

PARLIAMENTARY DEBATES

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GENERAL COMMITTEES

Public Bill Committee

AGRICULTURE BILL

Fifth Sitting

Tuesday 30 October 2018

(Morning)

CONTENTS

CLAUSE 1 under consideration when the Committee adjourned till this day
at Two o'clock.

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

not later than

Saturday 3 November 2018

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The Committee consisted of the following Members:

Chairs: SIR ROGER GALE, † PHIL WILSON

- | | |
|---|---|
| † Antoniazzi, Tonia (<i>Gower</i>) (Lab) | † Harrison, Trudy (<i>Copeland</i>) (Con) |
| † Brock, Deidre (<i>Edinburgh North and Leith</i>) (SNP) | † Hoare, Simon (<i>North Dorset</i>) (Con) |
| † Chapman, Jenny (<i>Darlington</i>) (Lab) | † Huddleston, Nigel (<i>Mid Worcestershire</i>) (Con) |
| † Clark, Colin (<i>Gordon</i>) (Con) | † Lake, Ben (<i>Ceredigion</i>) (PC) |
| † Davies, Chris (<i>Brecon and Radnorshire</i>) (Con) | † McCarthy, Kerry (<i>Bristol East</i>) (Lab) |
| † Debbonaire, Thangam (<i>Bristol West</i>) (Lab) | † Martin, Sandy (<i>Ipswich</i>) (Lab) |
| † Drew, Dr David (<i>Stroud</i>) (Lab/Co-op) | † Stewart, Iain (<i>Milton Keynes South</i>) (Con) |
| † Dunne, Mr Philip (<i>Ludlow</i>) (Con) | † Tracey, Craig (<i>North Warwickshire</i>) (Con) |
| † Eustice, George (<i>Minister for Agriculture, Fisheries and Food</i>) | † Whitfield, Martin (<i>East Lothian</i>) (Lab) |
| † Goodwill, Mr Robert (<i>Scarborough and Whitby</i>) (Con) | Kenneth Fox, Anwen Rees, <i>Committee Clerks</i> |
| | † attended the Committee |

Public Bill Committee

Tuesday 30 October 2018

(Morning)

[PHIL WILSON *in the Chair*]

Agriculture Bill

9.25 am

The Chair: Today we begin line-by-line consideration of the Bill, but first I have a few preliminary points to make. I remind Members that electronic devices should be switched to silent mode and that tea and coffee are not allowed in Committee sittings.

The selection list for today's sitting, which is available in the Committee Room, shows how selected amendments have been grouped for debate, generally on the same or similar issues. Decisions on amendments take place not in the order in which they are debated, but in the order in which they appear on the amendment paper; the selection list shows the order of debate, but decisions on each amendment will be taken when we come to the clause that the amendment would affect. I shall use my discretion to decide whether to allow separate stand part debates on individual clauses and schedules after debate on the relevant amendments.

Clause 1

SECRETARY OF STATE'S POWERS TO GIVE FINANCIAL ASSISTANCE

Dr David Drew (Stroud) (Lab/Co-op): I beg to move amendment 44, in clause 1, page 1, line 4, leave out "may" and insert "must".

This amendment would require the Secretary of State to provide financial assistance for the purposes listed in Clause 1.

The Chair: With this it will be convenient to discuss amendment 45, in clause 3, page 3, line 5, leave out "may" and insert "must".

This amendment would require the Secretary of State to make regulations for the checking, enforcing and monitoring of financial assistance in Clause 3.

Dr Drew: I am delighted to serve under your chairmanship, Mr Wilson. Clause 1 is in some respects the centrepiece of the Bill, and I imagine that the Committee will spend quite a lot of time on it today, because it will put the Government's approach into practice.

Let me say at the outset that the Opposition have no difficulty supporting the notion of public money for public goods and ensuring that the environment is central to agriculture. However, we have some problems with the way in which the Bill has been put together. Certain parts of it lack substance, and it certainly lacks a mechanism not just to allow our environment to flourish, but to give us a food supply and safeguard health. As I said on Second Reading, the White Paper was entitled "Health and Harmony", but health seems to have disappeared from the agenda.

The Opposition will move amendments to bring into the Bill the areas that are not covered. Later today, for example, we will move an amendment on climate change,

which is not formally mentioned in the Bill, just as it was not mentioned in the Budget speech yesterday. Given the role that emissions play in agriculture, we think that it is essential that climate change is addressed in the Bill.

We believe that the Bill does not safeguard our food supply or tackle inequalities. Sadly, it follows as a syllogism that bolstering the environment is no good unless we can combine it with protecting food and health. We need to look at food inequality in particular. Amendments 44 and 45 address a point that we will make several times during the passage of the Bill, which is that this is about powers. We believe that the Bill needs some real bite. We might trust the Minister—we believe him to be a very good Minister—but he will be here only for a period of time. It is vital that we put some duties into the Bill so that a future Secretary of State will have to deliver the things that we want.

Simon Hoare (North Dorset) (Con): I am following the hon. Gentleman's remarks closely, and I have huge sympathy for what he says. Does he agree that a possible benefit of changing "may" to "must" is that if a more urbancentric Secretary of State were appointed, that imperative would ensure that he or she supported our agricultural sector, rather than saying, "Perhaps I might, but I don't choose to"?

Dr Drew: That is exactly the point I am making. We are seeking to strengthen the Bill. We come not to wreck it or to make it impracticable; we come to improve it. We believe that one way the Bill would be improved is by the inclusion of duties. As the hon. Gentleman quite rightly said, there may be a future Government who are less partial towards agriculture, and it is vital that we fetter them. That is why we have legislation.

Mr Robert Goodwill (Scarborough and Whitby) (Con): Does the hon. Gentleman not think that his amendments would, in fact, be a lawyers charter? It would be open to any pressure group to take the Government to court for not doing something that they said they must do. It would take away the element of judgment from Ministers in any forthcoming Government of whichever colour and give it to the courts.

Dr Drew: I do not agree with the right hon. Gentleman, as much as I respect him—we have had many hours together in this place. The reality is that all we are doing—the Bill will probably last as an Act for the next 50 or 60 years—is including in the Bill a requirement that the Secretary of State must provide financial assistance. That is what legislation is about. It is not: "the Minister might want to do it and they might not want to do it." This is about ensuring that the Minister is very clear that when they have to introduce these major changes, there are some parts that they must deliver.

Sandy Martin (Ipswich) (Lab): Is not the main point that if we have laws that allow Secretaries of State to do things or not to do things in the future, then to a certain extent we are reducing the ability of this place to scrutinise law? In some ways, we are moving law making or regulation into the hands of people rather than into the hands of the law itself.

Dr Drew: That is the point. The argument I am advancing is nothing other than something that has been advanced in the other place. I do not know what the Minister thinks about the Delegated Powers and Regulatory Reform Committee of the House of Lords, but it is hardly a strong supporter of the Government's approach. It reported:

"We are dismayed at the Government's approach to delegated powers in the Agriculture Bill."

That is a cross-party Committee, and as much as we will do our bit in this place, I suspect that the Government are not looking forward to taking the Bill through the Lords, because the Lords will certainly make those points, following their current investigation. In the 36 clauses, they identify 26 powers of Ministers to make law, including five Henry VIII powers, which we always tend to question. Perhaps it is the Opposition's job to be the lender of last resort to ensure that we do not allow things to slip through in any way. We make no apologies for concentrating on this important issue early on. We are not asking for everything to be turned into duties—that would be silly. Clearly, a future Minister will need discretion, but unless they know what the law is, it will be totally down to discretion. That is not a good thing.

It is interesting that we are now undertaking legislative scrutiny, because the Select Committee is looking at the Bill at the same time as us. If we had had pre-legislative scrutiny, perhaps we would have ironed out some of these issues. This was certainly one of the dominant themes during the evidence sessions from different groups. I do not think that any of them would argue that they were happy with the powers currently left in the Bill; some duties are needed. I have no doubt that we will debate this over the course of the morning, but we regard it as a missed opportunity. According to the explanatory statements, amendment 44

"would require the Secretary of State to provide financial assistance for the purposes listed in Clause 1,"

and amendment 45

"would require the Secretary of State to make regulations for the checking, enforcing and monitoring of financial assistance in Clause 3."

Those are pretty important things. If the Secretary of State is not asked to do those things, they do not have to do them. They may want to do them—the Government may feel it is their duty to do them—but, sadly, there is no legislative enforcement. That is why we want to put this in the Bill.

This is once again about the way in which the House should operate, and we challenge the Minister to promise to place duties at the centre of the Bill, so that it will do what we—certainly on this side of the House—want it to do, which is to cement the relationship between environment, food and health. The Minister has a duty to look at issues such as public health and the safety of the industry, which one would have thought is what the Minister for Agriculture should be doing—it is central to their whole being.

We hope that the Government are listening and that the debate gets off on the right foot. We would like to work with them on this, but we make no apologies for pressing the amendment to a Division if there is no consensus. If the Minister makes concessions, we will listen to him. It would be interesting to know why the

Government are unwilling to put duties in the Bill; is it because they are worried about some of the powers, which they might not want to use? If so, perhaps the Minister would say which powers the Government really need discretion on, and we will listen and see if we agree.

