is now just six years away,

"the government's ambition is for the number of non-decent rented homes to have fallen by 50%".

That is a long way to go in a short period of time, but it shows that the Government understood that a healthy home was a prerequisite for a healthy society.

Mission 5 was about education. Again, by 2030, in six years' time,

"the percentage of children meeting the expected standard in the worst performing areas will have increased by over a third".

Those children in the worst performing areas, funnily enough, all live in the worst housing and accommodation.

Mission 7 talks about healthy life expectancy, something on which the noble Lord, Lord Hunt of Kings Heath, spoke very eloquently. Again, by 2030, the gap between the highest and lowest areas is to have narrowed and, by 2035, the healthy life expectancy of the whole country is to rise by five years.

The amendment from the noble Lord, Lord Crisp, as well as the other amendments in this group, are all keystone decisions on policy that the Government need to take if they are to close the gap as set out in those mission statements—and as they are supposed, and claim, to be doing through this Bill.

The reality is that nothing else in this Bill will or could move the dial on any of those mission objectives, yet they are supposedly central to all the time and effort that noble Lords in this House and Members at the other end of the building have put into this so far. I hope that the Minister will be able to engage with all these amendments and, specifically, the amendment in the name of the noble Lord, Lord Crisp, and not simply read the brief as he did in Committee.

All the other amendments are worthy of merit, but I want particularly to mention in this group Amendment 282L, which I have put my name to, relating to low-carbon heat, energy-efficient homes and so on. That has been a lifelong goal—half a lifetime of my political and professional activity has been in trying to make sure that these things happened.

I recall—as, I am sure, does the Minister—that we would have proceeded to have zero-carbon new homes at least in 2016 had the proposed plan not been discontinued by the incoming Conservatives. I hope that at the very least he can reassure us that in 2025 the new homes standard will really come in and move things in the right direction. In the meantime, giving his assent to Amendment 282H would be a clear signal to the industry and developers that that is the direction in which we are to go.

Also in this group is Amendment 198 in the name of the noble Baroness, Lady Willis of Summertown, which was introduced by the noble Lord, Lord Hunt, and signed by my noble friend Lord Foster of Bath, who unfortunately is unable to be here today. It is on the same track exactly, asserting the importance of good quality and affordable housing to our health and welfare. I am indebted to the Better Planning Coalition for its briefing on this.

We are still building housing that fails to meet basic standards for health and safety. Our existing housing stock is poor. The Resolution Foundation reports that there are 6.5 million people living in poor-quality housing, including homes that are cold, damp and in poor repair—that is one in 10 people. Once again, the Government's mission 10 sets out an aim to halve the number of non-decent homes in the private rented sector by 2023. Living in poor-quality homes makes people twice as likely to have poor general health as those who do not, and they face increased stress and anxiety. The links between health and housing go beyond quality. Professor Sir Michael Marmot found that affordability as well as quality affects health, and living in overcrowded and unaffordable housing is linked with depression and anxiety. We shall return to that in the debate on a further group later tonight.

If we want to enable people to live healthier lives, we also need to examine how our homes and environment can be adapted as our life stories alter, whether through illness, injury or ageing. I hope that I can persuade the Minister to restate the Government's commitment to ensuring that new homes are built to higher accessibility standards, as well as to better insulation and efficiency standards, from 2025. The statutory duty in Amendment 198 would provide local authorities with the flexibility to meet local health needs while giving them the mandate to take action that has been sorely lacking when we have had to rely purely on the vague language within the National Planning Policy Framework.

The amendments from both the noble Lord, Lord Crisp, and the noble Baroness, Lady Willis, would make sure that the planning space paid special regard to creating local places where homes are affordable to local residents, where they are developed to good conditions and adaptable standards, and where they are connected to facilities and services that maximise the opportunity to be active in a safe and pleasant environment.

There is a dreadful alternative—in fact, it is the alternative world that we actually live in—of increasing health inequalities, with additional problems for individuals and families and increasing demands on public health and care services. I hope the Minister agrees that the moment has come to move from this alternative world that we are in to one that could be delivered with these amendments. I and my colleagues look forward to supporting those that are taken to a vote if the Minister does not agree.

Baroness Hayman of Ullock (Lab): My Lords, I thank the noble Lord, Lord Crisp, for speaking to his amendment, introducing the debate on this group and bringing forward clear arguments for why the Government should consider accepting his amendments. For two years or so the noble Lord, supported by the Town and Country Planning Association, has led a campaign to put people's health and housing at the centre of how we regulate our built environment. I pay tribute to him, and I am pleased to offer our support for his amendment.

During the time that he has been pushing on this, medical evidence surrounding the relationship between the condition of someone's home and their life chances has become even stronger. We have heard evidence of the shockingly poor standards even of some new homes that are being created through our deregulated planning system. The amendments could prevent the development of poor-quality housing, which continues to undermine people's health and well-being. While the Government have acknowledged that housing and health are key to the levelling-up agenda, the Bill currently contains no clear provisions for how we are to achieve that objective. So we support the noble Lord, Lord Crisp, in his efforts to put new obligations on the Secretary of State.

We hope that the Government will change their approach and accept these amendments as a sensible starting point on a journey to transform the quality of people's homes, with benefits to them and to the national health and social care budgets. But if this does not happen and the noble Lord is not satisfied by the Minister's response, we will be happy to support him in a vote.

8.30 pm

I turn quickly to Amendment 198 in the name of the noble Baroness, Lady Willis of Summertown. I thank my noble friend Lord Hunt for so eloquently introducing that amendment because health inequalities have come up on a number of occasions throughout the passage of the Bill, and my noble friend gave some vivid examples which demonstrated them. What struck me particularly in listening to his introduction to the amendment was that there are so many co-benefits in doing this, so why would we not look at this amendment and have the Government see what could be done? Maybe the Government would like to bring something forward themselves if they do not want to accept it but, again, if my noble friend wishes to push this to a vote and test the opinion of the House, we will support

[Baroness Hayman of Ullock]
him, because we believe that the Government should really be putting their money where their mouth is when it comes to levelling up and health and well-being.

I was pleased to add my name to the amendment in the name of the noble Lord, Lord Ravensdale, as we did in Committee. His amendment would require the Secretary of State to publish a consultation to amend the Building Regulations to introduce provisions for the reporting of whole-life carbon emissions of buildings. I spoke previously in Committee about our support for this approach and I thank the noble Lord for bringing it back, so I will not go into detail and repeat the arguments here. But it is important to stress, as the noble Lord did, that reducing embodied carbon is a key part of ensuring that buildings have net-zero emissions, because we know that around 10% of our national greenhouse gas emissions are associated with construction. As he so clearly said, the industry is ready to move on this, so regulation needs to catch up. It would be really good to hear some positive response from the Minister as to how the Government are going to achieve this through the consultation that has already been discussed.

The noble Baroness, Lady Hayman, has two amendments in this group, and I was very pleased to hear her extremely clear introductions to them. The amendment to require solar panels to be installed on all new homes, public and commercial buildings, as well as existing ones, subject to appropriate exemptions and criteria, seems to make perfect sense to me—it really does. We know that the UK has a target to cut emissions of CO_2 by 80% by 2050 but, as we heard from other speakers, the Government are way off target on achieving this. We know that solar photovoltaic panels are one key way in which new homes can create more environmentally friendly development, support energy security—as the noble Baroness said—and help us to hit those net-zero carbon targets. However, this has to start with new build. It is much cheaper to install on new build than it is to retrofit so, again, why not bring this in to planning regulations to look at how we can move this forward, not just for residential but for commercial warehouse buildings in particular?

The noble Baroness's second amendment, Amendment 282L, is also important. It would impose a duty on the Secretary of State to bring forward a plan with time-bound proposals for low-carbon heat, energy-efficient homes and higher standards. The noble Baroness is a great campaigner on the importance of energy efficiency. Again, we support what she is trying to achieve and very much hope that the Government will give a positive response to this and to her amendment within the Energy Bill.

Finally, it was important that the noble Baroness, Lady Sheehan, drew attention to the huge problem of decarbonising domestic heating, as this is a huge challenge for the Government going forward.

Earl Howe (Con): My Lords, Amendments 191A, 191B and 286 all deal with the principle of healthy homes. I am the first to say that the debates we have had on this subject are a reminder, if one were ever needed, of the key importance of healthy living environments. Much of the case put forward by the noble Lord, Lord Crisp, and others centres on the idea of having fixed standards in this whole area. On that, I hope he will welcome the news that the Government have listened. Where fixed standards are the best approach, we are taking action.

