Public Bill Committee

ENVIRONMENT BILL

Second Sitting
Tuesday 10 March 2020
(Afternoon)

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Examination of witnesses.
Adjourned till Thursday 12 March at half-past Eleven o’clock.
Written evidence reported to the House.
No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

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Saturday 14 March 2020

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The Committee consisted of the following Members:

**Chairs:** † Sir Roger Gale, Sir George Howarth

† Afolami, Bim (*Hitchin and Harpenden*) (Con)
† Ansell, Caroline (*Eastbourne*) (Con)
† Bhatti, Saqib (*Meriden*) (Con)
† Brock, Deidre (*Edinburgh North and Leith*) (SNP)
† Docherty, Leo (*Aldershot*) (Con)
† Edwards, Ruth (*Rushcliffe*) (Con)
† Graham, Richard (*Gloucester*) (Con)
† Longhi, Marco (*Dudley North*) (Con)
† McCarthy, Kerry (*Bristol East*) (Lab)
† Mackrory, Cherilyn (*Truro and Falmouth*) (Con)
† Moore, Robbie (*Keighley*) (Con)
† Morden, Jessica (*Newport East*) (Lab)
† Oppong-Asare, Abena (*Erith and Thamesmead*) (Lab)
† Pow, Rebecca (*Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs*)
† Sobel, Alex (*Leeds North West*) (Lab/Co-op)
† Thomson, Richard (*Gordon*) (SNP)
† Whitehead, Dr Alan (*Southampton, Test*) (Lab)

Adam Mellows-Facer, Anwen Rees, *Committee Clerks*

† attended the Committee

**Witnesses**

Mayor Philip Glanville, Mayor of Hackney, Local Government Association

Dr Diane Mitchell, Chief Environment Adviser, National Farmers Union

Alan Law, Deputy Chief Executive, Natural England

Dr Sue Young, Head of Land Use Planning and Ecological Networks, The Wildlife Trusts

Judicaelle Hammond, Director of Policy, Country Land and Business Association

Rico Wojtulewicz, Head of Housing and Planning Policy, House Builders Association (housebuilding division of the National Federation of Builders)

Ruth Chambers, Senior Parliamentary Affairs Associate, Greener UK

Rebecca Newsom, Head of Politics, Greenpeace UK

Ali Plummer, Senior Policy Officer, Royal Society for the Protection of Birds
Public Bill Committee

Tuesday 10 March 2020

(Afternoon)

[SIR ROGER GALE in the Chair]

Environment Bill

Examination of Witness

Mayor Philip Glanville gave evidence.

2 pm

The Chair: Good afternoon, ladies and gentlemen. For the benefit of the record, I shall ask our councillor guest to identify himself in a moment. I am advised that there may be a Division on the Floor of the House. That is probably slightly private information, but I do not see any reason why the public should not know what is going on. If the Division bell rings, it will not mean that an inmate has escaped; it means we will all have to go over the road and vote. There will be injury time; whatever we have to take off for the vote, which will be 15 minutes, we will add back on again.

We have half an hour for this session with the representative of local government. By the way, the other thing I have to mention, in case anybody is concerned, is that we have endeavoured to let some daylight into the room by opening the blinds. Apparently, that interferes with the broadcasting quality, so if I have ruined the picture it is entirely my fault. We felt we were enough like mushrooms as it was without having complete darkness in here.

Without further ado, the Local Government Association, Councillor Glanville, would you like to introduce yourself and explain, for the benefit of the record, what you represent, please?

Mayor Glanville: Thank you, Chair. I am Phil Glanville, the elected Mayor of Hackney and a representative of the Local Government Association. I serve on the relevant policy board covering the Bill.

The Chair: We are most grateful to you for coming in.

Q48 Dr Alan Whitehead (Southampton, Test) (Lab): Good afternoon, Mr Mayor. What consultations on the Bill have taken place while you have been a representative of local government associations? Where have been the main disagreements with regard to local government interests?

Mayor Glanville: There has been extensive engagement. Obviously, the original Bill dates back to last year. Our committee has been looking at various aspects of the Bill and we have submitted our package of evidence to the Committee. We are seeing new powers and responsibilities for local government. I appeared before the waste reduction investigation that was conducted last year. There has been extensive engagement and investigation into some aspects of the Bill. The challenge for all of us is that the Bill is very ambitious and sets new targets. In some areas, such as biodiversity and air pollution, the relationship with local government and where responsibilities lie are less clear.

On areas such as waste, recycling, plastic pollution and single-use plastics, the engagement has been more extensive. It depends on the areas of the Bill we are talking about and the responsibilities that are in focus. The areas of disagreement are common to those that arise when local government takes representations. Where we take on new responsibilities, we need adequate time to prepare and adequate funding in order to do that.

We have a track record of delivering improved and innovative recycling services during a decade of funding changes as a result of austerity. We have continued to improve our recycling services, investing more than £4.2 billion of resources. If we were to move towards the types of changes suggested in the Bill, the burden could be increased by up to £700 million. We will provide further information as the LGA on that. Without that increase in resources, council tax payers will have to meet that uplift in our duties around waste and recycling, or other services will have to be cut.

Those sorts of challenges go across different parts of the Bill, whether it is the work on biodiversity and planning or the clear ambition to deal with air pollution. Some of those responsibilities do sit with local authorities and we are ready to rise to that challenge, but whole industries will see changes in regulation as a result of the Bill. We believe we can rise to that challenge, in partnership with Government and industry. I am sure that over the course of the next half hour we will explore some of those areas more specifically. The main areas of disagreement relate to having the right powers and funding to match our duties.

Q49 Dr Whitehead: That is very clear, certainly in terms of the ability of local government to deliver on the challenges set by the Bill. Are there particular areas that relate to the powers that local government has at the moment to do things that may be within, or possibly outside, some of the particular asks that the Bill will put on local government? Are there areas where local government may not have powers at the moment, for example on planning, in terms of biodiversity gain, and so on, and where further work will be needed should such aspirations be placed on local government as a result of the Bill?

Mayor Glanville: Biodiversity and how the planning system could lead to the net gain that is the priority within the Bill is one of the key areas. We have a system of local planning authorities that is well established. The system has accommodated various changes relating to energy, carbon and sustainability over a number of years, and we have adapted to those changes and adopted them within both our local plan development and the way our committees regulate development.

The planning context is really important, before I come to the detail on biodiversity. We have seen 2.6 million homes consented to in the past six years. A million of those have yet to be built, in the context of a 40% reduction in funding for local planning authorities. We have seen some improvements. We can set fees that allow us to recover the costs of fulfilling our planning responsibilities as local authorities, but there is still a £180 million gap between the cost of fulfilling our responsibilities and the funding that we receive from planning fees.
If we introduce new responsibilities for biodiversity, the challenge is whether we will close the existing gap and ensure that a new gap does not develop. We need to ensure that local authorities have the expertise to meet those new biodiversity responsibilities. That could be addressed either through the wider financial settlement for local government, or through a fees regime. As it is written at the moment, the Bill does not suggest that local authorities will be pre-eminent in collecting any additional resources if a development does not meet biodiversity standards.

Many Members who are involved in constituency casework, as I am as a council leader, will know that planning is always contested. People see the impact of a new development very much in their local community. If we are saying that the impact of new developments on biodiversity will be fully recognised, which we welcome, we want to ensure that any compensation is either held within that development, and the development contributes to a net improvement in biodiversity, or, if not, that local planning authorities can use those resources for the local community. That could be by placing extra requirements on a development, or by using our expertise in tree planting, and improving diversity and green infrastructure in the local area. As things stand in the Bill, we fear that there may well be a levy, but the levy would not be recycled back into the planning system, or would not result in the net improvement in biodiversity that we all want to see.

The Chair: I will come back to you if I can, Dr Whitehead.

Q50 The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow): Thank you very much for attending—it is much appreciated. The Government are committed to funding all new burdens on local authorities through the Bill, so I want to get your view quickly on that. I would also be interested to know, in the light of that, what opportunities the Bill offers local authorities, perhaps particularly referencing the fact that lots of local authorities have committed to their own climate and environmental standards, and to tackling the climate crisis. How do you think it might help you to deliver those?

Mayor Glanville: It is a positive Bill in the sense that we all share its ambitions to respond to the climate emergency, uphold the principle of “polluter pays” when we are talking about waste and recycling, and embed high standards for air quality in domestic legislation. Local government shares all those ambitions.