The finance and the regulation of finance should be a duty, and something that the Minister of Agriculture should have to face Parliament about because of the nature of their responsibilities. We are strongly in favour of the two amendments because they would make sure that there are duties on the Secretary of State and the Minister for Agriculture in clause 1. Amendment 45 would impose a duty to look at the way in which we regulate finance.

After Brexit, the common agricultural policy will no longer provide our regulatory system, so it is even more important that we get the Bill absolutely right. Whatever one's views on Brexit, agriculture is the major industry that is most dependent on the EU for both budget and regulatory framework, so we must get the Bill right, today and in subsequent sittings. As I have said, the House of Lords has a fair amount to say in the paper that it produced—I am sorry that I have only a photocopy, but we all have photocopies because they do not produce hard copies any more—which is a pretty devastating critique. The Lords are worried about how much the Government are leaving to statutory instruments.

We all received a copy of the Agriculture Act 1947, which is well worth reading, in case anyone has not read it. [*Interruption.*] The Minister is waxing lyrical about it. The 1947 Act put into primary legislation the way in which the agricultural system in this country was to work for generations. All we are saying is "Let's do the same with this." This Bill replaces the 1947 Act. One could argue that the changes in 1975 and 2005 were minor compared with 1947 and 2018. Let us start on the right footing and know what we expect the Secretary of State to do, because that is what we are here to do. Parliamentary scrutiny is meant to improve legislation, not wreck it. We think that our proposals will fundamentally improve the Bill and make sure that we get off on the right foot and that we have a better Bill at the end of Committee.

The Minister for Agriculture, Fisheries and Food (George Eustice): We should not adopt the amendment. I disagree with the shadow Minister—we have chosen to use the term "may" rather than "must" because that is how we draft all of our legislation when it comes to powers to pay. The approach we have adopted is absolutely consistent with our constitution. I want to give the Committee a few examples. The Natural Environment and Rural Communities Act 2006, introduced by a Labour Government, contains the following provision:

"The Secretary of State may give or arrange for the giving of financial assistance in respect of expenditure incurred or to be incurred in any matter related to or connected with a DEFRA function."

If we go back further, the Science and Technology Act 1965 states:

"The Secretary of State...may defray out of moneys provided by Parliament any expenses which, with the consent of the Treasury—
some things never change—
they may respectively incur".

[George Eustice]

The 1965 Act that created powers to make payments uses the term “may”. I know that the hon. Member for Stroud has a romantic attachment to the Agriculture Act 1947, which is a good Act—I have read it. How about this for giving powers to a Minister:

“Where...it appears to the appropriate Minister expedient so to do, or if it appears to him otherwise expedient so to do in the public interest, he may by order fix or vary any such price or other factor as aforesaid notwithstanding that under the enactments regulating the operation of the arrangements in question”?

So “the Minister may” is used throughout the 1947 Act. We are simply being consistent in the approach that we take when it comes to spending powers.

Simon Hoare: My hon. Friend is making a strong case. May I say gently that times have clearly changed? The hon. Member for Stroud is probably disappointed by this fact, but times have changed since 1947. It was immediately post-war, rationing was still in place, the understanding of the importance of British agriculture was readily understood between all of the parties, and we were a far less urbanised media, culture and political class than we are today. “May” may have sufficed in 1947 when there was a more common agreement on the importance of agriculture. Given the competing philosophical thoughts bouncing around at the moment, particularly in a post-Brexit environment, what harm would “must” do to the Bill?

George Eustice: I disagree with my hon. Friend on this point because, as I said, I was not simply citing the 1947 Act. I also cited the Science and Technology Act 1965, which predated our membership of the EU. Even more recently, the Natural Environment and Rural Communities Act 2006 used “may”, and things have not changed much since then.

Mr Philip Dunne (Ludlow) (Con): My hon. Friend has given the Committee a history lesson on different Governments introducing different powers in different scenarios. To help the Committee, will he remind us whether there is any unifying theme in those three Acts? Which party, for example, was in government on each of those occasions?

George Eustice: I think, if memory serves, a Labour Government were in power in each of those three examples. That point is well made. We have to understand the sentiment that lies behind the concern for duties on Government rather than powers for Government to exercise, as is traditional in our constitution. A lot of this stems from the fact that we are leaving the European Union—from a sentiment that says, “Whatever will we do when we have not got the EU to tell us what to do, to impose regulations on us, to launch infraction proceedings against us and to send in auditors to complain about the width of our hedges and gateways or about how we record payments?”

The answer is that as we leave the European Union, we should, as a country, embrace self-government—as we used to, and as we did in the 1947 Act. We should have more confidence in our ability to translate powers in an Act into actions and commitment for Government.

9.45 am

Let us be realistic about how that will happen. In practice, parties will put forward manifestos with their priorities. Some parties may prioritise some interventions more than others, but they will go to the country and seek a mandate for their agenda on agriculture and, having secured that mandate, they will implement the schemes that they said they would. We will have regular Budgets, Budget debates and Budget resolutions on what moneys are needed to support some of the objectives. That is how the powers in a framework Bill, such as the 1947 Act and today’s Bill, are converted into actual commitments.

Just having the word “must” achieves far less than the hon. Member for Stroud might think, because it does not have with it any commitment to a particular budget or to support any aims over any of the others; it purely and simply says that the Government must give some financial assistance in those areas. It achieves very little. We should also recognise that, hypothetically, were a Government that said, “We want to spend zero money on the environment, farming, food and animal welfare,” elected, it would be open to them simply to repeal the Bill, and therefore not to implement those obligations.

We are in a new world, which is not about securing duties because we are worried about what we might get from the European Union. We have to embrace self-government and take responsibility for designing the schemes. As a Government, we have set out exactly what we intend to do through the policy paper that we published alongside the Bill. I therefore believe that amendment 44 is unnecessary.

Martin Whitfield (East Lothian) (Lab): Does the Minister not agree that “must” is a stronger word than “may”? He talks about taking back power and government. We are talking about how it looks to agricultural communities outwith this place. The word “must”, which I agree does not define how much money will be paid, but requires that it be addressed, would surely put agricultural communities in a stronger, more confident position than “may”, which leaves it all up in the air.

George Eustice: Ultimately, reassurance is given to people in the farming industry, and others with an interest in the farmed landscape, through manifesto commitments and Government commitments. We have a commitment to keep the agricultural budget at the current level until at least 2022. We also have a manifesto commitment to roll out a new scheme to replace the current basic payment scheme, and the Bill sets out a transition period that implies an ongoing budget well into the future. That is what gives farmers the reassurance that they need, not sophistry about whether we should have the word “must” or “may”. I respectfully suggest that we should pursue the approach to drafting that we have always had, that has stood the test of time and that worked wonderfully well in the 1947 Act and in other Labour Acts since, and accept that “may” is the correct terminology to use, as a point of legal drafting.

I will touch briefly on amendment 45, which is linked, and which the hon. Member for Stroud also addressed. The amendment creates a requirement through changing the word “may” to “must”, converting a power to make provisions for enforcement on issues such as eligibility

into a requirement. I simply say to the hon. Gentleman that I do not think it is necessary. We have in this country well established procedures that put enormous scrutiny on the spending of public money. We have the National Audit Office, and codes of governance within the civil service and the Cabinet Office. We have very detailed procedures in place to ensure that we check eligibility and look after public money.

Say we were to introduce a scheme and have no type of enforcement or eligibility checking whatever—literally handing out money. As all hon. Members know, it would not be long before we had National Audit Office reports, Public Accounts Committee hearings and accounting officer issues from within the civil service. The reality is that converting the power into a requirement is unnecessary in the context of all the other requirements that we already make on Government. What we seek in this power and in the Bill—what we need in the Bill—is simply a power to be able to introduce those checks.

I hope that I have been able to give the hon. Member for Stroud reassurance. I hope he will accept the approach taken by previous Labour Governments in such areas and also that the existing drafting—using “may”—is entirely consistent with the past. I hope that he will withdraw both amendments.

Sandy Martin: It is a pleasure to serve under your chairmanship, Mr Wilson.

The Bill is intended to facilitate the support of agriculture and the countryside after Brexit. The situation at the moment is that all sorts of supports are in place through the European Union, so all sorts of changes, discussions and votes will be needed to change them. The Government have characterised that process as deeply bureaucratic, but it enables farmers and those engaged in agriculture to know what they will receive money for and how much they will receive well in advance, so that they may make decisions about how to carry out their business.

If the Secretary of State ever decided not to give any financial assistance of any sort to agriculture in this country, that would change the entire nature of our society. It would be inconceivable for the Secretary of State to be able to change the decision to award any financial support to agriculture without the consent of Parliament, yet by making this a power rather than a duty, the Bill does exactly that.

We heard about flexibility and the need for it. The Secretary of State, however, has plenty of flexibility even with our amendments. We are not tying the Secretary of State down to any particular way of offering financial assistance; we are only asking that he should have to do it. The flexibility that remains if our amendment is adopted is the flexibility of our Parliament to repeal the resulting Act if ever it decides to do so. Anything else puts the power to support agriculture in this country in the hands of the Secretary of State and not in the hands of Parliament. I do not believe that people were voting for that when they voted to leave the European Union. I believe that we need to tell the Secretary of State that he “must” give financial assistance to agriculture in this country.