For example, we are currently reviewing the decent homes standard, which sets minimum standards regarding the physical condition of social rented homes. We have also committed to introducing the decent homes standard to the private rented sector for the first time at the earliest legislative opportunity. On building standards, we will consult on a full technical specification for the future homes standard and then introduce the necessary legislation in 2024 ahead of implementation in 2025. I hope that that combination of actions will be music to the ears of the noble Lord, Lord Crisp.

The noble Lord, Lord Stunell, referred to the mission statement in the levelling up White Paper. The measures we are taking should reassure him, I hope, that those missions are still a top priority.

In Committee, I warned about the risks of introducing undue prescriptiveness in this area. That is why I also hope noble Lords recognise that, in the planning system, a degree of flexibility is often needed to reflect the great variety of issues individual schemes may pose. With the best will in the world, any set of prescriptive and rigid rules makes no allowance for such individual circumstances.

Having said that, I want to re-emphasise the added weight that this Bill will give to both national and local policies for controlling development. How our national policies can support healthy living is most definitely something that we will wish to engage and reflect on as we come to update them.

That leads me to a further point. We are currently consulting on proposals to allow permitted development rights, with existing prior approvals on design or external appearance, to include consideration of design codes where they are in place locally.

I am very sympathetic to the intentions behind these amendments, but we are concerned that they would create a legal framework which cuts directly across the actions I have referred to. At worst, they could even hinder progress in pursuing healthy homes by creating uncertainty about the obligations which apply, with the associated risks of legal challenge and delay. It is those concerns which prevent us being able to support these amendments.

Turning to Amendment 198, I listened with care and a large measure of agreement to the noble Lord, Lord Hunt of Kings Heath, on this topic. I remind the House that health and well-being is already a key consideration in the planning system, and changes made through this Bill will strengthen this. The National Planning Policy Framework states that plans should set out a

"strategy for the pattern, scale and design quality of places".

The framework is clear that:

"Planning policies and decisions should aim to achieve … places which … enable and support healthy lifestyles",

including through the provision of open spaces, sport and recreation facilities and layouts that encourage walking and cycling. In other words, these are the key building blocks to better health the noble Lord, Lord Hunt, referred to.

The right reverend Prelate the Bishop of Southwark indicated his concern that that does not seem to be enough. In response to that concern, changes through this Bill will mean that, in future, planning applications must be decided in accordance with the development plan and any applicable national development management policies, unless material considerations strongly indicate otherwise. It would no longer be enough for other considerations merely to indicate otherwise. That has two effects. First, it will make sure that locally produced policies have a strengthened role in planning decisions. Secondly, national development management policies will give national policies statutory status in planning decisions for the first time.

On the design of buildings, the national model design code provides guidance on the production of local design codes, including consideration of health and well-being. The Bill requires every local planning authority to produce a design code for its area. They will have full weight in the planning decision-making.

Furthermore, we have looked for ways of achieving further join-up. To that end, Active Travel England was established as a statutory consultee within the planning system as of June. It is responsible for making walking, wheeling and cycling the preferred choice for everyone to get around. Therefore, although I fully understand the essence of this amendment, we believe that the status of these considerations in the planning system, as enhanced by the Bill, is already provided for.

I thank the noble Lord, Lord Ravensdale, for his engagement on embodied carbon in buildings. The Government agree that reducing these emissions is crucial. I listened with great care as well to the noble Lord, Lord Best. I completely agree with both noble Lords that, to reduce the embodied carbon of buildings, we must decarbonise every part of the supply chain in their construction, from the manufacture and transport of materials to the construction processes on site.

Across government and industry, a great deal of work is already contributing to a reduction in the embodied carbon across those construction supply chains. The *Industrial Decarbonisation Strategy* and the transport decarbonisation plan, for example, set out how large sectors of the economy will decarbonise. The England Trees action plan looks to increase the production of timber, which can be used to replace higher-carbon materials in construction when it is safe to do so.

As the noble Lord, Lord Ravensdale, is aware, the Government intend to consult this year on our approach to measuring and reducing embodied carbon in new buildings. This will be informed by in-depth research, and I am pleased that members of the Part Z team sit on the steering group for that research. I reassure the noble Lord that the Government are listening to calls for a change to the building regulations and will continue to engage with him as policy develops. However, it is vital that we understand the impacts of potential interventions—which will be the focus of the consultation—before any commitment to a specific intervention. I know that the noble Lord takes that point.

Amendment 282H, in the names of the noble Baronesses, Lady Hayman and Lady Sheehan, and my noble friend Lord Lucas, is on solar panels. Renewable energy, such as that generated from solar panels, is a key part of our strategy to reach net zero—I hope that that is accepted. However, as I argued in Committee, and as I think the noble Baroness recognises, not all homes are suitable for solar panels. For instance, some homes are heavily shaded due to nearby buildings or trees. So I cannot go along with her wish to make solar panels the automatic fix in the building of new homes—it is too inflexible.

Our approach to achieving higher standards remains technology-neutral, to provide developers with the flexibility to innovate and choose the most appropriate and cost-effective solutions for their particular sites. The underpinning to that approach is that, in 2021, the Government introduced an uplift in energy-efficiency standards that newly constructed homes must meet. We expect that, to comply with this uplift, most developers will choose to install solar panels on new homes or use other low-carbon technology such as heat pumps. They have to achieve those standards somehow.

As well as delivering a meaningful reduction in carbon emissions, this uplift provides a stepping stone to the future homes standard, which we will consult on this year ahead of implementation in 2025. The future homes standard will go further, ensuring that new homes will produce at least 75% less CO_2 emissions than those built to 2013 standards, which represents a considerable improvement in energy efficiency standards for new homes. Introducing an amendment to mandate solar panels would therefore be largely redundant and would risk the installation of solar panels on inappropriate houses, as I said. So, taken in the round, we think that our approach is a great deal simpler and better, and I hope that the noble Baroness will feel able not to move her amendment when we reach it.

8.45 pm

I turn to Amendment 282L in the name of the noble Baroness, Lady Hayman. As the noble Baroness knows, this amendment has already been tabled, debated and overturned in the Committee stages of the Energy Bill, so it may not surprise her to hear that the Government will reject the inclusion of this amendment in this Bill. The Government have already produced a number of action plans, including the heat and buildings strategy, the net zero strategy and the net zero growth plan, all focusing on delivering the action needed to meet our targets.

As noble Lords have emphasised umpteen times, the Government must now focus on delivering on the commitments set out in these action plans. Developing an additional action plan would duplicate efforts when we have already laid out our plans to decarbonise the building stock and improve energy efficiency. The Government remain committed to the aspiration for as many homes as possible to reach EPC band C by 2035 where that is cost-effective, affordable and practical, as set out in the clean growth strategy. We are committed to publishing a technical consultation on the future homes standard as soon as possible in 2023, for implementation in 2025.

[Earl Howe]

Furthermore, the Climate Change Committee already plays a key role by providing independent advice and scrutiny and holding government accountable by publishing statutory progress reports to Parliament. These are comprehensive overviews of the Government's progress, and the amendment would duplicate these efforts. The recent progress report to Parliament is one such example of the critical friend's advice that we value from the Climate Change Committee.

Finally, I turn to Amendment 282NA in the name of the noble Baroness, Lady Sheehan, which proposes to create a pilot scheme to retrofit a town so that it is powered by renewable energy and heated by a ground source heat network. Our approach to achieving higher standards of retrofit is to provide developers with the flexibility to choose the most appropriate and cost-effective solutions to retrofit each site. The Government are already testing the best approaches to plan the future heating of towns through proposals in the Energy Bill on heat network zoning and technology innovation funding for hydrogen heating. Let me be clear to the noble Baroness: networked ground source heat pumps are within the scope of the heat network zoning proposals, and we envision that these projects will be promoted through this policy.

There are also a number of programmes that support housing retrofit, including retrofit of heat pumps. The future homes standard which, as I have said, is intended to be implemented in 2025, is being designed to ensure that all new homes are net zero ready, meaning that they will become zero carbon when the electricity grid decarbonises without the need for any retrofit work.

To conclude, I hope that the noble Lord, Lord Crisp, having heard what I have said, will agree to withdraw Amendment 191A, and that noble Lords will be content for the other amendments in this group not to be moved when they are reached.