To take waste and recycling, there are some ambitious principles set out in the Bill, especially for dealing with single-use plastics, encouraging deposit and return schemes and improving the way recycling is delivered. Underneath that, however, is the context that I set out of the challenge of local government finance. If we are to move to the type of systems that are set out in the Bill and introduce food recycling everywhere, it would require an uplift in resources.

I welcome what the Minister said about new burdens being met with resources, but often the detail about where those burdens lie comes later. I have some experience of taking part in discussions on measures such as the Homelessness Reduction Act 2017. There is normally a dispute later between central and local government about what the new responsibilities are and where they are fully accommodated. You often get transition funding, which allows some adaptation and change, but the picture for long-term revenue for local government is still incredibly challenging. I know that we are all going into a spending review and some of those things might be addressed.

There are huge opportunities for local government, because when it comes to waste and recycling, we are obviously the processors of all our consumer waste. We all want to see less of that waste produced in the first place. As I said, I gave evidence last year. If we just focus on plastics and single-use plastics, that is obviously where a lot of residents and campaign organisations are focusing our minds, but with a true waste reduction strategy consumer packaging would not be produced in the first place and there would be more upstream regulation of the types of materials that go into our waste system. Some 70% of councils have all seven common forms of plastic recycled in their waste streams, but other types of packaging that local authorities cannot process are still going into the waste streams. Consumers often think that they can recycle them and it can be frustrating for them when they find that they cannot. Those types of packaging obviously increase the amount of residual waste.

As the Bill develops and regulation flows from it, we are hoping not just that we will focus on the work that we all need to do to continue to improve the recycling end but that we will work at the producer end, which, obviously, individual local authorities and the LGA do not have the scope to focus on. That is where we can really add value. We can clarify some of the areas where the local government needs to rise to the challenge, but also where industry and consumer behaviour need to change.

Q51 Rebecca Pow: So this is very much what is termed a framework Bill. I get the impression that the local authorities would welcome more public consultation and engagement to get this right for you and for the businesses that we heard from this morning.

Mayor Glanville: Absolutely. As I said, we all face a tremendous amount of challenge from residents, consumers and activists. We all want to play our part in responding to the climate emergency. We as the Local Government Association have been doing a lot of peer-to-peer work. My board has created a climate change emergency action plan, and we are keen to continue that work. Where we would value a greater voice is at the political and officer level, if there is a taskforce linked to the Bill, especially on climate change emergency and action. I am told that there are still some details there to work through in terms of leading that full sector-led response.

Q52 Jessica Morden (Newport East) (Lab): Can I ask two things? The Minister said that all new burdens would be met. What is the figure that you said initially that local government would need to do the work set out in the Bill?

Mayor Glanville: Just on the area of waste and recycling, to meet the objectives that are set out in the Bill, we have done some internal modelling that said there would be a £700 million gap in local government funding to meet those new responsibilities and burdens. That is in the context of a total amount of around £4.2 billion...
spent on processing household waste. Of that, £700 million is spent on recycling, so it is a doubling of the recycling and reducing element that is outlined in the Bill.

Q53 Jessica Morden: Waste crime is obviously a big problem, with organised criminals dumping vast amounts of waste. What powers, duties and resources does local government already have, and what does it need? Does the Bill address that issue adequately?

Mayor Glanville: The challenge when taking enforcement action is the cost of bringing cases to court or issuing civil penalties. Local government has a lot of powers in that area, but it can sometimes be challenging to prove a cost-evidence base for implementing them, so anything to improve not just our powers but the ability to ensure that the polluter pays will help. That is the element that is always the challenge for local government.

Q54 Robbie Moore (Keighley) (Con): Many local authorities have declared climate emergencies. How will the Bill help local authorities to address those self-declared climate emergencies?

Mayor Glanville: Local authorities across the country from Hackney to Hull have declared climate emergencies. The Local Government Association itself has. Local authorities are doing a lot of work outside the scope of the Bill on energy, and there is some detailed work going on at the LGA. The challenge with air pollution and some of the aspirations in the Bill is that many of the elements are reliant on industry and consumer change. There is a lot of work on clean air zones in local government. There is experimentation in places around Nottingham on levying parking charges in workplaces. Wider investment in sustainable and public transport is needed to ensure that our aspirations on air pollution can be met.

In the Bill, there is some positive work on the contribution of motor vessels on our waterways and improving regulation of them. The Bill strengthens elements relating to domestic pollution and domestic fuels, which we very much welcome as well.

We are very keen, as local government, to ensure that we do our part in responding to the climate emergency. There are some of those upstream, “producer pays” principles around waste and recycling—for example, the car industry switching to a more electric fleet, and I know there have been announcements on bus funding—but if we are talking about the types of shift that we are going to need in consumer behaviour in the way that we travel, further work will need to be done together on that.

Q55 Alex Sobel (Leeds North West) (Lab/Co-op): First, I am particularly concerned with the new duty in clause 54 that local authorities are going to have to collect food waste every week. Most local authorities now have bi-weekly collections. Many do not collect food waste at all, so that would be a big investment in vehicles and staff training and then in anaerobic digestion facilities. You said that there is a £700 million gap for recycling. Is that inclusive of food waste or is another figure needed for local authorities to be able to fund the food waste duty that the Bill puts on them?

Mayor Glanville: That is inclusive of food waste. You identify one of the challenges. Typologies change across the country. What is required to collect food waste and the density of infrastructure in a borough such as Hackney can be very different from what is required in large rural authorities. We are nervous about having duties that do not recognise those challenges and differences. Different local authorities have set different regulations around how often they collect residual waste. Some local authorities are still doing that weekly, some are doing it bi-weekly and some every three weeks, and they vary how often they collect recycling and food waste alongside that. Many inner London boroughs that have the challenges of density and flats are still collecting waste more often than areas where there are suburban typologies where people can store more waste in their homes. In a typology such as Hackney, where all of the residential growth has been around flats, it is often impossible to do that, given the size of flats.

We hope to see the work on the Bill and regulation recognise some of those differences and challenges and get to the position where food waste is available for everyone, but makes sure that it is done in the right way with the right change in industry and the capacity within industry to roll it out. Rolling it out everywhere weekly is part of the £700 million figure. Obviously, some local authorities have invested already. One of the challenges around burden is whether authorities that are already delivering on a weekly basis receive extra resources or will they only go to those authorities that have yet to make that investment? It is an equity, fairness and transparency question across local government.

Q56 Alex Sobel: I have a second question on air quality. The Mayor of London has committed to reach World Health Organisation standards by 2030. The Bill fails to set legally binding targets. What steps should local and national Government take to meet that ambition to meet WHO air quality limits by 2030? Do you think the Bill could be amended to make that happen?

Mayor Glanville: Local government has not come to a position on the 2030 target. Speaking from the LGA perspective, we recognise that we need to have ambitious targets. We need to have a pathway to get there, which will require quite a lot of action around industry. It is not local government that is producing the transport—we are dealing with the consequences. While you can introduce clean air zones and have the work that combined authorities and the Mayor have done around ultra-low emission zones, investing in disabled transport, walking and clean bus fleets, all that will not get us to the 2030 target unless industry moves as well. If that target were put into the Bill, we would need to have a clear pathway of getting there and the resources for doing that. Many organisations, such as Friends of the Earth and Greenpeace, want to get to that 2030 target. I think targets are really important, but only if you have a plan to get there. We risk setting targets that we will not meet if we do not maintain the confidence of that wider coalition—that is the challenge.

The Chair: Four people still want ask questions and we have fewer than eight minutes in which to do that, so short questions and short answers, please.

Q57 Saqib Bhatti (Meriden) (Con): You spoke about the Bill being ambitious, and legislation such as this should be ambitious. You talked about opportunities. Local councils up and down the country are doing
things to be environmentally friendly. How does the Bill enhance the current activity? Are you looking at things such as procurement to assist in that?

**Mayor Glanville:** It can provide an excellent framework, especially on the waste and resources piece, introducing more of those principles around producer-paying deposit and reuse schemes. Setting out a clear regulatory framework for that backs up the work that local government is already doing. As I have answered in response to other questions, we cannot just look at the waste and recycling end. We need national Government to make a clearer ask of industry.

Industry also welcomes having frameworks that we can all work to. I do not think it wants to put labels on consumer products that suggest that local recycling streams can accommodate that recycling and then find out that they cannot. That confusion is something that both local and national Government want to see resolved. As long as the balance between rights and responsibilities between local and national Government are right, something like the work on biodiversity can be a real improvement to the planning system. It has to be done in the right way and work with local government and residents’ expectations of local government. While we as a sector are representing ourselves, it is often the through the expectations of our residents that we will have some control and influence around implementing these policies. If the legislation is not drafted in the right way, we will not have that and people will say: “Why, if it is supposed to be improving local biodiversity, is it not contributing to it?”