Simon Hoare: It is a pleasure to serve under your chairmanship, Mr Wilson.

I shall be incredibly brief. I feel that the issue is one that the Minister has addressed in terms of the historical precedent in legislation of using “may” over “must”. In the interests of the speedy progress of the Bill, if the shadow Minister presses his amendment to a vote, I shall be voting for the Government side of the argument—the Whip will be relieved to hear that.

Dr Drew: That’s good to know!

Simon Hoare: There was an audible exhalation of breath there.

I suggest to the Minister, however, that this issue is likely to come back as an amendment in the other place and that we are likely to debate it on Report. I therefore make this point gently to my hon. Friend: the environment—not in the green sense of the term, but the political environment—and the circumstances in 1947 were very different from now with respect to the understanding of the importance and the appreciation of the need to have a vibrant agricultural sector. One can attribute all sorts of reasons for that, but it happens to be a fairly basic statement of fact.

I hear what the Minister says about the historical precedent, but I am not certain that changing “may” to “must” fundamentally weakens or alters the Bill. I think it would strengthen his elbow. Unfortunately, he will have successors in due course, as will the Secretary of State. He and the Secretary of State both have a very clear commitment to a strong agricultural cycle; I think that is beyond debate.

Martin Whitfield: Is there not more certainty in amending “may” to “must” than perhaps we would find in manifestos past, present and possibly future?

Simon Hoare: The hon. Gentleman tempts me down a path of debate that, without pre-judging your intervention Mr Wilson, I am pretty certain is likely to be ruled out of order. The hon. Gentleman will forgive me if I do not venture down the tantalising sylvan glade of a debate about the language used in manifestos.

The point I want to make is that the commitment to UK agriculture of the current DEFRA team is beyond peradventure, but that is not a safeguard that we can bank forever and a day. I do not say this as a party point, because I think Labour Members would agree that currently the Labour party is a more urban party than the Conservative party, but that could easily change. One could easily see a debate turning round, saying, “Hang on a moment—that lot did not give a huge amount of support to coal or steel or any other heavy industry. Why should we, as an urban party, support something that is predominantly rural and possibly Tory-voting?” The amendment would take away the temptation for more urban-centric politicians to turn their face against agriculture.

The amendment also might strengthen future DEFRA teams in debates with the Treasury, because the agricultural sector and population are smaller than the urban ones. They are possibly less powerful in a lobby of the body politic. In a difficult spending round when money is tight, as it will be in future years, to be able to say to the Treasury, “This is not an add-on or a nice-to-have. It is an imperative enshrined in statute law and I, as the Secretary of State, must have policies to deliver the things set out in section 1 of a future Act”, will—at a stroke—shoot the fox of a hawkish future Treasury Minister, who is trying to clamp down on public expenditure.

George Eustice: I understand the point my hon. Friend is making, but does he not accept that even if we change the word in the way the Opposition suggest, there will be nothing to prevent a future Government dramatically changing the amount of money they make available? Ultimately, it will always be the job of elected Members of Parliament at that time to hold Her Majesty's Treasury to account, to ensure that it takes its responsibilities seriously—and to do that whether or not the word is “may” or “must” in this particular Bill.

My hon. Friend will be aware that we have a 25-year environment plan. An environment Bill will come from that, which will set out targets, objectives and commitments to get trends moving in a particular direction. It will give a longer term commitment and buy-in, which successive Governments will work towards.

Simon Hoare: My hon. Friend the Minister makes an incredibly powerful and telling point, with which I cannot disagree. Inexorably, that may take us on to potential further amendments or a debate in the other place. I know the Treasury is moving away from ring-fencing, but I think there is a sustainable argument that one can deploy: that a certain percentage of the contribution to GDP created by the agriculture and food sectors should be ring-fenced for precisely the purposes set out here. We have it in other areas of protected expenditure, and for good and clear reasons.

My hon. Friend is absolutely right that if the Treasury is only giving the Secretary of State £5.50 a year to spend, that will not buy a huge amount of agriculture or environmental support whether this legislation says “must” or “may”. There may be future debates during the progress of the Bill about some form of ring-fencing; I make that point, knowing that the Minister and Front Bench Members are alert and alive to the issue.

10 am

There is huge reliance on this important sector in our local economies, certainly in my constituency and many others. The Brexit process throws up questions not just about the replacement for the common agricultural policy but about the trading arrangements through which our agricultural sector will be able to export—that includes the lamb and beef sectors, as well as other elements of agriculture. Given all that, there is a huge amount of uncertainty. The quicker we can get this Bill rolling and the sooner we can get it on the statute book and the direction of travel is made clear, the better.

Every time I talk to farmers, they say, “I don't know whether to buy seed to sow in 18 months' time. I don't know what my breeding programme should be or whether I should be buying in stock. I don't know whether I should be investing. My banks are asking me questions about what sort of support I may have. Will I be able to pay back? Can I extend my overdraft? Will I be able to service my overdraft?” The quicker we can give as much certainty as possible to what—and I will die in a ditch for this—is one of the most important leading domestic industrial sectors in this country, the better. I will continue to speak up for that sector. We must have certainty.

Dr Drew: It has been an interesting debate. The hon. Member for North Dorset put his finger on one of the strong reasons for moving the amendment. To some extent, we want to fetter future Governments, whether

Labour or Conservative. It is important we understand that one of the great changes brought about by Brexit, as I mentioned in my initial remarks, is to agriculture.

Let us be honest: agriculture is a centre point of the EU. We pay a higher contribution because we were not able to change the nature of a pro-agricultural budgetary arrangement. We may have wanted to, but we did not. Now that that is gone, there is a real danger that agriculture will slip further down the Budget agenda—there was no great mention of agriculture yesterday—so it is important to use legislation to bolster the accountability mechanism and to make sure money is spent in this area. I have some knowledge of the history of why we ended up with a cheap food policy, but that policy had two sides to it. It was about keeping the urban proletariat fed, but also guaranteeing farmers that they would get a price, whether through deficiency payments or the minimum income guarantee, given the way in which the Common Market set up its pricing mechanism.

I am sure the Minister has been working overtime on the old word search to find a few “mays” and he has done very well in terms of cherry-picking. Some of us were in Parliament when the NERC Act was passed, and I am sure there are “mays” in it; any piece of legislation will have the word “may”. I challenge him to find one that does not have the word “may” in, but it will also have the word “must”. I will say, with the best of intentions, that to compare the NERC Act with the Bill is to undermine the importance of the Bill. NERC was a very good piece of legislation; it tidied up BOATs and RUPPs and the way in which we had access to our countryside and it set up the replacement for the Countryside Agency. It was important in its own way, but it pales into insignificance in comparison with the Bill, which is about our food, our future health and, dare I say it, the way in which we want the countryside to be protected. Yes, we can find examples of where powers have been used in preference to duties, but most pieces of legislation have some duties at their centre point. The Bill does not.

George Eustice: Of course some legislation has duties but my point is that in the context of payment powers, the power to design schemes and make financial payments, “may” is the appropriate word to use. That is what is used in the NERC Act in the context of making payments. Through all of our legislation that relates to agriculture from the Agriculture Act 1947 onwards, that has been a consistent approach to making a payment.

Dr Drew: I hear what the Minister says, but of course that has been nothing to do with the British Government. Since the mid-1970s, agriculture has been entirely subsumed within the EU. We have not had any discretion. The budget has been fixed in Brussels, and it has been fixed in the way we had to make our contribution. As the Minister feels strongly, that may be a good reason to get out of the EU, but it is not right to see the Bill as a parallel. This is a very different time. Post Brexit, the British Government will be setting their budgetary arrangement for agriculture, and unless they are compelled, they can just say, “We don't really want to give much money to agriculture.” That is up to the Government, of course, and it has to deal with the consequences. The Minister quite rightly says that we can repeal anything, but to talk about repealing legislation is a strange way of passing legislation. Let us get it right in the first place.

George Eustice: I very much hope that, like the 1947 Act, the Bill stands the test of time. My point is that a Government hostile to our environment or animal welfare or commitments in these areas could repeal the legislation if they chose to. The hon. Gentleman knows that I was on the leave side, and my recollection is that when he was previously in Parliament, he was on the sceptical side of the Labour party—campaigning against membership of the euro, for instance. Does he not agree with me that this is an opportunity for us to embrace self-government and that we should not fear doing so?

Dr Drew: That is a good reason to introduce the Bill, but it is also a good reason to make sure that we have duties at its centre point. If we do not have those duties, all the other things that the Minister has talked about—commendable though they may be—are subject to the whim of the Government, and more particularly the Secretary of State, who may have no time for agriculture. That is quite possible.

We will press the amendment to a Division because we think it is important to make it clear that duties should be at the centre point of the Bill—not throughout the Bill, but on the most crucial part: the financial arrangements and accountability for them. The hon. Member for North Dorset says that the matter will come up on Report, but I dare say that, given what has been said in the House of Lords, their lordships will give this more than a going over.