Lord Crisp (CB): My Lords, I thank all noble Lords for taking part and for the great support which our amendments have received. The noble Earl, Lord Howe, knows that in our earlier discussions we always said we were happy to discuss the detail and how this would be implemented and that there were two sticking points. The two sticking points were having some firm, fixed standards—the MOT analogy I used—but also the whole approach to the system of promoting health and well-being. I very much welcome the movement the Government have made on extending the Decent Homes Standard to social housing but also to the private rental sector. I have to ask, of course: why not also to PDR, and indeed to all new homes, if it is good enough for those areas? PDR is obviously the area where there has been the most problems.

We have always said there is a great deal of flexibility in how these standards are applied. To briefly respond to the noble Lords, Lord Naseby and Lord Lucas, the amendment makes it clear that it is up to the Secretary of State to interpret these healthy homes principles, and it explicitly says that there will be differences between rural, urban and suburban areas, for precisely the reasons that the noble Lord, Lord Naseby, mentioned.

I am very happy that there has been considerable movement. There has not been movement on the fundamental principle, which is that all new homes being developed, if I may put it in terribly layman's language, need to promote health, safety and well-being, and that is where we need to be going. So, I ask the Government to think again and see if they can move further in due course, and I would like to test the opinion of the House.

8.51 pm

Division on Amendment 191A

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Amendment 191A agreed.

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Morgan of Cotes, B.
Morris of Bolton, B.
Morrow, L.
Mott, L.
Moylan, L.
Moynihan, L.
Murray of Blidworth, L.
Naseby, L.
Neville-Jones, B.
Neville-Rolfe, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
Offord of Garvel, L.
O'Neill of Bexley, B.
Owen of Alderley Edge, B.
Patel, L.
Penn, B.
Pidding, B.
Polak, L.
Porter of Spalding, L.
Randall of Uxbridge, L.
Ranger of Northwood, L.
Reay, L.
Redfern, B.
Remnant, L.
Risby, L.
Robathan, L.
Roborough, L.
Rose of Monewden, L.
Sanderson of Welton, B.
Sandhurst, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Shackleton of Belgravia, B.
Sharpe of Epsom, L.
Shields, B.
Shinkwin, L.
Smith of Hindhead, L.
Soames of Fletching, L.
Stedman-Scott, B.
Sterling of Plaistow, L.
Stewart of Dirleton, L.
Strathcarron, L.
Stroud, B.
Sugg, B.
Swinburne, B.
Taylor of Holbeach, L.
True, L.
Tugendhat, L.
Udny-Lister, L.
Vere of Norbiton, B.
Verma, B.
Warsi, B.
Wei, L.
Weir of Ballyholme, L.
Wharton of Yarm, L.
Willetts, L.
Williams of Trafford, B. [Teller]
Wolfson of Tredegar, L.
Younger of Leckie, V.

9.02 pm

Clause 89: Contents of the spatial development strategy

Amendment 191AA

Moved by ***Earl Howe***

191AA: Clause 89, page 96, line 34, at end insert—

"(9A) The spatial development strategy must take account of any local nature recovery strategy, under section 104 of the Environment Act 2021, that relates to an area in Greater London, including in particular—

(a) the areas identified in the strategy as areas which—

(i) are, or could become, of particular importance for biodiversity, or

(ii) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,

(b) the priorities set out in the strategy for recovering or enhancing biodiversity, and

(c) the proposals set out in the strategy as to potential measures relating to those priorities."

Member's explanatory statement

This amendment requires the spatial development strategy under Part 8 of the Greater London Authority Act 1999 to take account of local nature recovery strategies that relate to Greater London.

Amendment 191AA agreed.

Amendment 191B

Moved by ***Lord Crisp***

191B: Before Schedule 7, insert the following new Schedule—

"SCHEDULE

Healthy homes

Policy statement on healthy homes principles

1 The Secretary of State must prepare a statement in accordance with this schedule (the "policy statement on healthy homes principles").

2 The statement must explain how the healthy homes principles are to be interpreted and applied by Ministers of the Crown and relevant responsible authorities in making, developing and revising their policies.

3 The statement may explain how the principles will be implemented and adhered to in a way that takes account of a building development's urban, suburban or rural location.

Meaning of "healthy homes principles"

4 In this Act "healthy homes principles" means the principles that—

(a) all new homes should be safe in relation to the risk of fire,

(b) all new homes should have, as a minimum, the liveable space required to meet the needs of people over their whole lifetime, including adequate internal and external storage space,

(c) all main living areas and bedrooms of a new dwelling should have access to natural light,

(d) all new homes and their surroundings should be designed to be inclusive, accessible, and adaptable to suit the needs of all, with particular regard to protected characteristics under the Equality Act 2010,

(e) all new homes should be built within places that prioritise and provide access to sustainable transport and walkable services, including green infrastructure and play space,

(f) all new homes should secure radical reductions in carbon emissions in line with the provisions of the Climate Change Act 2008,

(g) all new homes should demonstrate how they will be resilient to a changing climate over their full lifetime,

(h) all new homes should be secure and built in such a way as to minimise the risk of crime,

(i) all new homes should be free from adverse and intrusive noise and light pollution,

(j) all new homes should not contribute to unsafe or illegal levels of indoor or ambient air pollution and must be built to minimise, and where possible eliminate, the harmful impacts of air pollution on human health and the environment, and

(k) all new homes should be designed to provide year-round thermal comfort for inhabitants.

Policy statement on healthy homes principles: process

5 The Secretary of State must prepare a draft of the policy statement on healthy homes principles.

6 The Secretary of State must consult such persons as the Secretary of State considers appropriate in relation to the draft statement.

7 The Secretary of State must lay the draft statement before Parliament.

8 If, before the end of the period of 21 sitting days beginning with the day after the day on which the draft statement is laid—

(a) either House of Parliament passes a resolution in respect of the draft, or

(b) a committee of either House, or a joint committee of both Houses, makes recommendations in respect of the draft,

the Secretary of State must produce a response and lay it before Parliament.

9 The Secretary of State must lay before Parliament, and publish, the final statement, but not before—

(a) if paragraph 8 applies, the day on which the Secretary of State lays before Parliament the response required by that subsection, or

(b) otherwise, the end of the period of 21 sitting days beginning with the day after the day on which the draft statement is laid before Parliament.

10 The Secretary of State may revise the policy statement on healthy homes principles at any time (and paragraphs 5 to 11 apply in relation to any revised statement).

11 "Sitting day" means a day on which both Houses of Parliament sit.

Policy statement on healthy homes principles: effect

12 A Minister of the Crown must have regard to the healthy homes principles when making, developing or revising policies dealt with by the statement.

13 Relevant responsible authorities must have regard to the policy statement on healthy homes principles when discharging their duties under the planning, building, and public health acts.

14 "Relevant responsible authorities" include but are not limited to—

(a) local planning authorities;

(b) public health authorities;

(c) urban development corporations;

(d) new town development authorities;

(e) the planning inspectorate;

(f) Homes England.

Annual monitoring

15 The Secretary of State must prepare a progress report for each annual reporting period.

16 A progress report for an annual reporting period is a report on progress made in that period about the extent to which all new homes approved and completed during that period have met the healthy homes principles under paragraph 4.

17 A progress report must include specific consideration of how the approval and creation of new homes has met the needs of those with protected characteristics under section 4 of the Equality Act 2010 (the protected characteristics).

18 A progress report must include consideration of how progress could be improved.

19 The Secretary of State must arrange for each progress report to be—

(a) laid before Parliament, and

(b) published."

Amendment 191B agreed.

Schedule 7: Plan Making

Amendment 191C

Moved by ***Earl Howe***

191C: Schedule 7, page 335, line 33, at end insert—

"(8A) A joint spatial development strategy must take account of any local nature recovery strategy that relates to any part of the joint strategy area, including in particular—

(a) the areas identified in the strategy as areas which—

(i) are, or could become, of particular importance for biodiversity, or

(ii) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,

(b) the priorities set out in the strategy for recovering or enhancing biodiversity, and

(c) the proposals set out in the strategy as to potential measures relating to those priorities."

Member's explanatory statement

This amendment requires a joint spatial development strategy to take account of any local nature recovery strategy that relates to any part of the joint strategy area concerned.

Amendment 191C agreed.

Consideration on Report adjourned until not before 9.44 pm.

Reinforced Autoclaved Aerated Concrete in Education Settings

Statement

9.05 pm

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con): My Lords, with the leave of the House I shall now repeat a Statement made in another place by my right honourable friend the Secretary of State for Education. The Statement is as follows:

"With permission, I would like to make a Statement about the steps that my department is taking to support education settings to respond to the risk of reinforced autoclaved aerated concrete, commonly known as RAAC.