In the areas around tree management, we want to be clear about the role of, say, the Forestry Commission and what new statutory powers it is going to have and does it interact properly with the local planning and regulatory system?

**Q58 Abena Oppong-Asare (Erith and Thamesmead) (Lab):** Clauses 95 to 98 seek to create local nature recovery strategies across England. How will that help local authorities provide a more effective and joined-up recovery strategies across England. How will that help to ensure that local authorities can effectively deliver this Bill?

**Mayor Glanville:** It is a continuing engagement. Obviously, as we have said, it is a framework Bill, which has advantages and disadvantages. There is a high degree of discussion around the Bill at the moment, including about what should be in it and how far it should move into clearly engaging on those ambitious targets and regulations. There is an opportunity in the engagement process with a Bill to engage with local government, with industry and with campaigners.

As you move towards regulations and statutory instruments, some of the focus and the ability for scrutiny in Parliament can be lost, along with local government’s ability to influence. We are keen to make sure that there is clarity in both those positions and that there will still be opportunities to engage around some of the specifics, as we move into further discussions about waste and recycling, air pollution, how we interact with the planning system, the work around flooding and water, and other key areas. There is still a huge amount that we can do. The Local Government Association is committed to rising to that challenge and contributing to making sure that this not just ambitious but implementable legislation at a national and local level.

**The Chair:** Thank you, Mayor Glanville. Rather than chop you off mid-flow, I will terminate this session now. You are probably aware that the Committee has authorised the receipt of written submissions, so if there is anything that occurs to you that you wish us to have on behalf of your association then please put it in writing and let us have it.

**Mayor Glanville:** Thank you, Chair.

**The Chair:** Thank you for joining us this afternoon. Please could we now change over as swiftly as possible as I will try to start the next session at 2.30 pm, when it is supposed to begin.

**Examination of Witnesses**

Dr Diane Mitchell, Alan Law, Dr Sue Young and Judicaele Hammond gave evidence.

2.30 pm

**The Chair:** Good afternoon, ladies and gentlemen. We are now going to take evidence from Natural England, the Wildlife Trusts, the Country Land and Business...
[The Chair]

Association and the National Farmers Union. We have one hour, I am afraid—and that is all—to accommodate what I am sure will be a very great deal of interesting information. Without further ado, Dr Mitchell, please identify yourself and give us a flavour of what the organisation you represent does, for the benefit of the record.

Dr Mitchell: I am Diane Mitchell and I am the chief environment adviser at the National Farmers Union of England and Wales, representing about 50,000 farmers and grower businesses.

The Chair: Before we go any further, for some reason, we have a problem with these microphones. Please project if you can, and if we can crank up the sound, that would be helpful as well. Mr Law, please.

Alan Law: Alan Law, I am deputy chief executive at Natural England. Natural England is Government’s wildlife adviser. We are an arm’s length body, a non-departmental public body in the DEFRA group.

Judicaelle Hammond: I am Judicaelle Hammond. I am the director of policy and advice at the Country Land and Business Association. We represent about 30,000 members who own or operate businesses based on land in rural areas in England and Wales.

The Chair: Thank you very much. I should have said this at the beginning and I will say it now: if any Members and, indeed, any guests for that matter—it seems to be a bit fetid in here—wish to take their jackets off, you are welcome to do so.

Q60 Dr Whitehead: A particular issue that concerns all of you in different ways is the nature recovery network, and it is the Bill’s intention to lay the foundation for that. Do you think that local nature recovery strategies actually do provide that mechanism to secure nature’s recovery on the land?

Dr Young: A nature recovery network is a really important part of the solution to the ecological crisis that we are facing. It is a joined-up system of places needed to allow nature to recover. To be effective, it must extend across the whole of England, including rural and urban areas, and connect to similar initiatives elsewhere in the UK. The section on local nature recovery strategies in the Bill is really good and sets an ambitious agenda that would enable us to tackle nature’s recovery. It needs to be clearer how the local nature recovery strategies will contribute to a national network and targets for nature’s recovery.

That seems to be missing in the Bill at the moment; there is not a clear description of how the components that are set out in that part will add up to a system that works ecologically. The Bill says that the strategies will identify areas that could be good for biodiversity in the future, but that really needs to be based on ecological principles, rather than being an ad hoc set of sites where habitats could be created. That will ensure that the ambition contained within the Bill to secure nature’s recovery is realised. That could be achieved with some relatively small amendments to clause 97.

The Chair: Thank you. It will not be necessary for every member of the panel to answer every question, but to set the stage and for ease of reference, I will on this occasion simply work from, in my case, right to left—in your case, left to right. Ms Hammond, please.

Judicaelle Hammond: Thank you. Local nature recovery strategies are a real opportunity to make a difference to nature. There are a few things I would like to raise in terms of how they are going to work. First, at the moment, they are just about nature. We wonder whether there is a point to them being more holistic, so that we avoid silos and manage to have a look at how land is used in a way that maximises the various benefit types, including flood management and climate change, not just nature. This is a plea for them to not just be considered in isolation.

Another aspect is the issue of who should be leading on this. The Bill provides for a multiplicity of responsible bodies, including local authorities. As we heard from the gentleman from the Local Government Association, local authorities are already overstretched. We have an issue over whether they have the capacity to lead on that.

Another aspect is skills, and that was raised to the Committee. Would Natural England be better placed to do that?

It is important to have clear priorities. There need to be no gaps and no overlaps with regards to local nature recovery strategies, and that needs to be an important driver from national Government. Most of the land we refer to is in private ownership, so it will be important to consult with landowners and land managers on that.

Alan Law: The Bill has the potential to be the most significant environmental piece of legislation since the National Parks and Access to the Countryside Act 1949. We have worked on conservation in this country for the last 70 years, driven by a focus on looking at the rare and putting in place protection measures for those rare site species: parks. What is exciting about the Bill and its links to the 25-year environment plan is the ambition to go from protecting small parts of the countryside—looking after the rare and the special—to trying to drive wholesale large nature recovery. That ambition around recovery is fundamental. The most important part of the Bill revolves around this nature recovery network and the links between the local and the national.

Will local nature recovery strategies alone deliver the ambition of the nature recovery network? No, they probably will not. That will not happen without further tightening up, either in the Bill or in supporting guidance or regulations. For reasons already articulated, we need to ensure that local nature recovery strategies operate within some form of national framework so that they are coherent. A national framework needs to be in place.

There need to be mechanisms for developing local nature recovery strategies so that they are quality assured and checked to ensure that they actually add up to a
part of that coherent network. We need to see clear expressions of the set national targets writ into those local nature recovery strategies. At the moment we have an ambition at the front of the Bill around targets and we have a tool—a delivery mechanism—around local plans, but there is no hard-wired connection between the two. That is not difficult to achieve, so the issue is to tighten up around the links between targets, delivery processes, and some of the accountabilities.

Dr Mitchell: I have some opening words from my perspective on the Bill itself. British farmers are the stewards of our natural environment, and they have a good track record of protecting, maintaining and enhancing our environment. We welcome some aspects of the Bill, but some improvements could be made to ensure that environmental enhancement policies are carefully considered, and that food production and the environment go hand in hand. One of the key themes in the Bill and its various measures will be the need for them to work for farmers and food production as well as for the environment. Setting that context and going on to nature recovery networks and local nature recovery strategies, there is a lot of jargon around. We need greater clarity on these different phrases and how they all fit together.

How local nature recovery strategies may be used is unclear from our perspective. The suggestion is that they may be used to inform planning decisions. That makes us slightly nervous because it is some sort of designation that we may be required to identify or have to be consulted about in terms of building requirements? Farmers may want to update and modernise their buildings, but will that be restricted if they are in one of these areas? Or might they have an impact on land values?

Those are some of the questions we have in the back of our minds. Farmers get very nervous when you start drawing lines on maps, particularly when it comes to thinking about how environmental land management schemes may be ruled out in future. If these strategies are used to identify where farmers may be able to enter into one of these ELM schemes, does that mean they will be restricted in their engagement? We recommend that these local nature recovery strategies are confined to areas that are already identified for environmental value, such as sites of special scientific interest.