It is important that we have this debate today. I always used to get really riled when my party was in government and I was told, “Don’t worry, we’ll sort this out in the Lords.” I felt that it was important that we sorted it out in the House of Commons—the democratically elected Chamber. The House of Lords can scrutinise and improve but we should be making the fundamental decisions in this place.

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 10.

Division No. 1]

AYES

Antoniazzi, Tonia	McCarthy, Kerry
Chapman, Jenny	Martin, Sandy
Debonnaire, Thangam	Whitfield, Martin
Drew, Dr David	

NOES

Clark, Colin	Harrison, Trudy
Davies, Chris	Hoare, Simon
Dunne, Mr Philip	Huddleston, Nigel
Eustice, George	Stewart, Iain
Goodwill, Mr Robert	Tracey, Craig

Question accordingly negatived.

Kerry McCarthy (Bristol East) (Lab): I beg to move amendment 72, in clause 1, page 1, line 6, at end insert “and enhances soil health”.

The Chair: With this it will be convenient to discuss the following:

Amendment 49, in clause 1, page 1, line 10, after second “heritage”, insert “, including farming systems where they underpin delivery”.

This amendment would include farming systems in the land or water management activities for which financial assistance can be given in Clause 1(1)(c).

Amendment 41, in clause 1, page 2, line 6, at end insert—

“(2A) The Secretary of State shall also give financial assistance for, or in connection with, the purpose of establishing, maintaining and expanding agro-ecological farming systems, including organic farming.

This amendment would ensure that new schemes support agroecological farming systems, including organic, as a way of delivering the purposes in clause 1. Agroecology is recognised by the UN Food and Agriculture Organisation as the basis for evolving food systems that are equally strong in environmental, economic, social and agronomic dimensions.

Kerry McCarthy: I should begin by declaring that I am chair of the all-party parliamentary group on agroecology for sustainable food and farming and have been for some time.

In amendment 72, we call for soil health to be mentioned specifically in the list of public goods. I hope the Minister will be receptive to that—he has made noises that suggest he might be. We know that soil fertility has collapsed in this country. There have been a couple of inquiries in recent years, including a very good one by the Environmental Audit Committee, which looked into soil degradation and the impact on, for example, food productivity and flooding due to run-off.

Mr Goodwill: We currently have record wheat yields in this country. Surely that is not evidence of lower soil fertility?

Kerry McCarthy: In some places, there is fertile soil. There are measures that one can take—we heard evidence from Helen Browning, I think. I apologise that I am slightly confused about whether I heard evidence in this Bill Committee last week or as a member of the Environment, Food and Rural Affairs Select Committee, because the same people have been giving evidence to both.

There is a lot that we can do to increase biodiversity in fields; for instance, we can take some land out of production, which adds to soil fertility and yield. We heard evidence from Helen Browning of the Soil Association about that.

Colin Clark (Gordon) (Con): Will the hon. Lady give way?

Kerry McCarthy: Before Conservative Back Benchers try to suggest that I am not talking sense, let me say that the Secretary of State has estimated that the UK is just 30 to 40 harvests away from the fundamental eradication of soil fertility in parts of the country.

Colin Clark: The hon. Lady is making a powerful case, but I remind her that when the EU forced set-aside upon us, all that did was create a weed bank. It did not improve the fertility of our soil. I am from north of the border, where traditional rotations are still very much part of farming. I agree with my right hon. Friend the Member for Scarborough and Whitby, who says that yields are increasing. Does the hon. Lady not believe that in the last 20 years, agriculture in the UK has made great leaps to improve soil fertility? Perhaps she is speaking about something that is more historical.

Kerry McCarthy: No, I do not believe that. The hon. Gentleman is a member of the Environmental Audit Committee, but I do not think he was a member during

[Kerry McCarthy]

its inquiry into soil health. I suggest that he goes back and reads that report, which is quite devastating. The APPG held a three-part session and produced another report. I think that there is consensus on this and am surprised that Conservative MPs are challenging it.

As I said, the Secretary of State has acknowledged the impact of soil degradation. We can always point to examples where that is not the case, but in general this is an issue across the country. During the evidence sessions last week, the Minister indicated that he might be prepared to look at this. His view was that soil health is already covered in the Bill, although not specifically. I am saying that it is such an important issue that it should be specifically mentioned, rather than it just being assumed that it comes under public goods.

The amendment was drafted by the farming organisation Linking Environment and Farming and has support from the Soil Association, Innovation for Agriculture, and the Royal Agricultural Society of England. During our first oral evidence session, witnesses such as Caroline Drummond, chief executive of LEAF, and Vicki Hird from Sustain, agreed on the need for soil health to be separately listed as a public good. The importance of soil health is mentioned in the documents accompanying the Bill.

The explanatory notes state that

“Subsection (1)(e) will enable the Secretary of State to provide financial assistance for activities...to prevent...hazards to...the environment.”

It could therefore

“be used to reduce flood risk by incentivising good soil management.”

I was shadow Secretary of State at the time of the devastating floods a few years ago. The people responsible for land management in any of those farming communities will say that soil mismanagement contributed to the scale of the problem.

10.15 am

Sandy Martin: I well remember that in 1972—when I was still quite young, I hasten to add—in Suffolk we had strong windstorms in the summer, and a significant amount of soil blew off the wheat fields. It was a notorious case at the time, and the farmers—including major farmers—learned a lot of lessons. Agriculture is a lot better than it was in the 1970s, but we continue to learn and to improve. I would have thought that any sensible agriculturalist would support any amendment that enhances soil health.

Kerry McCarthy: I think there is a consensus, at least on the Conservative Front Bench, that soil health is incredibly important and under threat. It should be specifically added to the list of public goods because it is critical to biodiversity, productivity, and mitigating and adapting to climate change—we have not mentioned that yet. The carbon sequestration function of soil is incredibly important. The hon. Member for York Outer (Julian Sturdy) said in the Environment, Food and Rural Affairs Committee:

“I just cannot understand why it is not specifically defined in the Bill. There is so much good that is there, but it is underpinned by delivering on actually improving the soil and the huge environmental benefits that flow from that.”

As Vicki Hird from Sustain rightly said, there is also a risk that farmers are getting paid for doing things on one part of the farm or on the edge of a field, but are not protecting the soil elsewhere. That is part of the regulatory process, and bringing it into the fold would make sense to ensure that it is part of the picture. I think we are on the same page, but I would like those three words to be added to the Bill to make clear how important soil is.

I tabled amendment 41 with two other officers from the APPG, the hon. Members for Brighton, Pavilion (Caroline Lucas) and for Richmond Park (Zac Goldsmith)—again, the amendment has cross-party support. It was drafted with the help of the Soil Association and Sustain, and is also supported by the Landworkers’ Alliance. Last week, the Minister suggested that he was fairly receptive to the amendment, which suggests that instead of a focus on individual public goods, allowing cherry-picking and just pursuing one or two, there should be a focus on a whole-farm approach, which is by far the best way of delivering many public goods at the same time as producing food.

The “Health and Harmony” consultation paper asked respondents to prioritise a list of public goods. I thought that was the wrong approach, because to prioritise public goods fails to recognise that intersect and that pursuing one public good will help to achieve public goods in another sense. For example, without a reduction in the use of pesticides and without maintaining soil health, water and air quality will suffer. Without output diversification, there will be no improvement to local biodiversity or crop resilience.

The worry is that a limited pot of funding could be focused on edge-of-field nature restoration within an unsustainable wider system. The system should be targeting what happens in the middle of a field, not just around the edges. Approaches to farming such as agro-ecology offer bigger picture approaches that would provide the largest amount of public goods. A whole-farm approach may also be easier to monitor, because the metrics of working out what is going on with individual public goods could be incredibly complicated.

In Committee, Helen Browning said:

“That is why I have been an organic farmer all my life: I do not want to be farming intensively in one place and trying to produce public goods in another... We will still need to do special things in special places so that we can preserve species, manage floods and so on, but the agro-ecological approach should be at the core of our farming system.”—[*Official Report, Agriculture Public Bill Committee*, 25 October 2018; c. 91.]

Agro-ecology is not just about organic farming. That is one method, but there are also things such as agroforestry, pasture-based livestock systems, integrated pest management, low-input mixed farming and biodynamic agriculture. Agroforestry is a prime example of an innovative approach to farming that produces benefits across several categories of public goods.

The “Ten years for agroecology” project in Europe, which was led by top scientific experts, shows that agro-ecology can address the apparent dilemma of producing adequate quantities of food while protecting biodiversity and natural resources and mitigating climate change. Although it is seen as a bit niche, France has become one of the first industrialised nations to make agro-ecology a central plank of its agriculture policy.

In 2014, a law was passed to promote agro-ecological approaches actively. It set a target of implementing such approaches on 200,000 French farms by 2025.

If the French can do it, I dare say there is absolutely no reason why the British cannot. The law also added agro-ecology to the curriculum in agricultural colleges across the country. It has a triple performance: it achieves environmental objectives; it achieves economic objectives by improving yield and efficiency, especially for small and medium-sized family farms; and it has a societal impact, including health and nutritional benefits.

In evidence to the Committee, Ed Hamer of the Landworkers' Alliance gave an example of how an amendment along such lines would work. He said:

“the integration of whole farm agriculture and agri-ecological principles would incentivise farmers to produce food on the field in addition to introducing ecological focus areas or diversity around field edges.”