Before I go into specifics, I want to be clear that absolutely nothing is more important than the safety of children and staff. It has always been the case that where we are made aware of a building that poses an immediate risk, we have taken immediate action. Parents and children have been looking forward to starting the new term, and I understand that the timing of this change in guidance to schools and colleges will have caused concern and disruption. However, faced with recent cases, including one that emerged right at the end of the school holidays, I believe 100% that this is the right thing to do. That is why we have taken such rapid steps to support our schools and colleges.

There are over 22,000 schools and colleges in England, and the vast majority are unaffected by RAAC. Local authorities and multi-academy trusts are responsible for those buildings, but we have been supporting schools and colleges to ensure that risks resulting from RAAC are mitigated. To date, 52 schools and colleges have those mitigations in place.

The majority have been able to continue to provide face-to-face learning without any disruption, and we remain in contact with them. Last week we advised a further 104 schools and colleges to take spaces that are known to contain RAAC out of use if they have not already done so. The majority of these settings will remain open for face-to-face learning on their existing site, because only a small part of the site is affected. A minority of pupils will be fully or partially relocated to alternative accommodation to continue face-to-face learning while mitigations are put in place.

I want to reassure parents and children that we are taking a deliberately cautious approach to prioritising children's safety. Because of our proactive questionnaire and surveying programme, we have a better understanding of where RAAC is on the school estate than in most other countries. All schools and colleges that have advised us they suspect they might have RAAC will be surveyed within a matter of weeks—in many cases in a few days. Most suspected cases will not have RAAC. So far when we have surveyed schools, around two-thirds of suspected cases do not have RAAC. We will follow the same approach with any new cases through the professional surveying programme.

The vast majority of schools will be unaffected and children should attend school as normal unless parents are contacted by their school. As my right honourable friend the Minister for Schools explained on Friday, we will publish a list of schools once mitigations are in place. It is right that parents are informed by schools if their school is impacted, and that schools have time to work with their Department for Education caseworker on those mitigations.

I am confirming today that we will publish the list of the 156 schools with confirmed cases of RAAC this week, with details of initial mitigations in place. After that, we will provide updated information as new cases of RAAC are confirmed and existing cases resolved. This will include updates on the impact on pupils, such as how many are learning face-to-face and how many are receiving short periods of remote education. Once again, we are doing everything in our power to minimise disruption and avoid remote learning.

I must thank the professional response of leaders, teachers and support staff in the sector, who have acted swiftly to deliver contingency plans. Each impacted school and college has a dedicated caseworker to help implement a mitigation plan. This could include other spaces on the school site or in nearby schools, or elsewhere in the local area, until structural supports or temporary buildings are installed. We have increased the supply of temporary buildings, working with three contractors, and accelerated the installation of these. We have the support of our leading utility companies to ensure that those classrooms can be opened. In the small number of schools with confirmed RAAC, disruption to face-to-face learning has usually lasted a matter of days.

In terms of funding, as the Chancellor said, we will spend whatever it takes to keep children safe. That includes paying for emergency mitigation work to make buildings safe, including alternative classroom space where necessary. Where schools need additional help with revenue costs, such as transport to other locations, we are actively engaging with every school affected to put appropriate support in place. We will also fund the longer-term refurbishment or rebuilding projects, where these are needed, to remove RAAC.

Professional advice from technical experts on RAAC has evolved over time. Indeed, the question of how to manage its risks across all sectors has spanned successive Governments since 1994. My department alerted the sector about the potential risks of RAAC in 2018, following a sudden roof collapse at a primary school. We published a warning note with the Local Government Association, which asked all responsible bodies to:

[Baroness Barran]

'Identify any properties constructed using RAAC'

and to

'ensure that RAAC properties are regularly inspected by a structural engineer'.

In February 2021 we issued a guide on how to identify RAAC. Concerned that not all responsible bodies were acting quickly enough, in 2022 we decided to take a more direct approach. We issued a questionnaire to responsible bodies for all 22,000 schools to ask them to identify whether or not they had or suspected RAAC. Responsible bodies have submitted responses to the questionnaire for 95% of schools with blocks built in the target period.

In September 2022 we started a programme where the DfE sent a professional surveyor to assess whether RAAC is present. If RAAC was present, the previous DfE guidance was to grade it as critical or non-critical and take buildings out of use only for critical RAAC cases. Such was the level of our concern, however, that I asked officials to seek evidence of risks, including with non-critical RAAC. It is because of this proactive approach that we discovered details of three new cases over the summer where RAAC that would have been graded as non-critical had failed without warning. The first was in a commercial setting. The second was in a school in a different educational jurisdiction. In that instance, the plank that failed remained suspended, resting on a steel beam. As the plank was fully intact, DfE technical officials and engineers were able to investigate the situation. In their professional judgment, the panel affected would have been rated as non-critical but it had failed.

Ministerial colleagues and I were already extremely concerned, but then a third failure of RAAC panels occurred, at a school in England in late August. This was a panel that had previously been graded as non-critical. Because children's safety is our absolute priority, it was right to make the difficult decision to change our guidance for education settings, so that areas previously deemed to contain non-critical RAAC are now being closed.

I want to set out why we are taking this more cautious approach with the education estate in England. Professional guidance is clear that wherever RAAC is found, it needs to be monitored closely. The school estate is very disparate, with 22,000 settings and over 64,000 individual blocks. Monitoring RAAC closely is therefore very difficult to do on the estate, and many responsible bodies do not have dedicated estates professionals on all school or college sites at all times. That is why the approach we are taking is the right one for our schools and colleges. My officials have worked closely with experts in this field. Chris Goodier, professor of construction engineering and materials at Loughborough University, has said that:

'DfE has been employing some of the best engineers on this and have consulted us and the Institution of Structural Engineers'.

The Government's priority is for every child across the United Kingdom to go to school safely. My officials have been engaging urgently with the devolved Administrations to discuss our findings and offer support to understand RAAC in school estates in Scotland, Wales and Northern Ireland. Last week, I wrote to offer my support, including further official or ministerial-level engagement and to facilitate discussions between our technical experts.

I am aware that this policy change occurred during the recess, and therefore I was not able to notify the House in advance. For that I apologise, Madam Deputy Speaker, and I hope you understand why I felt that I had to take the decision when I did. We are taking an extremely cautious approach on this issue, but I believe that this is the right thing to do when it comes to the safety of children. I commend this Statement to the House."

9.16 pm

Baroness Twycross (Lab): My Lords, I welcome the opportunity for us to discuss the issue of reinforced autoclaved aerated concrete, or RAAC, which is one of the most pressing issues this country faces in both education and the wider built environment. I declare an interest as London's Deputy Mayor for Fire and Resilience. I thank the Minister for her time earlier briefing Members of this House; her approach in this regard is much appreciated.

It is clear, however, that this is not the start to term that it should have been for many schools and students, who have already missed too much education over the past few years due to Covid. This is not a new problem. The Government were aware that this was a critical issue in 2018. More could clearly have been done sooner, including putting more resources into tracing information from schools which failed to respond immediately to the government questionnaire.

The Statement from the Secretary of State appears in some ways to play down the scale of the problem, while not playing down the scale of the issue for schools where RAAC has been identified. It is no doubt of small comfort to the schools affected that they are largely in the minority, but the fact is that the number of schools facing this issue is currently unknown, and the figure provided in the Statement is probably a drastic underestimate. The Government need to learn from previous and very recent building safety crises and remember the issues that arose once ACM cladding was identified as a safety concern following the Grenfell Tower fire.

It is clearly right that the risk to children be taken seriously and that affected schools need to close or partially close. However, it is still not clear, despite the Statement, why the assessment of what constituted dangerously critical-grade RAAC was not stronger previously. Can the Minister reassure us that what the Schools Minister described in January this year as visual inspections are now definitely intrusive and sufficient to ensure confidence that the surveys being undertaken provide an accurate picture? Also, what is the additional risk posed by asbestos in the affected buildings?

While we may not choose to use her form of words, the Secretary of State was right to imply that more action may be required of her government colleagues. We also need confidence from this Government that they are taking every action possible to identify the range of buildings this issue affects, and that they will identify new funding to address the crisis and the

scandal of failing RAAC. Can the Minister confirm that the Government are engaging fully with the Fire and Rescue Service, other emergency services and local resilience forums on this matter and providing them with the information and guidance they need to respond to and prepare for what must now be an entirely reasonable worst-case scenario involving a major building collapse in a school or other affected buildings?