My final point is that we need to ensure that farmers are properly consulted at an early stage of the strategies, so that food production is considered alongside any environmental priorities.

Q61 Rebecca Pow: Thank you for coming in. I want to go back to the local nature recovery network strategies and how they link to national strategies. Clause 98(5)(b) includes a very specific reference, that the local nature recovery strategies “could contribute to the establishment of a network of areas across England for the recovery...of biodiversity”.

That is newly added since the previous Bill, in response to engagement with stakeholders. I want to know, first, whether you welcome that and what you think about it and, secondly, going on a bit, your view of the overall measures in the Bill in driving us towards this nature recovery environmental improvement.

Alan Law: We welcome the insertion of that clause. I have “could” underlined, rather than a more affirmative statement on the plan to undertake it. The ambition is clearly there to develop local strategies that add up to a coherent whole, but a little bit more in some of the supporting guidance or regulation to tighten up exactly how national standards will be met should be defined, and how those can be used in terms of local strategies. A timeline for production of the local strategies, again, would be great to see coming through while the Bill is in transition.

It will be really important to have some formal mechanism for scrutinising those plans and for advising on how fit for purpose they are. They will go back up to the Secretary of State, who provides that scrutiny. Forgive us for the presumption, but perhaps a body such as Natural England could provide that sort of role.

Dr Young: We were really pleased to see that addition in the Bill, because it makes the link. It is clear in the explanatory notes that it is talking about a nature recovery network. I will reiterate how important a nature recovery network is to tackle the massive declines that we have seen in nature over our lifetimes.

I agree with Alan’s point that the Bill uses the phrase “could contribute”. Certainly, the Bill’s ambition is clear, but there is always a danger of the ambition not being implemented in the way the Government foresee. When resources are tight, organisations will do what they must do rather than what they should do. It would be good to see a change in some of the wording in the Bill from “may” to “must” so it achieves the ambition we really hope it will achieve. The Bill uses the phrase “a network of areas”. It would be really good if the term “a nature recovery network” were included in the Bill rather than just in the explanatory notes, so that we are really clear what we want the Bill to do and what we want people to do.

It will be important to think about how this is implemented. Again, we are really pleased that the duty on local authorities in an earlier section of the Bill has been improved so that it is about local authorities not just having regard to the protection of biodiversity but enhancing it and having regard to local nature recovery strategies. However, in the past, “have regard” has not been a very strong term and has not led to sufficient action to halt the declines. A slight change of wording—perhaps to “act in accordance with local nature recovery strategies”—would really shift the focus from thinking to doing and taking action.

We would like local nature recovery strategies to be more clearly required to be expressed in the planning system. I think local authorities and public bodies having regard to local nature recovery strategies in their decision making about planning and spending would lead to stronger action. It would also help to a certain extent with the point that colleagues have made about consultation, because the planning system provides us with a ready-made administrative system for good consultation.

Q62 Alex Sobel: I just have one question. I think there is general consensus that we do not want a lower standard of environmental protection after the end of the end of the transition and the implementation of the Bill. Do you feel that the Bill replicates our current level
of environmental protection—the level as it was when we were a member of the EU—or will it deliver a lower level of environmental protection?

**Judicaelle Hammond:** There is no reason, given the way the Bill is framed at the moment, that those standards will drop. The CLA is on record as a strong supporter of high standards remaining, not least because that gives us an opportunity to use high standards as a unique selling point both in the export market and internally. These are absolutely necessary, and we need to make sure that we maintain them.

The Committee may want to consider the kinds of issues with trade deals that are being raised at the moment with the Agriculture Bill. They apply in exactly the same way to the need to ensure that we do not get imports that are produced at much lower standards of environmental protection—and, indeed, climate change action—than would be allowed here. That is an element of the Bill on which there could be some really useful reflection.

**Dr Mitchell:** There are a number of safeguards in the Bill to ensure that our environmental standards are not lowered. The environmental governance aspects around target setting, the embedding of the EP of the OEP should ensure that our standards are not lowered.

One of the things that we need to consider alongside our standards is the fact that farmers are doing a lot to maintain our environment as well as creating habitats and enhancing it. We ought to recognise that as well as all the things that we do to improve and enhance our environment, there is a lot of work in terms of good day-to-day management and maintenance that farmers do to maintain our landscapes. At the moment that does not seem to be recognised in the Bill, and we would like that to be recognised a bit more.

**Alan Law:** There are two aspects here—differentiating ambition from certainty. On the one hand, the Bill provides the mechanism through target setting to go beyond existing standards. That is entirely welcome. As yet, we do not have the clarity around those targets, but it is entirely welcome. The other area is around potential regression. There is a protection in the Bill through clause 19 around primary legislation, but that does not apply to secondary legislation, so conservation regulations in that area could be subject to regression.

**Q63 Ruth Edwards (Rushcliffe) (Con):** My question is particularly directed at Dr Young and Mr Law. Do you believe that 10% is the correct level of improvement for the biodiversity net gain targets?

**Alan Law:** I would reframe the question to say a 10% minimum. The work that we have done with stakeholders around those thresholds suggests that many are indeed willing to go higher than that, but there is a sense that applying a mandatory higher level at this stage would be counterproductive. We are content with it, but we apply it as a minimum. I would also say that it is 110%, of course, rather than 10%—it is 10% on top.

**The Chair:** You are saying that 10% is the minimum but also the maximum.

**Alan Law:** No, 10% is the minimum.

**The Chair:** Any advance on 10%, Dr Young?

**Dr Young:** It is important that 10% should not be a cap on the ambition for net gain. Net gain can make a really good contribution to nature’s recovery and we certainly welcome seeing it in the Bill and that it is mandatory. Having quoted 10%, however, we would not want to limit the ambition of those developers and local authorities that would like to go higher.

**Dr Mitchell:** Net gain provides an opportunity for some farmers who can be the deliverers of it, which is important to consider, but we should not forget that farmers can be developers themselves. They may want to replace a farm building, which may require them to meet the net gain requirements.

We are pleased to see in the Bill that there is an exemption from the need to provide net gain for permitted development. That is really helpful and important, especially for smaller developments on farms that farmers can do through the permitted development rights. We have to remember that in some areas of high environmental value, going beyond 10% might be quite difficult for the farmers, because they are doing 110%, which means that they may have to contribute quite a lot or they may have to get someone else to do the biodiversity credits for them.

We are conscious that in some areas, permitted development rights may not apply for some reason—for example, in national parks. In those areas, farmers would be disadvantaged. Not only would they have the additional costs of applying for planning permission, but they may have additional specific design requirements to meet in that national park area, and they would have to meet the net gain requirements on top of that, so they are already possibly at a disadvantage. One suggestion we have is to broaden the exemption that I just talked about to deliver the net gain to areas where the permitted development rights do not currently apply.

**Q64 Richard Graham (Gloucester) (Con):** I want to come on to the thorny issue of conservation covenants and potential abstraction compensation. May I start with one question to Mr Law of Natural England? From your point of view, what could conservation covenants deliver on the ground? If you could be as concise as possible, that would be great.

**Alan Law:** At the moment, we have a range of tools available to us to deliver conservation outcomes. We can designate sites, we can offer incentives and we can engage through the planning system to try to deliver planning gain. Conservation covenants would provide another tool we could use that would be between some of those existing tools.

**Q65 Richard Graham:** You clearly see it as a positive. Can you give us one example of what could be delivered? Bring it alive for anybody watching this great programme.

**Alan Law:** We could have conversations with landowners about new agri-environment agreements. Our ambition is to see public investments in public benefits in perpetuity. We could explore the desirability of a covenant with the agreement of the landowner to secure the long-term value of that investment. We could alternatively use a covenant as a different means of ensuring an area is protected in the long term, as an alternative to designation.

**Q66 Richard Graham:** That is not quite a specific example, but it gives us some structural ideas. Ms Hammond, you welcomed the idea; you are in favour of it. Can you give us an idea of how your members would benefit from conservation covenants?
Judicaelle Hammond: Yes, as you say, we welcome the idea. Depending on how they are set up, we think that covenants are a flexible way to ensure that conservation aims are advanced. They enable two parties to enter into a contract for the long term, which my members value, because most of them will think of their business in multigenerational terms. This is an opportunity for our members to deliver some of the ambitions.

Q67 Richard Graham: And access to an enhanced environment for members of the public, as well.

Judicaelle Hammond: Yes.

Richard Graham: Thank you. Dr Mitchell—

The Chair: Just a moment, before we move forward, you are quite entitled to ask specific questions of specific people, but does anybody else want to comment on the issues that have been raised so far? Yes, Dr Young.