He concluded that, with such an amendment,

“it is the farming system itself that delivers the public good.”—[*Official Report, Agriculture Public Bill Committee, 25 October 2018; c. 116, Q160.*]

The Minister was encouraging about that, saying that the Government are considering empowering agro-ecology under clause 1. Such farming methods ought to become far more mainstream. Since the Secretary of State first came up with the “public money for public goods” approach, I have said that I think he is on the right page and is doing the right thing. I just think he could go a bit further to ensure the Bill is about restoring resistant services, safeguarding our long-term food security and protecting the environment.

Mr Goodwill: I oppose amendment 72, not because I am against enhancing soil health in our country, but because I believe the amendment would act against some of our other objectives. As a farmer I manage soil, and as part of my agriculture degree I spent a year studying soil science. Although it is easy to define animal health—it is the absence of disease, or a state in which production from the animal is maximised—it is much more difficult to define soil health. As an intensive arable farmer, I know that the healthiest soil is the most productive soil. Therefore, levels of nutrients—nitrogen phosphate, potash and sulphur—should be optimised to produce optimal soil health. but we need other elements within the soil as well. The cation-exchange capacity must be optimised through the use of lime and other soil treatments so those nutrients are available. The soil also needs to have the correct flocculation status, so that nutrients and roots can travel through it and drainage is optimised.

It is easy to define what productive, healthy soil is, but for some of the objectives in the Bill we need less than optimal soil health status. For example, all farmers agree that the most optimal way to enhance soil health is to have drainage schemes in place, but we have other agri-environmental schemes to try to prevent flooding, such as flood plains and areas of reed beds. Innovative schemes are happening on the North Yorkshire moors above Pickering, where the soil health is not optimised because that land is flooded deliberately to enable the delivery of those schemes.

Similarly, the North Yorkshire moors are a valuable habitat. The land is moor land because the soil is particularly acid and the soil health is bad—bad for

growing most things apart from heather. Measures that could be put in place to enhance soil health there could actually act against enhancing that particular environment. We need to look at how we help farmers to manage their farms across the board. Some of their land may well be managed in a way that optimises soil health and production, but elsewhere soil health should deliberately not be enhanced, to allow certain species and habitats to develop precisely because that soil is flooded, acidified or not optimised for production.

Jenny Chapman (Darlington) (Lab): I observe that the amendment asks that health soil be included in a list of things to which the Secretary of State “may” give financial assistance, not “must”. The right hon. Gentleman would not need to worry so much if he accepted the amendment.

Mr Goodwill: Yes, but we have recorded that it is the policy of the hon. Lady's party to put “must” in the Bill, which will no doubt be introduced in the Lords.

Jenny Chapman: The right hon. Gentleman needs to make his mind up.

Mr Goodwill: The point I am trying to make is that it is very difficult to define enhanced soil health. Unlike animal health, where it is very easy to see whether an animal is healthy or not, there are a number of objectives, for example, looking at organic matter in the soil and the use of slurries.

Although many would wish to take measures to improve the organic matter in soils, there are downsides, particularly looking at nitrates. The Environmental Audit Committee, on which I sit, looked at nitrates in water and soils. Many of the problems with high levels of nitrates, which can lead to eutrophication in watercourses and the sea, in some cases, are due to high nutrient and nitrate levels being applied to the soil, which can be associated with organic fertilisers. My view is that this is an unnecessary amendment.

Soil health is best left to farmers. If we can create the situation where farmers manage their farms correctly, they will enhance soil health in those areas where they wish to maximise production but they might deliberately degrade soil health in order to encourage species that thrive in waterlogged, acidic and other soils. Although I can understand the motives behind the amendment, I do not believe it would achieve the intended objectives.

Martin Whitfield: First, I should point out that I have recently been elected chair of the all-party parliamentary group on the timber industries. I support the amendment tabled by my hon. Friend the Member for Bristol East. The quality of soil sits at the foundation of farming and agriculture.

I listened to the right hon. Member for Scarborough and Whitby, but I think he reads too much into the amendment. At the end of the day, we are looking for an improvement in the health of the soil in the area where it is found; there is no intention to overdo the moor lands into high-growth, high-productivity areas. That may well not be a measure of soil health within an area. With great respect, I feel that the right hon. Gentleman is reading far too much into the intention behind the amendment.

On the nature of the Bill and the word “may”, it will always rest with the Secretary of State whether financial support would be given. The health of the soil was

[*Martin Whitfield*]

raised in the evidence session by a significant number of people, and it sits at the foundation of farming. There is a need to ensure that the soil that we pass on to those who come after us is in the best condition that the farmer feels is right for his land. Farmers are the experts, but to rely solely on the farmer, without being able to give support where necessary, would remove the need for the Bill. There is a requirement for the Bill, however, and for farmers in some areas to have support.

One thing the Minister should address is the health and quality of the soil and what the soil is doing. In my constituency of East Lothian, we are blessed with very fertile volcanic soil and the production rates are phenomenal. They are dealt with and handled with great care and expertise by the farmers. In other areas of Scotland and the UK, however, the soil quality is much lower. That needs to be addressed, and the farmers who work the land, whether for sheep or for culture, require support to do that. Soil plays a greater role than as simply the material out of which crops are grown. The carbon capture element is fundamental to the calculations that need to be made.

Amendment 72 would make a small change, but a significant one. It would place in the Bill the material that is most fundamental to agriculture: soil.

10.30 am

Dr Drew: I support amendments 72 and 41, but I shall speak to amendment 49. The Bill is about improving the environmental quality of our agriculture, and there is no better way of doing that than ensuring that we improve soil, water use and the development of our countryside to provide the most efficient agriculture. Those issues will take up much of our time on this Committee.

I make it clear that amendment 49 comes from the Uplands Alliance, which has some concerns about how it will fare once the Bill is passed unless some account is taken of the uplands. We all know how difficult it is to farm in the uplands; I am afraid that, whatever the Bill does, it will not make it much easier. Sheep farmers are largely farming on the margins. We will be careful to try to rule out anything that would undermine their ability to get a fair price for their sheepmeat. We are wary of any free trade deal with certain parts of the world, and we make no apology for making that argument.

The Uplands Alliance's point is that the easiest way of dealing with environmental degradation in the uplands is rewilding, recarbonisation and allowing the land to go back to nature, but of course that does not give anyone a living. The people concerned do not have a living at the moment; they may get some money through direct environmental payments, but those are effectively a subsidy to keep them on the land.

Why does this matter? It matters not only because upland farmers deserve our support, but because this is about our kept landscape. Rewilding the whole uplands landscape may be attractive, but will it draw in the tourists? Will it give us a sustainable rural community? I suspect not. If we want these people to carry on farming, we have to allow for a balance between the environmental payments that they will be eligible for and their ability to farm at a profit, which can be done only if we invest in them.

Amendment 49 is important because it looks at the reality. I do not happen to represent any upland areas, but some hon. Members present do, so in a sense I am speaking on their behalf. They will know exactly what I am talking about.

Mr Goodwill: My constituency takes in two thirds of the North Yorkshire moors. The hon. Gentleman spoke about rewilding, which is precisely what would happen if the heather moor land was not managed properly. People would not be happy to see that, because they see the heather moor land as a fragile environment that they want to sustain as a public good.

Dr Drew: That is exactly why we must balance the environmental aspects of the Bill with the reality of farming in those areas. I am trying to identify the issue that the Uplands Alliance asked us to address in the amendment, which is about looking at traditional and sustainable forms of agriculture. As has been said, agro-ecology is a new term, but in many respects it is revisiting the past; it is about how we have always tended to consider farming in certain parts of the world as traditional. How we maintain that landscape—a farmed and managed landscape—depends on a relationship between what is farmed and the environment being managed by those farmers.

The alternative is rewilding or having much larger holdings. In essence, we would end up ranching those holdings; they would have to be on such a large scale because the money would not be there in any other way. That would be deleterious to our countryside, and many farmers who want to remain would have to be moved off the land.

It is important that we have this debate. I support the important agro-ecological points of my hon. Friend the Member for Bristol East, because we are giving the Bill some substance. We disagree with the Government: we need examples of how such agricultural improvement will work and how to deliver it. Many others support the amendments, as my hon. Friend said, such as the Soil Association. In its written evidence, which we have all looked at, the Landworkers' Alliance very much encouraged this direction of travel, to see how agriculture can be improved, made sustainable and meet our sustainable development goals. We will talk in detail later about climate change, which is central to this debate.

I support my hon. Friend's amendments, and I make no apology for saying that they improve, as we said we would, the status and clarity of the Bill on how agriculture should move. I hope the Government will look positively at what we are trying to do.

George Eustice: It is a pleasure to respond on this group of amendments, which all have in common the tendency, which occurs when a list of purposes such as this is published, for a range of organisations to want to be name-checked. They become concerned that unless they are name-checked they are being left out. Allow me to take this opportunity to assure the Committee that all the purposes that the amendments want to include are already included.