I know that others will have questions on funding for schools to resolve this issue. However, I note that a recent House of Commons briefing highlighted that between the financial years 2009-10 and 2021-22, capital spending by the Department for Education ranged between a high of £9.8 billion in 2009-10 and a low of £4.9 billion in 2021-22, based on 2022-23 prices. This means that in England, under the current Government, school building funding has declined by around 37% in cash terms and 50% in real terms. By way of contrast, under Labour in Wales, capital funding has increased by around 23% in real terms over the last decade.

This is not just about the identification of schools facing the immediate problem of RAAC; it is also about choices around what to prioritise spending on. This is actually about political choices. How could this situation happen when there were already warnings to government of a critical risk to life? Why did the Prime Minister, when Chancellor, cut the funding intended to address this issue in the 2021 spending review rather than increase it at that point?

I look forward to hearing the wider debate on this and other issues arising from the Statement. I also look forward to the Minister's response.

Earl Russell (LD): I thank the Minister for coming to the House today and updating us on this issue. As a parent myself, I am sending a child to a new school. I have every sympathy with parents who are deeply worried about the situation and everything that teachers across the country are doing. If safety had been prioritised over budgets, we would not be in this position today.

The Statement says that, within a matter of weeks, a list of all schools will be published

"once mitigations are in place".

Although I welcome the change of heart from the Government, does the Minister feel that, with 10% of schools left to conduct surveys, those surveys will be available in a couple of weeks?

Further, the Statement says that the Government will spend "whatever it takes". This was later clarified as coming from existing educational budgets. Given the scale and urgency of the problem, does the Minister really feel that school budgets alone will be capable of dealing with this problem?

Baroness Barran (Con): My Lords, I thank both noble Lords for their remarks. I feel that I must start by countering the assertions from the noble Earl that safety has come second to budgets and that budgets have been prioritised over safety. I want to be 100% clear with the House: there is not a single case in which we have known of an immediate risk to life and the department has not acted. We have an urgent capital support fund, which we use in such cases. I want to make it clear on the record that what the noble Earl said is not an accurate reflection of the facts.

The noble Earl also referred to the publication of the list of schools, to which we have committed. To be clear, our priority—I think that many Members of your Lordships' House would agree with this—was to communicate with parents first. When the names of schools started to leak into the press at the end of last week, one school in particular was so inundated by the media that it was unable to communicate with parents and get on and plan its mitigations. It was a school for children with profound learning difficulties. If there is one school that all of us in this House would want to keep open, it is a school for children with learning difficulties. I really think that there was an extremely good reason why we prioritised that.

I do not recognise the figure of 10% of schools needing to be surveyed. That simply is not accurate. We are confident that in the next few weeks we will be able to complete the surveys that are needed.

The noble Baroness, Lady Twycross, focused significantly on funding and the Chancellor's statement. The Chancellor was crystal clear in his statement. Let me just run through the funding that we are offering schools immediately. It will cover immediate capital costs relating to, for example, temporary classrooms, propping or whatever else might be needed. It will also cover revenue costs. For example, we will work on a case-by-case basis with schools but, if additional school transport costs arise, we will cover them. If schools need to rent space in another building, we will help with that. All reasonable requests will be dealt with reasonably. Our absolute aim is to remove friction for schools so that they can get children back in classrooms as quickly as possible.

I remind the House that we have, through our various school rebuilding programmes, already rebuilt more than 500 schools since 2010. We have added 1 million new school places to accommodate the increase in the number of pupils. The noble Baroness referred to the track record of the Labour Government in Wales on funding, but I remind the House that we are working with and supporting the Labour Government in Wales and with colleagues in Scotland, because they had not started this survey programme. We are all aiming for the same thing, to resolve this as quickly as possible, but we need to be fair when hurling things around. I am not suggesting that the noble Baroness was not being fair, but I am trying to set the balance. I really commend my predecessor, my noble friend Lady Berridge, and colleagues in the department who have been tireless in working on this issue.

The noble Baroness also questioned whether we could have done more sooner. I do not want to repeat myself but our understanding of how this building material behaves is as good as anyone's. The new evidence that came out this summer is genuinely new. It is since the end of term that we have become aware of these three cases. I stop and think about the case that happened 10 days ago, and what would have happened if that had happened in 10 days' time. This Statement would feel very different for us all.

[Baroness Barran]

On co-ordinating with fire and rescue services and local resilience forums, I am sure that the noble Baroness will understand that our absolute priority at the moment is working with each individual school. We have about 50 caseworkers working with individual schools. We have project directors going on-site. As soon as we get through this first phase and all children are back in education, we will of course co-ordinate, and the Government will gladly accept any other suggestions that the noble Baroness makes.

9.27 pm

Viscount Hailsham (Con): My Lords, does my noble friend agree that it is highly undesirable for schools to have to resort to online teaching? If that is the case, would she encourage those with spaces to make them available as temporary classrooms? I have in mind, for examples, churches—that point might be noted on the Bishops' Benches—village halls, private sector schools with available classrooms and maybe commercial premises that have not been let.

Also, if there are problems associated with health and safety regulations—planning, transport, insurance and things of that kind—can the Government address them as a matter of urgency?

Baroness Barran (Con): I completely agree with my noble friend. We are most concerned to minimise online teaching and remote learning. Our children have been out of the classroom enough with Covid, and this House knows the seriousness of issues with attendance. We all know that this is the moment in the year when we want children in the classroom—on 4 September, or maybe 5 September if there is an inset day.

In relation to online teaching, perhaps it will reassure my noble friend if I say that we have already worked with 52 schools and mitigated over the last few months, before this change in policy when we identified a critical grade. The average number of days lost for those children was six. Six days is a lot. For some children it was more and for some it was none.

In the vast majority of those cases, the whole school does not have RAAC across all its roofs and floors; it is typically in a small area of the school. I bumped into someone this afternoon who was talking about their secondary school. They are able to reorganise the space in their school. They will miss one day of school tomorrow and then all the children will be back on Wednesday. That is in a big secondary school.

On my noble friend's second point, in those first 52 cases, we are so grateful to other local schools, some of which have spare space and have bent over backwards to make sure that children do not miss a single day more than they need to.

Lord Knight of Weymouth (Lab): My Lords, the safety of children in our schools is being compromised not just by RAAC construction. I remind the House of my interests, in particular as an adviser to Charter School Capital and as chair of the E-ACT multi-academy trust. In the trust, there is a secondary school with CLASP construction, meaning it has no foundations, has asbestos and desperately needs replacing. Another has external concrete cladding that is falling off, so we are spending over £50,000 a year just on scaffolding to catch it before it hurts anyone. When will the Government implement a comprehensive condition survey, not just for RAAC schools, and match it with proper investment to ensure the education budget is spent on education and not just on patching and mending the crumbling school estate?

Baroness Barran (Con): I remind the noble Lord that the Government made a full survey of the school estate. We carried out the first one I think between 2017 and 2019 and we are in the middle of the second one at the moment. That looks at the condition grade across schools. I have the figures in front of me: in the first survey, 95% of individual condition grades—which literally look at the window frames; I am not sure about door handles but the walls, the roofs, et cetera—were graded as good or satisfactory, and 2.4% were poor or bad: 2.1% were poor and 0.3% were bad.

The noble Lord will also know that all our funding to schools for condition is prioritised based on condition need. He also knows that if there is an urgent request we will always consider it. We have already identified some the of so-called system builds, such as Laingspan and Intergrid. Almost all of that has been completely resolved and plans are in place for all of it to be removed. We have a programme of surveys starting later this year looking at the remaining construction types to understand them better and understand whether they might pose a risk.

Lord Hampton (CB): My Lords, I declare an interest as a working teacher. I congratulate the Minister on the speed of her response to this development. We have heard a lot about buildings and children, but can the Government assure the House that they will provide extra support and counselling for senior leadership teams to reflect the extreme pressures during these difficult times, particularly those that have no local network in their area?

Baroness Barran (Con): The noble Lord makes an important point. I visited a school on Friday where we identified RAAC earlier in the summer. It was about to reopen. I had not got down the drive and that was literally the first point that the head teacher raised. I take this opportunity to again thank all those head teachers who are dealing with this at the moment.

On the individual issue about what support to offer head teachers, that really would come better from the school itself, the trust or the local authority. For us to try to do that in Sanctuary Buildings might not be the best route—but, as I said, we will consider all reasonable requests for revenue funding and we absolutely recognise the pressure that this issue puts on school leaders.