Dr Young: I think conservation covenants provide a really useful tool for securing long-term environmental gains. Our concern about the effectiveness of this is that net gain, for example, which they could work well with, ought to be secured in perpetuity. It should not be too easy to discharge a covenant and risk the loss of biodiversity and other public goods. The terms used in the circumstances for modifying or discharging them ought to be clear enough to give that confidence.

The Chair: Right, Mr Graham, if you would like to carry on.

Q68 Richard Graham: Dr Mitchell, in your written evidence you expressed, as did Ms Hammond, considerable concern about the powers to amend or revoke licences for the abstraction of water. As I read it, the changes recommended in clause 80 are all about where the modification is to protect the environment. For example, you might have a member who owns land high up in the Welsh hills, and it may be thought helpful for people living in Shropshire, Worcestershire and Gloucestershire to have a catchment area or enlarged reservoir for water, to avoid people being flooded downstream. In that situation, is it right that your members should be compensated?

Dr Mitchell: Yes, we do have concerns about the provisions in the Bill to revoke or amend abstraction licences. I think that is the clause we are talking about.

Q69 Richard Graham: It is very specific about the situations. The Bill spells it out clearly: “No compensation where modification to protect environment”. It then goes on to specific issues and I gave you an example of one. Surely, in the situation I gave you, it would be wrong to expect the taxpayer to compensate the farmer?

Dr Mitchell: What we are concerned about is not only the fact that the abstraction licence can be withdrawn or amended without compensation, but if you look at the tests to assess harm or impact on the water environment, there is a low evidential bar. They are broadbrush proposals, so there are dual concerns about this.

Q70 Richard Graham: So it is a general concern rather than a specific issue.

Dr Mitchell: It is a general concern.

Richard Graham: Is that the same for Ms Hammond?

Judicaelle Hammond: We share some of the NFU’s views, particularly about how the reason for the necessity of the variation or removal is framed. In the Bill, it is very broad and it is not clear that it will be evidence based. That is certainly a concern that we share. I would add that abstraction licences are a business asset and there are property rights, so from our perspective removing them without compensation is an infringement of property rights.

Richard Graham: Okay, point understood.

Q71 The Chair: Are there any wildlife implications, Dr Young?

Dr Young: This is not an area that I work on, but I am happy to consult colleagues and provide information to follow up.

The Chair: That is fine. I just want to make sure you are not missing out on something.

Dr Mitchell: To add to what Judicaelle said, if the proposals go ahead as currently drafted, they will create a lot of uncertainty for some of our members. They could potentially undermine business liability and productivity for some of our members.

Q72 Richard Graham: I understand, but that is a hypothetical risk. You have not given a specific example of one, although I gave you a specific example where I think the public interest would be at stake.

Dr Mitchell: Yes, but they are clearly broadbrush proposals and the evidential bar is low. Abstraction licences are important for business security and certainty. Years’ worth of investment has gone into some businesses to ensure that people have access to water. That investment has been made in the knowledge that they have permission to abstract. It could create a lot of uncertainty for a number of our members.

An additional aspect that we are concerned about is the excess headroom provisions, because we are unsure how you could develop an equitable system to assess the underuse of water. There are various reasons why you might not use your licence, including the weather or crop rotation.

The Chair: It is a significant issue, but we are going to have to move on.

Q73 Jessica Morden: The Bill loads lots more powers and responsibilities on bodies such as Natural England. Given the big cuts you have faced, how much more do you anticipate you would need to take on the new responsibilities?

Alan Law: Fortunately, there is a spending review coming up. We are looking at refocusing our organisation in a way that aligns closely with the ambitions of the Bill and the 25-year plan to focus on nature recovery. That means looking to operate at a larger landscape scale and to use our statutory powers at a local authority scale, rather than solely focused at the end-of-pipe development control scale.

We welcome the powers and the ambitions set out here. I was being slightly flippant about the spending review, because wherever that money goes it goes, but our ambitions will be to refocus our organisation to use our incentive, convening, statutory advice and regulatory functions in ways that allow us to build larger-scale nature recovery.
A point was made earlier about whether we should focus on existing areas of high value for nature or wider areas. The point I want to emphasise is that we know—basic ecology tells us—that trying to protect small isolated sites over time does not work. Over the last 50 years, we have been exercising a regime that is effectively holding back the tide, stemming species extinctions on these sites. Unless we extend beyond those sites, it is inevitable that we will see losses of further species interest on these sites as the pressures from the environment and people’s activity continue to grow. This is something that we have to do and it is about rebalancing our focus to what the challenges are for the environment right now, rather than what they were 50 or 60 years ago.

**Dr Young:** I do not want to repeat what Alan just said, but I totally agree. I want to stress how important we feel Natural England’s role is in developing and helping to deliver the local nature recovery network and local strategies. It is able to convene partnerships, it has a wealth of knowledge and we really think it should play a central role.

**Q74 Bim Afolami (Hitchin and Harpenden) (Con):** Dr Young, what role could local nature recovery strategies play in targeting funding under the environmental land management scheme? How could those two things interact?

**Dr Young:** There is a real opportunity to integrate policy delivery where there is a need for action to be geographically targeted. Some of the options that will be developed under environmental land management will be much more effective for the delivery of public goods and for nature if they are targeted in particular places and form a connected network. Local nature recovery strategies have a mapping element that shows opportunity areas, so they can be used to help with targeting and alignment with other policy areas, such as water policy, so that we can see multiple benefits from delivering particular actions and therefore get more value for money.

**Alan Law:** Your question is absolutely fundamental. It is imperative that local nature recovery strategies provide an effective mechanism for drawing together different funding streams into a coherent delivery pattern on the ground. Whether it is ELM, net gain or potentially water company investments—a whole range of sources—we need to be able to target coherently. To do that, we need a degree of consistency in place around those local strategies, because how could you offer—

**Bim Afolami:** Otherwise it would be apples and oranges.

**Alan Law:** Absolutely; farmers in one part of the country would be operating under a totally different regime from those in another part. It is really important that that consistency is put in place and that we have a network of local strategies.

The thing I want to emphasise, though, is that I am not advocating national prescription. This is not about some ivory tower in the centre coming up with a land use map and saying, “There you are—that is what has to take place on the ground.” It is about standards and principles and applying those locally, because for these plans to work, they have to be owned by local people, and particularly by the land management community on the ground.

**Q75 The Chair:** Dr Mitchell, do you want to say something on farms operating under different regimes?

**Dr Mitchell:** I think I mentioned this before. My question is whether it is appropriate for local nature recovery strategies to be used to target funding for environmental land management. I say that because if the local nature recovery strategies had been set up for a different purpose—say, for a special planning purpose—and ELM is being bolted on, do we have the same principles and an underlying objective behind the strategy? As I think I said before—I hope I did—farmers get very nervous when lines are drawn on maps, and they get very nervous if there is a postcode lottery and they may be excluded from taking part in a future scheme.

**Q76 Bim Afolami:** On this point, let us think about food production. Without making the point too bluntly, I think everybody is thinking a lot more about food production now than they were six months ago, and that is a good thing. On food production—you mentioned this earlier—what difficulties are there, or what questions are still open, around farmers producing food, the environmental land management scheme and the local nature recovery strategies? From the CLA’s perspective, how do you think of that network of things? It is quite complicated, and I want to get a sense of how you see all those things, particularly in relation to food production.

**Dr Mitchell:** From the NFU’s perspective, we think that the ELM scheme will be really important in future, but it has to work hand in hand with food production. All the measures tied around payment need to consider farmers’ views, alongside protecting and enhancing the environment. Those things need to be considered together.

As I understand it, from a recent document that DEFRA has published, there will be three tiers to a future scheme—or that is what is proposed. Designing those different tiers will be really important in ensuring that the scheme remains accessible to all farmers and that the payment rates act as an incentive or are encouraging. As I say, they need to be designed alongside food production and they need to work for farmers as well as for the environment.

Can I add a point on conservation covenants? I think it came up in relation to ELM previously. We have concerns about conservation covenants. We have no objection to—indeed, we support—farmers working collaboratively, but we have a number of technical concerns about covenants. We have talked to various people, including non-governmental organisations, and I do not think our proposed changes are very controversial or change the objective of the Bill.