First, allow me to set out our approach. We have set out our desired goods, outcomes and overall purposes, which we deliberately kept broad so that we did not miss things out. In clause 1 we have explicitly avoided

trying to come up with an exhaustive list of every feature of our environment, every environmental asset and every type of scheme we might do under these purposes. For instance, it is true that the clause does not specifically name-check soils—one of our most important natural assets—or pollinators, bees, meadows or farmland birds. Every single one of those natural assets are assets that we seek to enhance and protect and do well for under the powers that we have within the purposes set out in part 1.

On amendment 72, I assure the hon. Member for Bristol East that I am passionate about soil health, as is the Secretary of State. As I have mentioned, people such as Sir Albert Howard, the great 20th century agronomist, who is seen by many as the father of the organics movement, recognised almost 100 years ago that we could not mine soil and, as he put it, submit it to banditry and take all the goodness out of it—we had to manage it. Good husbandry is all about recognising the cycle of life; the health of our soils is not just about chemistry. It is about not just the NPK fertiliser that we put on a field, but the complex interactions, the humus in the soil, the organic matter. It is a living ecology, not just a growing medium.

We absolutely recognise that, which is why soil features prominently in our policy paper. I guarantee the hon. Lady that when we roll out our new environmental land management scheme, it will have a plethora of interventions and schemes to support good soil husbandry and good soil health, because we know that if we get the management of our soils right, it can have implications for carbon mitigation. It can be a carbon store. It is also the case that if we get the management of our soils right, we can improve water quality and reduce our reliance on synthetic fertilisers.

I reassure the hon. Lady that the Government take this matter absolutely seriously, but we do not agree with the amendment. It is not just that it is unnecessary, because soil is already covered in the purposes in paragraphs (a), (c), (d) and (e) of subsection (1)—as far as we are concerned, soil is covered by a multitude of the existing purposes already—but that it has an unfortunate consequence. Crucially, it would insert, at the end of paragraph (a),

“managing land or water in a way that protects or improves the environment”

the phrase

“and enhances soil health”.

While the intention of the amendment was to broaden the objective to include soil health, in fact it narrows the scope of the purposes. For instance, we might have a scheme to promote and support farmland birds, but it might not be immediately recognisable how that might help soil health. The use of the word “and” as opposed to “or” would narrow the scope in a way that would be detrimental to our environment and would be bad for assets such as birds, pollinators and a range of others. On the basis of that assurance, given my passion for the subject and the guarantee I give that it will be a prominent feature of the new scheme, I hope that the hon. Lady will agree not to press the amendment.

Amendment 49 links to a number of representations, whether from the Uplands Alliance or those in the agro-ecology movement, which suggest that we should include an approach to farming systems. Although I

think that is unnecessary, because individual farming systems will be covered by a multitude of purposes that we have already set out, I want to take this opportunity to assure the Committee about some of the things we are looking at.

First, on uplands, we believe that our public goods payment approach has real potential to give a rewarding, viable and stable business model to the upland areas. They are better placed than many farms to benefit from the provisions on, for instance, payments for public access. They are able to help and assist with things such as flood mitigation and there are some quite big environmental schemes they could get into. The uplands could also benefit from issues such as peat-bog restoration. If we adopt an approach based around payment on public goods, we believe the uplands would naturally benefit from that. Of course, they also look after and maintain a lot of our natural heritage—the stone walls, the hedges and the beautiful landscapes—that are referred to in subsection (1)(c). We believe that the existing purposes already cover the uplands, certainly in paragraphs (a), (b) and (c) of subsection (1).

10.45 am

Secondly, I will explain quickly the other schemes that we are considering. They include catchment-sensitive farming. We are looking at how to implement a holistic approach to incentivise farmers to engage in catchment-sensitive farming schemes, which would be covered by the purposes in paragraphs (a), (c) and (e) of subsection (1).

On integrated pest management, which the hon. Member for Bristol East mentioned, we have a clear commitment in our 25-year environment plan. We are looking at having a holistic scheme for integrated pest management, rewarding farmers for embracing it, rather than, as now, encouraging them to do it and leaving them with all the risk. We want to help them to develop different agronomic approaches and different use of crops that have a resistance to natural predators, so that we can have a more rounded approach and gradually reduce our reliance on pesticides. We are therefore looking at integrated pest management, which we believe will be covered by paragraphs (a) and (e).

We are also looking at organics. The hon. Lady makes a good point that the organics already do a huge amount for our environment. They would be covered by paragraphs (a) and (c) of subsection (1), as could agro-ecology, equally.

We are also looking at other approaches that some people have advocated, such as vertical farming. We are looking too at whether we can support holistic high-animal-welfare schemes, ranging from systems that are closer to being free range, to systems that adopt a lower stocking density to systems that enable us to use fewer antibiotics. Such holistic schemes could be covered through subsection (1)(f).

We are also interested in the potential for pasture-fed livestock systems. Some accredited schemes are already out there that support farmers in this area. We would be keen to look at incentivising those schemes. That could be done under subsection (1)(a) and subsection (1)(f).

I have given quite a long list of farming systems that we are actively looking at, some of which were referred to in our policy paper published alongside the Bill, and some of which we are already progressing through early thinking about pilots in the new scheme.

Kerry McCarthy: That all sounds tremendous stuff. We are talking about a limited pot of money, and I am concerned that we will get people with huge stakes who cherry-pick the public goods, doing bits and pieces and getting their hands on quite a lot of that pot of money, with the result that the share for people who farm sustainably across the whole farm and adopt some of the approaches the Minister has mentioned is reduced. Does he agree that we ought to be rewarding those people? I always make an analogy with a big company that has a fair trade coffee brand, but 95% of their coffee is not fair trade. However, does it really deserve credit for that 5%?

George Eustice: The hon. Lady makes an important point. That is why we have set out clearly that we intend to adopt an approach to payments built around a natural capital principle, so that those who do the most will receive the most reward and those who adopt a holistic whole-farm approach that gives us multiple environmental benefits can expect to receive more than those farmers who say, “We’ll let a corner of the farm that is less productive go”, but not do much beyond that.

The answer to the hon. Lady’s concern is in the way that we price and reward the tariffs for the interventions that we propose. That will be very much in the scheme design, and we have been clear about the principles that we will apply.

By giving a quite detailed explanation of our commitment to explore these farming systems, I hope the hon. Member for Stroud will consider withdrawing his amendment on the basis that it is unnecessary, because it is already provided for in multiple locations.

Amendment 41 is a similar amendment specifically on agro-ecological farming systems—it relates to subsection (2) on support for profitability—which we also think is unnecessary because subsection (2) enables us to support and provide grants for businesses that are starting up in organics or a different agro-ecological system, such as agroforestry. The provision and power are there.

Let me reassure the hon. Lady about some of the things we are looking at. Under the productivity strand—subsection (2)—we are considering whether we can use funds to refresh the county farm model by supporting local authorities to reinvest in their farms, helping with facilitation funding so that the farms are more of a hub for new entrants, and working with them to make it easier to move tenants out so that we have a constant pipeline of new opportunities for new entrants.

Alongside that, we are considering whether that can be broadened beyond the traditional county farm, which has existed for many decades since the war, to include some of the peri-urban farms, which often have links to the agro-ecology movement and are often smaller community-based groups. Where local authorities have land that they can make available, we might be able to support the fostering of those schemes, which can be popular.

I hope all the amendments are probing and that we shall not find it necessary to divide the Committee. I hope I have been able to reassure Members that the issues that they sought to highlight in their amendments are already provided for in the Bill.

Kerry McCarthy: I thank the Minister for his response. There was a lot in there with which I agreed. I do not intend to press the amendment to a vote, not least because—as he rightly said—the “and”, rather than “or”, is problematic. I shall press amendment 41, however, because as we have ascertained, we are very susceptible to the whims of a future Government or any change in leadership. I would like to see whole farm systems recognised specifically in the Bill. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 49, in clause 1, page 1, line 10, after second “heritage”, insert

“, including farming systems where they underpin delivery”.—
(*Dr Drew.*)

This amendment would include farming systems in the land or water management activities for which financial assistance can be given in Clause 1(1)(c).

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 10.

Division No. 2]

AYES

Antoniazzi, Tonia	McCarthy, Kerry
Chapman, Jenny	Martin, Sandy
Debonnaire, Thangam	Whitfield, Martin
Drew, Dr David	

NOES

Clark, Colin	Harrison, Trudy
Davies, Chris	Hoare, Simon
Dunne, Mr Philip	Huddleston, Nigel
Eustice, George	Stewart, Iain
Goodwill, Mr Robert	Tracey, Craig

Question accordingly negatived.

Dr Drew: I beg to move amendment 50, in clause 1, page 1, line 11, after “(d)”, insert

“limiting greenhouse gas emissions from agriculture or horticulture or encouraging activities that reduce such emissions or remove greenhouse gas from the atmosphere, or”.

This amendment would add to the purposes for which financial assistance can be given that of limiting greenhouse gas emissions from agriculture or horticulture or encouraging activities that reduce such emissions or remove greenhouse gas from the atmosphere.

I shall endeavour to speed up a little, but again this is an important part of the legislation because it refers to climate change. To be fair to the Minister, climate change appears in subsection (1)(d), which refers to “mitigating or adapting to climate change”.

We accept and are willing to support that, but we wish to improve on it by adding the words in our amendment.