Viscount Stansgate (Lab): My Lords, a Question that I have tabled on the general wider effects of RAAC has been set down as a topical Question for Wednesday, so for tonight I simply ask the Minister this. The Statement refers to the fact that a guide to RAAC was issued in February 2021. To whom was it

issued, and can she say whether, in addition to being sent to the educational sector, the guide was also made available through other departments that are responsible for other public buildings of a wider kind?

Baroness Barran (Con): The guidance that we have produced started in 2018, just to be clear. Once we were aware of the primary school that I referred to in the Statement that had collapsed, we introduced guidance in conjunction with the Local Government Association that went to all educational settings and responsible bodies. That was followed up with additional guidance in both 2021 and 2022.

As to other departments, I am grateful to the noble Viscount for raising that. The situation is very different in different estates in terms of the size and complexity of the estate. I think the education estate is uniquely large and complicated. If, for example, one were to think about the situation in the hospital estate, obviously hospitals are, first, much bigger buildings, so it is easier to move people around if one needs to put in mitigations, and, secondly, they have dedicated estates teams to manage any risks that are posed.

Baroness Berridge (Con): I am grateful to my noble friend and I share the relief, as I am sure all noble Lords do, that nobody has been injured as a result of this building material. I would be grateful if my noble friend could clarify something. The Statement says that 95% of the questionnaires sent out to schools with blocks built in the target era were completed. I note that there was a tweet asking schools to complete that questionnaire, and on the back of that questionnaire, surveys were taken out. So have the 5% that have not responded to the questionnaire been covered by direct visits or phone calls by the department?

Baroness Barran (Con): I thank my noble friend for her question. The short answer is yes. We have had a dedicated team in the department following up and calling, in some cases several times, all the responsible bodies concerned. I wrote to all of them today, stressing the importance of returning the questionnaire by the end of this week.

Baroness Watkins of Tavistock (CB): I thank the Minister for the briefing earlier today, for the Statement and for the Government's swift action, despite the fact that this is a very difficult time to be challenged in this way. Can the Minister confirm that most students who would receive free school meals are either being provided with an equivalent meal if being taught on alternative premises or that relevant financial allowances are being made to their parents to provide appropriate nutritious meals during their absence from school? Secondly, will she ensure that, if alternative provision in terms of buildings is necessary, adequate child protection assessments will be made before children are sent to other premises?

Baroness Barran (Con): In relation to the noble Baroness's question about free school meals, children who are eligible for free school meals will continue to receive free school meals in the setting that they attend, if it is not their normal school, and my understanding is that they will get a voucher or equivalent in the event that they have any days at home. The noble Baroness raised the issue of making sure that there is an adequate safeguarding assessment of any alternative sites. Our experience from the first 52 schools where this has happened is that, in the vast majority of cases, alternative sites have been other schools, which obviously makes that much more straightforward. However, the noble Baroness raises a good point in relation to that, and obviously we are particularly concerned about vulnerable children and children with special educational needs.

Baroness Morris of Yardley (Lab): My Lords, the Minister points out the responsibility of the responsible bodies with respect to the buildings but also says how difficult this is for some responsible bodies. Some are as small as three schools in one multi-academy trust. Can the Minister be clear about the expectations on these responsible bodies for the monitoring as well as the maintenance of buildings, particularly at the strategic level? The Minister has just referred to a survey that the department itself carries out over a number of years, and I am now left unclear as to who is responsible for the long-term monitoring of potentially serious defects in school property.

Baroness Barran (Con): On the first part of the noble Baroness's question, we set out the expectations for responsible bodies. I think it is safe to say that the local authorities are pretty clear what their responsibilities are. In relation to academy trusts, those responsibilities are set out in the *Academy Trust Handbook*. We actually strengthened, clarified and reinforced the language around that before we knew about the three schools; we did that earlier in the summer with a new updated version. This was just to make sure—reflecting the noble Baroness's point—that there was absolutely no doubt about the practical steps that should reasonably be expected for responsible bodies to take.

I am glad of the opportunity to say that our condition data collection survey, which I referred to, is not in any way a blurring of the lines of responsibility between responsible bodies and the department. However, it allows us both to plan the quantum of funding that we need to give to those responsible bodies to maintain their buildings and to identify areas where there is greater deterioration or less. So we have a broad overview of the school estate, but that should not blur any lines in relation to responsibility.

Lord Knight of Weymouth (Lab): My Lords, does that inform the quantum of money that the department gets from the Treasury, or does it just inform the quantum that is distributed among responsible bodies once the Treasury has decided what to give to the department?

Baroness Barran (Con): It certainly informs the second although, as the noble Lord knows, larger academy trusts and local authorities have discretion to judge within their own school estate how they want to

[Baroness Barran]
use that money. A number of things inform our discussions with the Treasury, of which the condition data survey is one, but it is definitely not the only thing.

Baroness Bennett of Manor Castle (GP): My Lords, the Minister may be aware of a school that has been particularly badly affected: Myton School in Warwick, where 1,800 pupils face losing three days of school due to a delay to the start of term. This is a school with two main buildings dating back to the 1950s and 1960s, which were described as being both old and "in disrepair". It is the first floor of the lower school building that is affected.

My question, informed by this case, is twofold. First, this school is now getting an annual budget for maintenance of £35,000, which is a quarter of what it was receiving, in pounds, in 2010. This is a school in disrepair. Will the Government look at the situation that has arisen with RAAC and see that there needs to be a much broader review and a much greater injection into funds for school maintenance?

Secondly, on a very specific point, the Education Secretary in the other place has said that each school will have a dedicated caseworker, with whom they will have contact to help them deal with any issues so that the department can liaise. The BBC reported late this afternoon that this school, which has clearly been very badly affected, has yet to hear from the department. The head teacher was expecting a phone call over the weekend and did not receive it. When will contact be made by all the caseworkers to the affected schools?

Baroness Barran (Con): In relation to the injection of capital, I know the noble Baroness will have heard the Chancellor say that we will be making the money available in both the short and longer term to address the issues that have arisen from this. If the noble Baroness wants to write to me separately with the name of that school—or I can look in *Hansard*, since I did not catch the name—I will be very happy to follow that up. We have been tracking every day since we started trying to reach schools. I have been reassured that attempts have been made to speak to every single school, and my understanding was that we had done so. I hope that BBC report might be hours out of date, but if not then I am happy to follow that up tonight if that would be helpful.

Lord Coaker (Lab): Will the Minister explain the remarks of Jonathan Slater, the Permanent Secretary, on Radio 4 today? In talking about the capital programme for schools, including the conditions survey that the Minister has mentioned, he pointed out that in order to deal with RAAC and other capital improvements that were needed in schools, there was a funding need of 300 to 400 schools to be done each year. When the department bid to the Treasury for that money, it was given money for 50 schools by the then Chancellor, who is now Prime Minister. Does the Minister agree with me, and I think many of us, that that is not satisfactory, there needs to be a change of policy, and capital investment urgently needs to go into our schools to deal with RAAC and other issues?

Baroness Barran (Con): We have made significant investments in our schools—£15 billion since 2015, and £19 billion in this spending review period. I mentioned that we have added 1 million school places since 2010. We have rebuilt over 500 schools, we have committed to another 400 and we have another 100 in the pipeline. The noble Lord will have heard my right honourable friend the Minister for School Standards saying that we always ask for as much money as we can get from the Treasury. I say again that where there are urgent needs we always deal with them, but we have difficult prioritisation choices to make.

Lord Lucas (Con): My Lords, I congratulate my noble friend and her department on a crisis well handled and on dealing with the rather innovative interpretation of the Civil Service Code that she will have encountered this morning, which I hope the next Government will not have to suffer from, given the importance of confidentiality in running a Government. Does she think there is a longer-term learning to come from the whole episode of RAAC? Where we innovate substantially in building methods, particularly in situations like schools, we should, at the beginning, install monitoring programmes to understand how these materials are working out in practice. We are looking at big changes to do with decarbonising construction, and we risk repeating this whole cycle over again if we are not careful.

Baroness Barran (Con): My noble friend makes a good point. More broadly, making sure that we have a deep technical understanding about how these building materials develop over time is critical.

With the leave of the House, I have an answer to the question from the noble Baroness, Lady Bennett: the school was surveyed on Friday. We are getting in touch with them as we speak.

Levelling-up and Regeneration Bill

Report (5th Day) (Continued)

9.49 pm

Amendment 192

Moved by ***Lord Lansley***

192: Schedule 7, page 335, line 40, at end insert—

"15AAA Assistance from certain local authorities in the preparation of joint spatial development strategies

(1) For the purpose of the exercise of their functions under sections 15A, 15AA, 15AE and 15AF the relevant local planning authorities must seek the assistance of each authority in their area which is an authority falling within subsection (4).