First, we think there ought to be clarity in the Bill to ensure that landowners do not sign up inadvertently to a conservation covenant, which I think is a danger. The Bill, as drafted, says that an agreement only needs to meet certain tests or criteria for it to be a covenant, but it does not need to state explicitly that it is a covenant. We think that ought to be addressed in the Bill. Farmers need to be aware of the seriousness and significance of signing up to a covenant. It is not a contract; it binds successors in title, and farmers need to be aware of that.

Secondly, the design of covenants needs to be sufficiently flexible. Specifics such as the length of the agreement and modifications or variations that can be made to the covenant need to be considered by the landowner and the third party. The points are quite technical, but hopefully they are not controversial and would not change the objective of the Bill.
Q77 The Chair: Ms Hammond, you are nodding. Before we move on, do you want to comment?

Judicaelle Hammond: Yes, thank you for that. We agree that such a clarification would be helpful. The Bill could be tightened in that regard. The one thing I would add on conservation covenants before I answer Mr Afolami’s question is that we have reservations about covenants being de facto, by default, in perpetuity, not least because of climate change and the fact that what you do with a piece of land, given the topology and given what we know is going to happen with climate change, regardless of our success in containing it, might mean that in 30 years’ time it might make sense for nature to do something slightly different with it because the habitat has moved. That is something we need to continue being flexible about.

As for your questions about—this is my way of rephrasing Mr Afolami’s question, I hope I get it right—how we knit together food production and the environment, we do not see a divergence between the two. This Bill and, indeed, the Agriculture Bill give us the opportunity to bring the two together. There are three critical elements if this is going to work. First, clear standards and long-term targets will be provided by the Bill. The second element is advice—something that perhaps we are not talking about enough in farming and the environment. That reflects the findings of the review that Dame Glenys Stacey carried out into the future of farming inspections and regulation. Advice is the first step to improvement. It might well be that advice and different technologies work together really well. For example, precision farming is a case in point where, if you are looking at how to use your inputs as effectively and efficiently as possible, it is good for food production, it is good for your costs as a business and it is good for the environment. The third element is to make sure that the incentives work right, in the way the market is going in terms of labelling and expectations, but also in terms of public policy where there is a market failure.

Q78 Deidre Brock (Edinburgh North and Leith) (SNP): In your view, is there sufficient clarity in the Bill regarding the OEP and its role, particularly its relationship with environmental governance bodies, including Natural England, the Environment Agency, the Committee on Climate Change and so on? If you do not think there is sufficient clarity, what would you suggest might be included to make that happen?

Alan Law: From our point of view, we think there is. The Environment Agency is a regulator. What the OEP brings is a body that looks at the operation of public bodies in relation to our environmental ambitions and duties. We do not see an inherent tension. I think there will be areas where we both have a legitimate interest in providing advice to Government. When the national planning policy framework is revised and revisited, we would probably both have inputs to make around that, but we would seek with the OEP to set out under a memorandum of agreement where our respective boundaries lay and avoid any duplication. That is certainly the intention.

Dr Mitchell: I want to add a quick point on the OEP because I think the Bill largely addresses some of the concerns we had about how the new regulator would work with the existing regulatory bodies. I think that is largely sorted out. We think that the OEP should be required to act proportionately. At the moment, the OEP is required to act objectively and impartially, and we think that ought to be extended to proportionately. At the moment, it only has to have regard to act proportionately. It seems to be an omission, so that is one of our asks.

Q79 Deidre Brock: Given the experiences of Natural England and, so far, little detail around the setting up of the OEP and its funding—I know there is a commitment to multi-year funding, and so on, but little real meat to flesh it out—are there safeguards is the Bill to ensure that the funding will be protected?

Alan Law: The Bill has provisions for the OEP to advise on the adequacy of funding. I am not sure there is much more I can add to that. Clearly, there is a requirement on the Secretary of State to report regularly.

Q80 Marco Longhi (Dudley North) (Con): My question is for Dr Mitchell. To clarify a point you raised earlier around covenants, as I understand it, the Bill suggests that these are voluntary. That for me is the key point. You raised a concern about farmers inadvertently signing up. Do you have any further thoughts about that? I assume that they will be advised by the legal profession about what they will be taking up in that respect.

Dr Mitchell: Yes, you are right; they are voluntary agreements, and they have to be between a third party and a landowner. Our concerns are based on the fact that you could be signing up to a covenant, but it does not have to state expressly that it is one. So long as it meets certain tests or criteria, it could be considered to be a covenant, but if it does not state expressly that it is a covenant, farmers may not actually know that it will be a covenant.

I realise the Bill is not in place yet, but we had a recent example where farmers were being asked by a charity to put in ponds and to maintain them over a certain period of time. To all intents and purposes, if you look at that letter of agreement, it could be considered to be a covenant. We are concerned that, unknowingly or unwittingly, farmers may sign up to one. Clearly, they are quite serious; they could be in perpetuity, but they certainly bind successors in title. We want to make sure that farmers are absolutely clear about what they are signing up to. A small amendment to the Bill, setting out that if something is a covenant it has to state that, would be really helpful.

Q81 Robbie Moore: I want to return to nature recovery strategies to clarify a point that was made earlier. Do you agree that nature recovery strategies are only part of the picture when it comes to ensuring biodiversity recovery? For example, biodiversity net gain, tree-planting measures and so on will all be key. It was mentioned earlier that clause 98 contains the word ‘could’. Do you agree that it is appropriate to use “could” rather than “should” because this is part of a wider range of measures to reach the end goal?

Alan Law: Yes, to be absolutely clear, not all wildlife will be in the nature recovery network as a nature recovery strategy, but what we are looking for in the nature recovery network and local expressions of those plans are the skeleton and vital organs of a healthy organism. We would still expect, of course, to see wildlife and...
other environmental features beyond that, outwith the nature recovery network itself, but we are trying to design something on a scale that can be healthy and resilient—that can deal with pressures, variation, pollution, climate change and so on—and that cannot be done on a small scale on its own. However, that is not at all to say that we are designing everything into this network and that everything outside the network does not need to be worried about.

**Judicaele Hammond:** To add to that, nature recovery networks are certainly one really important and very useful element, but they are not the only one; for example, what is being set up under the ELM scheme is another way, and covenants are another way. This gives us an opportunity for a more consistent and better joined-up way of delivering what is in the Bill.

We are really strong supporters of the Bill, but if there is one thing that is probably missing from it in comparison with what is in the 25-year environment plan, it is any reference to heritage. I mention that now because for me it is part of thinking about land issues in the round and not just looking at nature, climate change or other things. Heritage is the sixth goal in the 25-year environment plan, but it does not appear anywhere in the Bill. If you think about it, heritage is part of the natural environment; it contributes to making places distinctive and has a lot to do with wellbeing and people’s enjoyment of the natural environment, but things that do not have an obvious economic use are not necessarily paid for.

People want parkland, stone walls and archaeological features, but they are not necessarily prepared to pay for them, and they can be quite expensive. We have already lost about half the traditional farm buildings. If they are not in the Bill, they will not be measured. If they are not measured, will they be reported on? If they are not reported on, will they be funded? That is an issue we had under the common agricultural policy regime and we are quite keen on avoiding that being the case under the post-Brexit regime.

**The Chair:** We are expecting a Division in about two minutes.

**Q82 Saqib Bhatti:** I will try to be quick. We started the discussion by talking about more clarity on local nature recovery strategies. As the discussion has evolved, it has become clear how complex these things are. My challenge is that the Bill is not the place to have further clarity; it is in the secondary legislation where you will have public consultation and contributions from experts.

**Dr Young:** We would like to see local nature recovery strategies as a holistic response to the current biodiversity crisis. I agree that there is provision in the Bill for some of the things we have talked about in terms of a consistent strategy for nature. [Interruption.]

**The Chair:** Order. Ladies and gentlemen, you will have noticed that there is a Division in the House. Because we are within two minutes of the end of this session, I invite witnesses to submit any written evidence that you may feel you have not aired. Thank you for your attendance. We will resume after the vote, with injury time added.

3.27 pm

*Sitting suspended for Divisions in the House.*
We work with an organisation called the Trees and Design Action Group, with which we have been partnered for a while. It produces a document called “Trees in Hard Landscapes”. That allows us a better idea about what we can do on sites. That expertise is not necessarily shared across the wider industry and specifically among local planning authorities.

Q85 Rebecca Pow: Welcome. Thank you very much for coming. I know that many house builders have already done some really excellent work on biodiversity and net gain, voluntarily, off their own bat. What is your view about mandating it to get environmental improvement? Do you think the 10% specified in the Bill is the right level?