Again, this is important. If we are serious about a new Agriculture Act, we ought to be serious about how it impinges on climate change. Those are not my words but the words of Lord Deben, that well-known socialist former MP, now in the Lords, John Gummer. Some in the Committee heard, as I did, what he said in the Attlee Room when he introduced the report of the Committee on Climate Change. He was rather scathing about the way in which agriculture has failed to meet its targets for reducing emissions. He was overall pretty sceptical about the Government’s performance—as he

can afford to be, given how deep-seated he is in this place—and was particularly critical of agricultural emissions having flatlined, which is not good enough.

The Opposition make no apology for tabling the amendment. We have done so to give some bite to the Bill and make climate change the fulcrum of how agriculture performs so that we see those improvements. Not only have agricultural emissions in general flatlined, but net carbon sequestration from forestry has flatlined. The United Nations has produced a report through the Intergovernmental Panel on Climate Change, saying, “Forget 2 degrees. We should be worried about even approaching 1.5 degrees.” We can play our part by being serious about this issue and passing this simple amendment to ensure that we can do what clause 1(1)(d) says:

“mitigating or adapting to climate change”.

I hope the Minister will take note of what we are saying. The amendment is a minor change in wording but makes the important statement that agriculture has to play its part in dealing with climate change. As Gilles Deprez said when giving evidence to this Committee, he strongly believes that farmers are already paying the price for climate change, and dealing with it is not just something that they should do for the wider community. They are already suffering the effects of climate change, as we have seen this year with the drought. I am not saying that droughts are anything other than climatic occurrences that have happened through the ages, but those climatic events—whether floods, drought, or very cold winters that mean that farmers are unable to plant when they want to, let alone harvest when it is very wet—come around far too regularly for them to be anything other than an aspect of climate change.

I hope we can reach some agreement on this issue. Given who sits in the House of Lords, those Lords will spend an awful lot of time talking about this aspect of agriculture, so the Minister might as well be prepared. He cannot influence proceedings in the Lords, but whoever takes this through—presumably Lord Gardiner—will be spending a lot of time trying to deal with various people, whom we could name, who will be saying, “Come on—sort this out. We need to have some words in the Bill that show how agriculture is prepared to play its part in dealing with climate change.”

We know that farmers do not necessarily have the resources, expertise or access to investment that they need, so again, let us hope that that is where the money will go. It is crucial to deliver the budget in a way that allows farmers to make those changes. We heard in a previous debate about agro-ecology that this issue is linked to soil quality, water management and the way in which farming systems need to change to take account of emissions. Not including this amendment in the Bill would be a missed opportunity, and again I make no apology for introducing it. Climate change has to be taken seriously, including in the Bill.

George Eustice: I can be fairly brief, because I have already spelled out some of the principles behind Government’s approach. As the shadow Minister acknowledged, subsection (1)(d) includes a simple but clear purpose, which is

“mitigating or adapting to climate change”.

Why have a long, cumbersome sentence of 29 words when six words will suffice? His wording—

“limiting greenhouse gas emissions from agriculture or horticulture or encouraging activities that reduce such emissions or remove greenhouse gas from the atmosphere”—

can be summarised as “mitigating climate change”, and we already have that term in subsection (1)(d).

11 am

Let me assure hon. Members about how important we regard climate change to be. Perhaps it is a coincidence that this amendment has been selected for debate on its own, but this is an important issue, and we included that wording in subsection (1)(d) because we recognise that. The types of schemes that we can incentivise and support to do our part to tackle the problem of climate change can include the establishment of new forestry, the planting of more trees in the farmed landscape, greater attention to the management of soils, the encouragement of permanent pasture, which can be a sink for carbon, and the restoration of peat bogs, which can also store carbon.

Farming system approaches can include supporting equipment so that farmyard manure or farm slurries can be directly injected into the soil to reduce ammonia emissions, and providing grant support for farmers to help them improve their slurry-handling infrastructure. It can include putting lids on slurry stores, which can have a significant impact on ammonia emissions, and incentivising the uptake of more efficient feeds and feed technologies that have a lower carbon footprint by improving their efficiency. It can include reducing our reliance on imported soya, which has the consequence of the carbon footprints of the ships that bring it here.

There is a multitude of interventions that we can support under subsection (1)(d), and I do not believe that the additional words add anything other than to the length of the sentence.

Jenny Chapman: I am not completely convinced by the Minister’s response. Mitigating is about lessening the impact of climate change. It is not about preventing it. We are trying to reduce emissions and the impact on climate change of agriculture and horticulture. They are different things. It is not true that the only difference is the length of the sentence.

George Eustice: On the terminology, we are not talking about mitigating the consequences of climate change. The subsection is very clearly about mitigating climate change itself. Any action that is taken to reduce carbon emissions and the emission of other greenhouse gases—ammonia is a very important one in agriculture—would be mitigating climate change. The subsection also includes the phrase “adapting to climate change” in recognition of the fact that, as Gilles Deprez pointed out in the evidence session, we are already living with the consequences. For instance, we recognise that we tend to have more floods, so we may need schemes to manage the implications of that. “Mitigating climate change” means what it says. It can include any actions that reduce greenhouse gas emissions.

Jenny Chapman: That is not right. Mitigating does not mean that. It means to lessen the severity or the impact of something. What the Minister is doing in the clause is very different to what we seek to achieve. The definition of “mitigating” matters.

George Eustice: I do not agree. We recognise that climate change is happening, and everything we are doing to tackle it is about mitigating an event that we recognise is happening. Our efforts to change the mix of our energy, reduce carbon emissions, encourage the uptake of electric vehicles and so on, are all about mitigating the problem of climate change. Subsection (1)(d) has a very clear purpose, and it enables us to do all the things that the amendment seeks to achieve. I hope we can use this debate to clarify that. I have given a long list of the types of interventions that we intend to explore, pursue and pilot under subsection (1)(d).

Kerry McCarthy: I am slightly disturbed by something the Minister said almost in passing. He seemed to be saying that the only problematic issue relating to the importing of soya is the shipping miles. I hope he has read the evidence, including the UN report “Livestock’s Long Shadow”, work by Chatham House and the Intergovernmental Panel on Climate Change’s report last week, that shows that the carbon footprint of the industry goes way beyond shipping miles.

George Eustice: Yes, and I did not seek to give a fully detailed exposition of the impact of soya, but the progress that some sectors—notably the pig sector—have made in reducing their carbon footprint has been by reducing their reliance on imported soya. The hon. Lady is right that it has a range of impacts on the environment.

I recognise the intention behind amendment 50, but I think it would only lengthen subsection (1)(d) without adding any meaningful change. I hope I can reassure hon. Members that the powers outlined in the subsection already enable us to do what we all seek to do on gas emissions.

Dr Drew: What the Minister says is laudable, but it takes us back to the problem of powers and duties. The Secretary of State does not have to do any of this. The simple fact is that, according to the Committee on Climate Change, agricultural emissions are not on track to deliver the carbon budget savings required by 2022. Amendment 50 may be wordy, it may be an addition and—as my hon. Friend the Member for Darlington says—it may lead us to argue about what “mitigation” means, but we tabled it because at the moment there is no guarantee that agriculture will play its part in dealing with climate change.

The reality is that unless we put some teeth into the Bill, either the Government or, dare I say it, farmers will not have to do anything. We are putting the onus on farming and farmers to deliver their contribution towards reducing emissions. There has been much good work, but the fact is that agriculture’s contribution has flatlined. We have to do something about that, so we make no apology for saying that we will press our amendment to a vote. The issue will come back to haunt the Government in the House of Lords, where countless Members will make the point that agriculture has not reduced its emissions as it should have, so we must place an obligation on it to ensure that it does.

The Opposition believe strongly that the money that will go from direct payments into environmental support has to target emissions reduction, so the wording is

really important. I hope that all hon. Members will think about the matter, because it will be brought back to the House. It will be important not only to this Bill but to the forthcoming environment Bill—I do not know what will be in that Bill, unless it says that we will actually reduce emissions. Whether it is in this Bill or that one, that commitment has to be there.

Without further ado, I ask for a vote on amendment 50. We make it clear that if the Government will not yield on these words now, they will have to yield on similar words later.

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 10.

Division No. 3]

AYES

Antoniazzi, Tonia	McCarthy, Kerry
Chapman, Jenny	Martin, Sandy
Debonnaire, Thangam	
Drew, Dr David	Whitfield, Martin

NOES

Clark, Colin	Harrison, Trudy
Davies, Chris	Hoare, Simon
Dunne, Mr Philip	Huddleston, Nigel
Eustice, George	Stewart, Iain
Goodwill, Mr Robert	Tracey, Craig

Question accordingly negatived.

Dr Drew: I beg to move amendment 51, in clause 1, page 2, line 3, at end insert

“(h) supporting agriculture and horticulture businesses to ensure public access to healthy, local, sustainably produced food.”

This amendment would add to the purposes for which financial assistance can be given that of ensuring access to healthy, local, sustainably produced food.

The Chair: With this it will be convenient to discuss amendment 70, in clause 1, page 2, line 3, at end insert

“(h) supporting the delivery of improved public health outcomes.