(2) Each authority from whom assistance is sought must give the planning authorities advice as to the content of their joint development strategy to the extent that strategy is capable of affecting (directly or indirectly) the exercise by the authority of any of its functions.

(3) The assistance mentioned in subsection (1) includes advice relating to the inclusion in the joint spatial development strategy of specific policies relating to any part of the joint spatial development strategy area.

(4) Each of the following authorities fall within this subsection if their area or any part of their area is in a Travel to Work Area in which the area of the joint spatial development strategy area is located—

(a) a county council;

(b) a combined county authority;

(c) district councils who are not directly involved in the joint spatial development strategy for the purposes of section 15A.

(5) The authorities preparing a joint spatial development strategy may reimburse an authority or council which exercises functions by virtue of such arrangements for any expenditure incurred by the authority or council in doing so.

(6) Any arrangements made for the purposes of subsection (5) must be taken to be arrangements between local authorities for the purposes of section 101 of the Local Government Act 1972.

(7) Nothing in this section affects any power which a body which is recognised as part of a joint spatial development strategy area has apart from this section."

Member's explanatory statement

This amendment would require participating authorities in a joint spatial development strategy to seek assistance from relevant counties and other councils.

Lord Lansley (Con): My Lords, Amendment 192, which stands on its own in this group, relates to an issue that we debated briefly in Committee. I am grateful to my noble friend Lady Scott for the time and attention that she has given to this subject, and indeed to our friend in the other place, the Housing and Planning Minister, who responded to a letter from me and Councillor Roger Gough of the County Councils Network in the early part of August. In all those exchanges Ministers have been very sympathetic, so I preface my remarks by hoping that I might get a sympathetic reply on this occasion, notwithstanding the hour—or perhaps because of it; who knows?

The purpose of this amendment concerns the point in Schedule 7 relating to plan-making. I entirely support the Government's intention in enabling local planning authorities to work together to create joint spatial development strategies. They have set this out in a very positive way, and this is a very important step forward. I remember the noble Baroness, Lady Pinnock, telling us earlier about structure plans; in my area, as I remember it, there was SCEALA—the Standing Conference of East Anglian Local Authorities—and its regional spatial strategies. As we all know, the truth is that in many of our areas individual planning authorities simply do not have the literal geographic, demographic or economic scope to undertake the kind of spatial development strategies that we know we need. They may come together as planning authorities for this purpose, and the joint spatial development strategies in Schedule 7 allow that to happen.

However, a spatial development strategy is more than the combination of the planning responsibilities of local authorities. It encompasses crucial issues relating to the provision of infrastructure, the transport strategies for an area, minerals and waste strategies, and quite often the public health strategies. There is a string of these issues which are not the direct responsibilities of the local planning authority but are the responsibilities of county councils. I will particularly focus on county councils when I come to one or two other tangential issues in a moment.

In our debate in Committee, I think the point we reached was an understanding that, for local planning authorities preparing a joint spatial development strategy to be required before its adoption to make a draft available to a wide range of interested parties—including county councils that are responsible for the area of the strategy—is too late in the process. As the Bill stands, it is quite difficult for the local planning authorities to give a draft to county councils in circumstances where they do not equally make that draft available to other interested parties under that provision of the Bill.

What we are looking for in the Bill is a mechanism by which the county councils can be engaged in the preparation of a joint spatial development strategy—not taking over or in any sense pre-empting the responsibilities of the local planning authorities themselves but enabling those authorities to have the confidence that their joint spatial development strategies will encompass the range of critical issues for making spatial development in an area effective.

The amendment that I have tabled is obviously based on drafts prepared by colleagues in the County Councils Network and has their support. I confess that I slightly amended it at an earlier stage because it is very important.

The House will see that proposed new Clause 15AAA(4) in Amendment 192 is to reference where the following authorities listed

"fall within this subsection if their area or any part of their area is in a Travel to Work Area in which the … spatial development strategy area is located".

I recall that the noble Baroness, Lady Taylor of Stevenage, made some helpful remarks in support of that concept. If you are undertaking a spatial development strategy, one of the central things you will look to do to make it effective is for it not just to encompass some of the functional issues of a planning authority but to look at the wider demography and economic geography of a travel to work area.

For example, if you want to think about a transport strategy and the number of jobs that will be created and homes required, in so far as this replaces the duty to co-operate, it is going to be firmly about travel-to-work areas and not just the specifics of the homes required in particular planning authorities.

Okay, there are just two very quick other points I want to raise. I ask my noble friend whether new Section 15AA(5) inserted by Schedule 7—the power for the Secretary of State to prescribe other matters—would stretch far enough for the Secretary of State to prescribe ways in which the local planning authorities preparing SDS have to involve county councils and other authorities in the process. I fear it may not. Only if I can have the assurance will I feel confident that we have what we need.

I turn to my other question. We can now see that my noble friend has tabled Amendment 201B. If I read it correctly, it will allow combined county authorities in certain circumstances to take on planning responsibilities. I would like to understand this a bit better. Under those circumstances, the combined county

[Lord Lansley]
authorities would presumably be able to become participant authorities in a joint spatial development strategy. It is therefore all the more important that, whether or not they are involved in that process as planning authorities, combined county authorities should be, as proposed in my amendment, designated as authorities with which the local planning authorities must work to undertake their activities. I hope my noble friend will be able to give a very positive response to this amendment and I beg to move.

Baroness Thornhill (LD): I support Amendment 192 in the name of the noble Lord, Lord Lansley. It is supported by my noble friend Lady Bakewell of Hardington Mandeville, who cannot be with us tonight. Clearly, I have chatted to her about it. I declare my interest as a vice-president of the LGA.

As a previous elected mayor of a district council, I can absolutely understand, from sore and bitter experience, how vital it is that all levels of local authorities participate in the development of joint spatial strategies. As mayor, my frustration grew year on year with the lack of collaboration and consultation with the county council. Perhaps more importantly, I was very aware of the gaps that naturally occur within the two-tier system. I genuinely felt by the end that residents got a worse deal through that system—which is not to say that districts and parishes, which are closest to people, do all the right things. Certainly, I had many a time to feel that, if we were not a two-tier system, things might be better.

It led to both tiers trying to pass the buck and duck responsibility and accountability, and it led to a blame game in the development of politically difficult but essential decisions. I think a lot of the decisions that need to be made to level up areas and improve economic development must be taken on that broader level. However, there were also good times, when working in real partnership made improvements to the whole county. I genuinely believe, being a "glass half full" kind of girl, that the whole can be greater than the sum of the parts. Indeed, I will say again that it is very necessary for economic development in particular.

In order to have coherent and inclusive provision across an area, all those affected should at least be able to make submissions to the joint spatial development strategy in their area. This not being the case would, in my opinion, be unwise and lead to incomplete provision and, worse than that, conflict, objections and ultimate failure. The authorities are listed in proposed new sub-paragraph (4): "a county council", "a combined county authority" and

"district councils who are not directly involved in the joint spatial development strategy for the purposes of section 15A".

If they are not truly engaged, the outcomes will surely be inferior and less effective than an engaged partner.

10 pm

At the LGA, we have APPGs for the County Councils Network and the District Councils' Network. The CCN works to support county councils throughout the country and the DCN does the same for district councils, but it is interesting that both are concerned that combined county authorities may overlook authorities operating at a very local level, which is important for success. By their very nature, they really are in touch with their communities. They need more reassurance.

Therefore, I am in favour of joint spatial development strategies, which should make it easier to have a proper strategy to ensure prosperous communities—that is surely what the Bill is about and what we all want. However, as drafted, the Bill does not enable county councils to be involved in a JSDS, despite their role, as the noble Lord mentioned, in transport, infrastructure, social care and education—the more so as spatial planning priorities appear to be the driver for moving ahead with a JSDS. Therefore, it is imperative that the local authorities directly affected should be able to contribute to their preparation and ensure that they are successfully completed.

I will give just one example of where it would be extremely unwise not to have the authorities listed in proposed new sub-paragraph (4) involved and included in the preparation of a JSDS. Many of the infrastructure projects that bring prosperity to an area are large, but others are smaller. There is a world of difference between a cross-country highway or railway and a large housing development or a cluster of 10 new homes. However, if the large development is to attract new residents, it will need access to a sufficient road network and a railway station for residents to get to work—I totally agree with the noble Lord, Lord Lansley, about the issues with getting-to-work areas.