Rico Wojtulewicz: I honestly could not—I do not think anyone could—give an honest answer to that. When we were approached, we welcomed biodiversity net gain because we recognise it is vital. We recognised that 10% might feel like an arbitrary figure, but if it is deliverable, why shouldn’t developers not go for it?

We are at the start of understanding what we can deliver and how. I can give three perfect examples of that. We have the great crested newt district licensing scheme, which has only really come to fruition in the past few years. We worked with Natural England on that. That eDNA tests newts in a local area, which means you do not have to do a ginormous survey. That is a very new technology and has only just been introduced. Two other ones are bee bricks and swift bricks. Those allow more bees and swifts to visit a site and be part of the network of biodiversity on that site. Those are new technologies. It seems amazing that we could not incorporate those before in developments, but we are really at the early stages.

From our point view—whenever I speak to our members—we will do as much as needs be, as long as there is an industry out there. If you look at ecologists, do we have enough ecologists in local authorities to offer advice and guidance? Do we have the right network of information, so that it is simple and easy to use—so that all developers, whether self-build or building 2,000 homes—know what to do on site to reduce the burden on professional ecologists, who might want to tailor a scheme to make it unique.

Q86 Rebecca Pow: The Bill is a framework Bill, so the 10% is signalling that this is the direction of travel. I just want to hear you say whether you are pleased about that. Is there a good direction of travel? All the nitty-gritty about exactly what you are asking will be set in the framework and so on, that they can refer to. This is a developing document that changes, without having all the information first? That is where we have the great crested newt district licensing scheme, which has only really come to fruition in the past few years. We worked with Natural England on that. That eDNA tests newts in a local area, which means you do not have to do a ginormous survey. That is a very new technology and has only just been introduced. Two other ones are bee bricks and swift bricks. Those allow more bees and swifts to visit a site and be part of the network of biodiversity on that site. Those are new technologies. It seems amazing that we could not incorporate those before in developments, but we are really at the early stages.

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Rico Wojtulewicz: Broadly yes, but of course, again, it is site specific. Not every site can deliver. There will still be exemptions, and that is part of the Bill. Small sites have not been exempt, and we do not want them to be. This should be uniform across the whole industry, and we should all be trying to have an ambition. If that ambition is 10%, it is 10%, but Government and partners must do all they can to assist builders to deliver that, preferably on site rather than off site.

Q87 Abena Oppong-Asare: Currently, the Bill is not explicit enough about irreplaceable habitats. There is some concern about unique habitats, which can be paved over, as long as developers can show net gain overall. How well founded are those concerns?

Rico Wojtulewicz: As far as I understand it, protected habitats will remain protected. The work we have done with Natural England identifies that. They have been very keen for us to ensure that that occurs. Small developers will typically be the ones who are delivering on those sites more often than the larger house builders, because they might lose one particular site within a larger site. A lot of the larger developers specifically will be delivering on agricultural land. It is on those smaller plots of land that there may perhaps be more danger of those protected wildlife sites being lost. We think that Natural England will put the right protections in place so that it cannot just be offset.

Q88 Saqib Bhatti: Following on from the Minister’s question, I would like a bit more clarity. I understand that the biodiversity net gain concept is being embraced, and you welcome that. It is a minimum of 10%, so there is potential, if a developer wants to go higher than 10%, that they can do that. As a federation, you are not against that; you are embracing that. Am I clear about that?

Rico Wojtulewicz: Yes, absolutely. If we can go higher, we will. Help us to get there.

Q89 Alex Sobel: The Bill creates space, as you said, for local nature recovery strategies, which can be used in both the planning and development phases. During those phases, who will have responsibility for ensuring that those strategies are being followed?

Rico Wojtulewicz: We assume it will be the local authorities, with their guidance and local plans. We hope it will be. All developers really want is clarity.

Q90 Alex Sobel: And you are not finding it in the Bill as yet?

Rico Wojtulewicz: No, we are not. The difficulty is that you need to ask yourself whether a local authority really knows what it wants to deliver and how it wants to deliver it. The Bill can say whatever it likes if local authorities cannot deliver it and do not understand how to deliver it. We do not even have the right information; for example, we do not know what migratory flight path certain birds might take. How can you deliver all that without having all the information first? That is where the Bill has to be a developing document that changes, because at this stage it is the first step to understanding how we can deliver something really special.

Q91 Cherilyn Mackrory: On that point about the importance of clarity, as an ex-councillor myself I understand the differences between local authorities when it comes to the planning process, although there are guidelines, such as the national planning policy framework and so on, that they can refer to. This is a framework Bill, as the Minister has already said, and it shows the direction of travel. One important point is the consistency that will be established between local authorities and the mandatory net gain. Will that be helpful for developers? Can you outline the opportunities that you think your sector can gain from that direction of travel?
Rico Wojtulewicz: The duty to co-operate between local authorities will be vital. You cannot control where a particular species will be migrating, moving or living, so that is really important for the development industry. If we look at something such as a wildlife corridor, which could stretch across a few local authorities, some people would perhaps say we should not build on any of that wildlife corridor, but we do not necessarily take that view.

We think that, depending on the species that utilise the wildlife corridor, we could be part of improving the opportunities for them to utilise it, such as by undercutting hedgerows or raising hedges so that hedgehogs can travel across the entire site. Perhaps there is a particular type of bird that utilises that corridor. How can you encourage more of that biodiversity in the plants you plant? Is it food? Is the right type of lighting used to attract them? Maybe you have a particular type of bat that does not like a particular type of lighting.

Developers can be part of that and encourage it, to ensure that we are delivering a better network. The difficulty always is that the minute a developer is announced as being part of any wildlife stretch, corridor or site—even just an agricultural piece of land that perhaps does not have strong biodiversity—the automatic reaction is, “This is going to be damaging for biodiversity.” It does not necessarily have to be.

Q92 Cherilyn Mackrory: Does that mean that there is an opportunity there for the sector to up its game a little bit in how it demonstrates, particularly to people at a parish council level, how they can enhance the natural environment? I am thinking particularly of more rural areas, where you have developments going up on the edge of a village. That can be very contentious, as I am sure you are aware, but if developers were given the opportunity to say, “Because of this legislation, we are sure you are aware, but if developers were given the opportunity to say, “Because of this legislation, we are going to do this,” do you think that would potentially help those relationships?

Rico Wojtulewicz: Yes, in a perfect world, but not always, because local parish councils perhaps become set in their ways in believing that a particular thing will damage their area. A great example that you mentioned is building on the edge of a village. We would love to be able to build on the edge of a village. Unfortunately, opposition from parish councils is so strong that many developments end up going quite far away from the parish. Then people say, “Now we don’t have the right infrastructure in place.” That is because if you are building, say, 20 homes in a community, you may get more opposition than if you are building 200 on the outskirts.

So, yes, while that could be the case, it has to be about accepting that developers are trying to do the best thing, and not simply about having extra regulations or extra ideas put on top of them. When you go back to the beginning of the planning process, we already have the issue whereby 30 homes can take three years to get permission, and 500 homes three miles away might take six months. You think to yourself that you want the homes and you want more dense communities so you can use these bus services, and maybe even train services, and you get better commercial opportunities, but you are not really understanding the process for that. So, yes, hopefully.

Richard Graham: Mr Wojtulewicz—if I have pronounced your name correctly.

Rico Wojtulewicz: Perfect.

Q93 Richard Graham: Thank you for joining this session. For all of us, housing and planning is such a massive constituency interest and concern. My experience of the past 10 years as MP is that, time and time again, developers appear to have been behind the curve. When you look at the provision of broadband, so often houses were built without it. When we look at solar panels, the same thing. Electric charging, the same thing again.

There are outstanding exceptions to that. For example, a housing association called RoofTop based in Evesham has done some things in my constituency that are largely social and affordable housing that have solar panels and electric charging points. However, it is not always the norm and the Bill seems to me to open the way for house builders and developers to think proactively about what sort of contribution they can make to a net zero carbon future. How do you think this Bill might help house builders and developers adopt that approach and come up with creative ideas that deliver the homes we want while boosting the goals of this Bill to protect and improve the environment?

Rico Wojtulewicz: I will take each one of those individually. If you are trying to put broadband into a site, you may ensure that you can have high-speed broadband throughout the whole site. It is not your job to be the BT or the Openreach of that world. You cannot connect that site, typically. It is more difficult to do that and, especially in rural communities, there are smaller groups living there. You can make sure your site is broadband ready but somebody else has to connect it.