“(1A) Support under subsection (1)(h) may include, but is not limited to, measures to:

- increase the availability, affordability, diversity, quality and marketing of fruit and vegetables and pulses,
- reduce farm antibiotic and related veterinary product use, and antimicrobial resistance in harmful micro-organisms, through improved animal health and improved animal welfare,
- provide support for farmers to diversify out of domestic production of foods where there may be reduced demand due to health concerns,
- reduce harm from use of chemicals on farms, and
- reduce pesticide residues in food.”

Dr Drew: The nature of the food we produce is another area of the Bill that needs to be improved and strengthened. This is the Agriculture Bill—although, some say that there is not enough agriculture in it—and it should take, by every stretch of the imagination, more account of access to food and the improved quality and distribution of that food. We pass legislation to try to improve the current situation.

Many of us on this side feel that the use of food banks, as well as the poor quality of food and problems with access to food, are a tragedy and a scandal. We are not here to get involved in the politics of that, but to look at the practicalities of ways in which we can help. We would all acknowledge that the distribution of food is as much of a problem as the production of food, which is why organisations such as FareShare are so important; they work with food producers to distribute food to people who cannot afford to buy it through the normal market mechanism. Recognising those problems is important to us, both as Labour politicians and as human beings. This is the appropriate part of the Bill for amendment 51.

The biggest single challenge facing the NHS is obesity, and we need to do something about that in the Bill—it may be called the Agriculture Bill, but it is also about food. We ask the Government at least to acknowledge that this is an issue worthy of discussion, debate and improvement.

Mr Goodwill: Healthy and unhealthy people shop at the same supermarkets. Is it not their choices that make the difference to their health, rather than the food on the shelves?

Dr Drew: That is an interesting view, but it depends on what food is on the shelves. Maybe I have misled the right hon. Gentleman, because it is not just about supermarkets and the retail end; it is also about fast-food business, which has to be part of today's debate on the food we produce, who buys it, and how we can help them if they cannot afford it.

Sandy Martin: Does my hon. Friend agree that advertising, taxation, supply and various other aspects determine people's choices about what foods to eat, and their knowledge of what foods are available to them, and that we should seek some sort of food strategy so that we know what sorts of foods we want to be available to the population?

Dr Drew: I thank my hon. Friend, because that is exactly the point we are making. This concerns not only obesity but its consequences, such as the rise of diabetes, which has doubled over the past 20 years. I am told—although I cannot source this—that the UK already has the most ultra-processed diet in Europe. I think that means we eat too much fast food, which the Bill must recognise is a huge public health issue.

Despite the title of the White Paper, "Health and Harmony: the future for food, farming and the environment in a Green Brexit", health has been marginalised. That is disappointing. Health should be central to the whole debate on the food we produce, who it is produced for, and whether it is affordable.

Chris Davies (Brecon and Radnorshire) (Con): I am interested in the direction of the hon. Gentleman's remarks. Does he agree that this is about production, and that everything is either safe or dangerous depending on moderation? Moderation is key here; not how we produce food, or why we produce it, but eating it in moderation.

Dr Drew: I hear what the hon. Gentleman says, but it is also an issue of distribution and who is able to afford certain types of food. Clearly we are trying to move the

debate towards ways that we can encourage people to eat better food and maybe less of it, which we will not manage unless we can talk about those issues in the Agriculture Bill Committee. It is not just about domestic production, but where other food comes from. We have a very successful export industry, but we import a huge amount of food from abroad that we could substitute through domestic production.

11.15 am

Health is paramount. I do not have to say anything other than mention the sugar tax, where we have intervened directly to decide what people can have as part of their diet. That is true of the tax on fizzy drinks that has been introduced. We must recognise that the Government are setting public health standards, and all that we are saying is that they should be included in the Bill. This is something that will come back again, because I am sure there will be people who will say—certainly on Report and at Third Reading—that this has been a lost opportunity if we do not include public health standards at this stage. It will certainly come back again in the Lords, because there are people who feel very strongly that the health aspect of agricultural production and distribution is really important.

Chris Davies: I am sorry to intervene yet again, but I am interested in the hon. Gentleman's line of direction. Could he give an example of food produced in this country that is not healthy?

Dr Drew: The interesting thing is that we have introduced a sugar tax. We produce sugar beet, and the tax has had an impact on that industry.

Chris Davies: So we should not produce sugar?

Dr Drew: We should produce sugar, but we should put a tax in place to determine the amount of sugar in products. I have a producer of fizzy drinks that has had to go through the whole process of taking the sugar out—it used to do that but then put the sugar back in; it no longer does that. I will not mention it by name, but it has been quite an impingement on the business. It did that because that was what it was told to do. We do not want to be overzealous in how we treat the production of food, but if we do not do something about it, the consequences will be dire. There are consequences at the moment, with so many people suffering from obesity.

Simon Hoare: I fear that the shadow Minister is becoming some sort of food Stalinist. I do not know where he is coming from. My hon. Friend the Member for Brecon and Radnorshire is absolutely right; this is an agriculture Bill. What people who buy products from our farmers then do with those products is subject to all sorts of food standards and regulations, but we cannot put an onus on our farmers—apart from those who are selling direct at the farm gate, farm shop or farmers market—about what people who are adding value to a product do to it. I agree with the hon. Member for Stroud about education, but this is a draconian amendment that he is promoting.

Dr Drew: I hear what the hon. Gentleman says, and we can disagree about what is Stalinist. Why did the Government call their White Paper "Health and harmony"? Why did they not just call it "Farming and harmony"?

[Dr Drew]

We all did our consultations, maybe more in oral form than in written form in some cases. Why did we all say, “The Government are on to something here, having linked together environment, food and health”? As we have discussed this morning, they already have some difficulties with food, but they have an even bigger difficulty with health, particularly public health.

This is a very minor amendment that would provide an additional sub-clause, supporting agriculture and horticulture businesses to ensure public access to healthy, local food, which we have not stressed. We are very much in favour of local food chains as an alternative to the globalisation of the food market, because we think it is very important that people have access to good, local food that is sustainably produced. That is very minor. It is just adding a sub-clause, which would do things that presumably the Government want to do, given their public health strategy. If they do not want to do it in this part of the Bill, where will the strategy have any bite? We should argue the case that public health is important to an agriculture Bill, and we make no apologies for pushing the issue. I am interested to hear what my hon. Friend the Member for Bristol East has to say about her amendment. We believe this is important and should be in the Bill, and this debate is the start.

Kerry McCarthy: I entirely support my hon. Friend and his amendment 51, but my amendment 70 is a bit more detailed. I will talk first about the public health, food-related issues.

As has been said, the White Paper is called “Health and Harmony” yet there is a conspicuous lack of information about what the Government want to do to improve public health. Almost 4 million people in the UK have been diagnosed with diabetes, 90% of those type 2, which is very much associated with diet. That costs the NHS £12 billion a year, which is a good enough argument to try to do something about it.

Childhood obesity has been mentioned. We now have more children classified obese at the age of 11 than in the US, which is definitely cause for alarm. Recent research by Kellogg’s described food deserts in our most deprived areas, where it is really difficult for families to get their hands on affordable fresh fruit and vegetables. I think two of the top five areas are in south Bristol.

I am vice-chair of the all-party parliamentary group on school food and a member of its children’s future food inquiry, which recently published data. Members might know that the Government have an “Eat Well” guide, which is meant to indicate what a healthy diet looks like. It is not used as it should be, in that it does not inform public procurement in the way that it should,

but it is out there. The inquiry’s report found that almost 4 million children in the UK live in households that would struggle to meet the official nutritional guidelines. They would not be able to afford to eat in line with what the Government recommend as a healthy diet.

My amendment also mentions the overuse of antibiotics in farming. That is not the use of antibiotics to treat illness; it is usually the result of intensive farming, with the routine over-prescription of antibiotics to compensate for the fact that animal husbandry is not as good as it could be. That is causing a public health crisis. The former Chancellor, now editor of the *Evening Standard*, went to the States and made a big speech to highlight that this is a public health crisis for anybody who is reliant on antibiotics.

We have seen the rise of superbugs in the NHS. I have a niece with cystic fibrosis. Cystic fibrosis patients rely on periodic applications of antibiotics, which are fast becoming ineffective. We need to take serious steps to reduce their routine use in farming. The amendment also refers to reducing the use of chemicals and pesticides on farms, and the associated health risks have been mentioned.

I very much look forward to the Government’s food strategy document. I was originally told that the outline document would come forward just before Christmas, but I have heard rumours that it has been put back further and may even have been shelved. I do not want to rely on reassurances that all this will be dealt with in a food strategy document.

I appreciate the concerns that we cannot necessarily deal with what the finished product would look like, but we could look at measures such as grants for marketing, infrastructure for on-farm processing, creating local farm supply chains and what the Minister mentioned earlier about having food production around cities, so that it would be easier to get healthy food into cities. We could also look at an equivalent to the EU fruit and vegetable aid scheme. Public procurement is incredibly important as well. There is a lot more I could say on the subject. There is a chance in the Bill to ensure that people have healthier diets. It is a crisis that we cannot just ignore.

Simon Hoare: I oppose the amendment. There is no doubting the correctness of the baseline of the data that the shadow Minister has put forward. We are facing an obesity crisis.

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o’clock.