I will share one of the examples that the noble Baroness, Lady Harding, gave from her experience—

Baroness Pinnock (LD): Lady Bakewell.

Baroness Thornhill (LD): My noble friend Lady Bakewell of Hardington Mandeville—it is late. Planning at all levels generally requires mineral extraction. In Somerset, many quarries provide both aggregates and stone of various types for housing construction, and we will need more of it. Some of this comes from the Mendip Hills, some from the blue lias quarries at Hadspen and a smaller proportion from the Ham stone quarries. Not to have the authority whose responsibility it is to license the extraction from these quarries involved in the preparation of the joint spatial development strategy is, my noble friend would say, foolish in the extreme. It could lead to divisions among not only the authorities themselves but the residents they represent, because such an operation involves lorry movement, hours of operation and community facilities to compensate local communities for disruption. We could all provide loads of examples of where such collaboration is vital.

Casting a glance at the noble Baroness, Lady Taylor, I say that I was probably the only leader in the east of England—there were possibly two of us—who did not celebrate the scrapping of regional strategies. They were abandoned just as I had begun to learn the value of them and how they would enhance everywhere.

We fully support the noble Lord, Lord Lansley, in his efforts to get this amendment to the Bill and hope that he will be successful, for the sake of all local authorities, which have a legitimate role and a right to

be involved. On the other, negative, side of the coin, it could impact adversely if they are not. If the amendment cannot be accepted, perhaps the Minister can explain why not.

Baroness Bennett of Manor Castle (GP): My Lords, I rise briefly, having attached my name to Amendment 192 in the names of the noble Lord, Lord Lansley, and the noble Baroness, Lady Bakewell. The case has comprehensively been made by the noble Lord and the noble Baroness, Lady Thornhill, so I shall be extremely brief. I note that representations from the County Councils Network over the recess led me to attach my name to this amendment, because I thought that it too comprehensively made the case. At this point, I declare my position as a vice-president of the Local Government Association and the NALC.

I wanted to make a link to some of our earlier debates before the dinner break. In the last group, we were focusing on the need to tackle the problems of unhealthy communities and making communities healthier, and the mood all around your Lordships' House was very clear, including from Government Benches and even the Front Bench. Of course, health is a county council responsibility. We talked about part of that being walking and cycling networks, for example, and about things being joined up. We also talked very much, in an earlier group, about the need for planning to consider the climate emergency and nature crisis. Local nature recovery networks are very much a growing area that needs to be absolutely joined up.

It is worth saying that this is not a political amendment; it is an attempt to make things work, to make this Bill hang together and to make sure that it works for local communities. I join others in very much hoping that we will get a positive message from the Minister.

Baroness Taylor of Stevenage (Lab): My Lords, I, too, remember the days of the regional spatial strategies, and long debates in EELGA over housing numbers particularly. Like the noble Baroness, Lady Thornhill, I did not celebrate when they got the kibosh, because I thought that there was a lot of good in them—particularly in meeting the housing needs in the east of England but also on the economic development side, which was as important. A great deal of very good work was done in pulling together data and information for the whole region, in order to look at where and how best to develop particular clusters and where they would work well. So there was a lot of merit in that very strategic-level thinking.

It has moved on a bit since the days of the noble Baroness, Lady Thornhill, in Hertfordshire, with the Hertfordshire Growth Board looking at issues outside the remit of the straightforward local planning authority. For example, there is the mass rapid transit system that south and south-west Hertfordshire was looking at, which covers a number of different local authorities. Then, there is working with the local enterprise partnerships, as we did on the Hertfordshire Growth Board. There was a clear drive towards the consideration of travel-to-work areas, which was why I spoke so strongly in favour when we discussed this issue before.

I am convinced that we need to work jointly, with joint authorities, involving them in particular in the early stages, as the noble Lord, Lord Lansley, said. It is no good waiting until a draft strategy has been produced and, if there is a major game-changer in there, expecting local authorities to pick it apart and change it. It is much better for them to be engaged and involved from the very start.

The noble Lord, Lord Lansley, mentioned government Amendment 201B, which we will debate on Wednesday, which will allow combined authorities to take on planning powers. I am not going to start the whole discussion now, but we were very concerned about this. We will have a debate about it, but it seems like a very slippery slope indeed. It is far better to include local authorities and all the component parts that make up the combined authority and their neighbours in the discussion from the early days of the joint spatial development strategy.

I absolutely support the points made by the noble Baroness, Lady Thornhill, on the inclusion of districts and councils in a very real way in the decision-making on JSDSs. I think it emphasises the points we made in earlier debates, in Committee and on Report, about the importance of the full membership of combined authorities—for both tiers in two-tier areas. Those organisations are then involved right from the start, and they have a democratic mandate to be so involved.

The noble Baroness, Lady Bennett, made the important point that there are elements that will be included in joint spatial development strategies that do not stop at boundaries, and so it is very important that we work across those boundaries on such things as climate change, healthy homes, sustainable transport and biodiversity. All those things do not come to an end when you get to the end of your local plan area, so we all need to work together on how we tackle those key issues.

We are very supportive of the amendment put forward by the noble Lord, Lord Lansley. I am interested to hear the Minister's answer as to whether the part of the schedule that covers this would stretch to make sure that this very important early-stage consultation could be included as a requirement within the Bill.

The Parliamentary Under-Secretary of State, Department for Levelling Up, Housing & Communities (Baroness Scott of Bybrook) (Con): My Lords, let me first say that the aim of Amendment 192 in the name of my noble friend Lord Lansley is sensible and I understand its intention. Other authorities, such as county councils, will be essential for a successful plan, given that they are responsible for delivering a range of critical services such as highways and transport, flood risk management and waste management. Of course, county councils will also have the role of a statutory consultee for the joint spatial development strategies.

We expect engagement with other authorities to be typical good practice for any group of local planning authorities preparing a joint spatial development strategy—an SDS. Indeed, it would appear unlikely that any joint SDS that did not engage appropriately with other local government bodies could be found

[Baroness Scott of Bybrook]
sound at examination. Let me make it clear that county councils are going to play an important role in the plan-making process. We envisage them not just as consultees but as being closely involved with the day-to-day production of any joint SDS. The Government have set out our intention to introduce an alignment policy via the National Planning Policy Framework to address cross-boundary and strategic issues such as travel to work areas, and this policy will be consulted on in due course.

Both my noble friend Lord Lansley and the noble Baroness, Lady Taylor of Stevenage, brought up the government amendments in the next group. Just to make it clear, Schedule 4 amendments will mean that combined county authorities will be in the same position that the Mayor of London and county councils and combined authorities are in currently in relation to the ability of the Secretary of State to invite those bodies to take over plan-making, but where a constituent planning authority is failing in its plan-making activities. It is not that they can just walk in and take over, but if the local plan is not being delivered by the planning authority then they have the right to ask the Secretary of State if they can take it over. I just wanted to make that clear, but I am sure we will have the discussion again on Wednesday.

My noble friend brought up the Secretary of State's powers in relation to the role of county councils. I do not know that, legally. I will make sure that I find out tomorrow and I will write to my noble friend and send a copy to those in the Chamber tonight.

I am not convinced that this amendment is needed to make local planning authorities work with other authorities, notably county councils, on joint SDSs. I hope that my noble friend Lord Lansley feels he is able to withdraw his amendment at this stage.

Lord Lansley (Con): Before my noble friend sits down, might she leave open the door to the possibility of the Government looking in particular at this question of whether the Secretary of State has sufficient powers, in relation to a joint spatial development strategy, to prescribe in guidance the way in which local planning authorities will go about the process of consulting with counties and combined county authorities? The panoply of guidance is not the same for a JSDS as it is for a local plan and it is not there in statute for a JSDS as it is for a local plan. Maybe some of it needs to be—just enough to make sure that the things my noble friend is describing that a good authority must do are there in the guidance. Maybe we will need something at Third Reading to enable that.

Baroness Scott of Bybrook (Con): I assure my noble friend that I will continue to look at this one and see whether we can at least get it clearer so that he is happy with it.

Lord Lansley (Con): I thank my noble friend and all those who participated in this short debate, which demonstrated a truly all-party approach to the issue. We just have to take the Government with us—apart from that it has all been absolutely fine. I think the Government agree with us in principle and in substance; we may just need a bit of an iteration on the mechanisms for doing this. Subject to that, I beg leave to withdraw my amendment.

Amendment 192 withdrawn.

Consideration on Report adjourned.

House adjourned at 10.16 pm.