We had the same issues with electric charging points. Many of our members have had to pay for substations to be put in when, effectively, the energy company was making money in perpetuity. Mr Graham said contributions: it is not contribution, it is cost. It is increasing the value of the property and increasing delays. We need a strategy for local authorities to do a better job of understanding where those areas will be connected and why.

Q94 Richard Graham: Just to be clear, that does risk sounding a bit like “Well, we’re not going to do that sort of thing because it all costs us a little bit of money and our profits will be reduced slightly.” Looking at the salary of Persimmon’s chief executive, one wonders whether all of that story is necessarily accurate. Don’t you think there is a case for house builders to get ahead of the curve and do things that everybody wants to see and people expect in their houses now, and if they have got it already, their houses would be more popular and sell for more money?

Rico Wojtulewicz: In essence, you may be correct, but if you have built a site that is high-speed broadband ready and Openreach cannot come in to connect that site for two years, and they are the only provider available—

Q95 Richard Graham: That is a separate issue, isn’t it?

Rico Wojtulewicz: It is a key issue.

Q96 Richard Graham: What we are talking about is retrofitting on developments that were not ready.

Rico Wojtulewicz: No, it is not retrofitting, it is connecting the initials.
Q97 Richard Graham: I am encouraging you, Mr Wojtulewicz, to look at the positive opportunities for your members and for you to identify what they are, rather than concentrating on the additional cost that might be involved.

Rico Wojtulewicz: You cannot separate the two because it is not necessarily about the cost. The cost is also in delay. It would be great in a perfect world, but if you have to connect that site up and nobody can move into that site unless it is connected up and you have to wait for somebody to connect it up for you, that is a delay that ends up being a cost. You may have to pay council tax on each one of those properties until it is inhabited. The cost—you cannot separate the two. It would be great if we could. It would be great if we had all the right opportunities in place.

I will pick on solar panels as a great example. Many of our members install solar panels. It is easy for housing associations to do that because they maintain the site themselves. When a developer does it, we have no issue about putting in solar panels, but when we look at it, we say: “Wouldn’t it be better for that money to be contributed to a district scheme where the maintenance is either done centrally by the developer or the local authority takes it over, so that in five or 10 years’ time, those solar panels are maintained and can also be replaced?”. If it is a homeowner’s choice to do that, we find that they do not get replaced or maintained and are not part of the fabric of the building. That is why in the part L regulation on energy efficiency, we encouraged using the money that might be used to enforce solar panels to be used on a district system, because solar panels themselves are an add-on, not part of the fabric. If they are part of the fabric, absolutely, but this is not a cost. What you are asking is: “How can we retrofit solar panels in the future?” We need to have an energy system that works for that neighbourhood so that we have local energy generation.

Q98 Richard Graham: Do you want to have one last go very briefly at identifying what opportunities you see from the clarity of the Environment Bill on house building or carry on with a series of negative comments?

Rico Wojtulewicz: If you accept the realities of what I have said, absolutely. The opportunity also needs to be strategic. If local authorities can play into the strategy of their neighbourhood, there are many opportunities to deliver cleaner air by having electric chargers; to contribute to biodiversity and things that grow, instead of just teaching food. Should it be? Should we teach builders about things at a standstill. Do you feel that if you were to advise on these measures at the smaller scale of things, as parliamentary species champion for the swift, I was glad that you mentioned swift boxes, which are great, but there has been a 57% decline in swift breeding pairs since 1995, according to the RSPB. That is just one example, but if you look at biodiversity loss across the board, some people would argue that 10% is only really keeping things at a standstill. Do you feel that if you were pushed to do more, you would be able to respond and try to meet a higher target? If a 20% target was in the Bill, what would be needed from your point of view to enable you to help with that?

Rico Wojtulewicz: Guidance on what we could do to increase the swift population, such as on what trees and food they might like and what lights do and don’t attract the food that they enjoy eating. All these little things actually make a big difference. If that knowledge is there, it feels quite isolated. I think we are very enthusiastic about the things we can do, which will effectively make our sites better at delivering what people want.

The difficulty is that sometimes politicians perhaps do not understand the development process and what occurs. We in the development industry need to ensure that we have a greater understanding of what we can do on site. Perhaps you would have a particular target in an area that you know would encourage more swifts. Perhaps you could issue specific guidance for that local authority, as part of the network.

Kerry McCarthy: I think Brighton and Hove has just done it, and Exeter. I am working on Bristol.

Rico Wojtulewicz: They have. I am from Brighton.

Q101 Kerry McCarthy (Bristol East) (Lab): To go back to the 10% target, I thought you were being quite enthusiastic about quite a lot that could be done from the house builders’ side of things. As parliamentary species champion for the swift, I was glad that you mentioned swift boxes, which are great, but there has been a 57% decline in swift breeding pairs since 1995, according to the RSPB. That is just one example, but if you look at biodiversity loss across the board, some people would argue that 10% is only really keeping things at a standstill. Do you feel that if you were pushed to do more, you would be able to respond and try to meet a higher target? If a 20% target was in the Bill, what would be needed from your point of view to enable you to help with that?

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Kerry McCarthy: I think Brighton and Hove has just done it, and Exeter. I am working on Bristol.

Rico Wojtulewicz: They have. I am from Brighton.

Q102 Kerry McCarthy: On the skills side, it is one thing for a developer to bring in an ecologist or someone to advise on these measures at the smaller scale of things. To what extent is any of this taught at construction college? Should it be? Should we teach builders about biodiversity and things that grow, instead of just teaching them about bricks and mortar?

Rico Wojtulewicz: I think that is a really good point. The majority of our members are small and medium-sized, where someone might be a bricklayer one day and a site manager the next. They are trained to a high level—typically level 3, with more of them taken on than level 2. This is absolutely an opportunity to ensure that the education is there, not only because it would allow for better building approaches but because it would reduce the burden on a local authority always to have an expert.
The more that the development industry can do to deliver what we can, the better. That means that local authorities can be certain that what is being delivered is correct and right for their local area. That is a great idea, and it would absolutely have the support of the National Federation of Builders.

**The Chair:** We will have one final, brief question from Saqib Bhatti.

**Q103 Saqib Bhatti:** Building on whether it is 10% or 20%, the fact of the matter is that, whether for the house-building industry or other industry, the tier 1 suppliers and operators lead innovation and set the standards that trickle down through the industry. Certainly, if a single small business of contractors achieves a net biodiversity gain of 10%, that will not trickle up immediately. It will take time. Is it not better to have a minimum of 10%, letting those who want to do more to do so and letting the skills from tier 1 guys, like Barratt Homes, who have been doing this, trickle through and become the industry standard?

**Rico Wojtulewicz:** No, I think you actually have that wrong way around. It is the small and medium-sized companies that push this information up. We see that with bricks such as swift bricks, which were not developed by Barratt but by some smaller organisation that thought, “Can we utilise these on site?” Many of our members are now considering how to use a SUDS—sustainable urban drainage systems—pond to encourage better wildlife and better sites.

A lot of innovation comes from the bottom. Berkeley Homes is a great example of a company that really pushes to innovate. However, look at—I mentioned part 1 earlier—the use of air source heat pumps, which is a great way to decarbonise our grid. The majority of people using them are small and medium-sized developers. Many of our members use them. They have perhaps historically not been used as much on the very large sites.

There is a part to play for both, but we typically get into this idea that it is always the big boys helping the rest, whereas I actually think it might be the other way round. Having more education for builders is a good example. Four or five construction apprentices could be trained by a small or medium-sized developer. If they take on more level 3 apprentices, they would probably have a better knowledge than the level 2s. Already you can see that the skills element is filtering up, not down.

**The Chair:** Mr Wojtulewicz, thank you very much for enlightening us with the information you have given the Committee, to enhance our understanding. Thank you also for your patience in staying with us during the Divisions. We are most grateful to you. Can we now have a swift change of team, please, for the final session of the afternoon?

**Examination of Witnesses**

**Ruth Chambers, Rebecca Newsom and Ali Plummer gave evidence.**

4.30 pm

**The Chair:** Good afternoon, ladies. I apologise for starting half an hour late, from your perspective, but we will finish at 5.30 pm on the dot. For the record, may I ask you to identify yourselves and the organisation for which you work, and its purpose?

**Ruth Chambers:** I am Ruth Chambers, and I represent Greener UK, which is a coalition of the big 13 environmental non-governmental organisations in the UK, including Greenpeace and the Royal Society for the Protection of Birds. We have come together to ensure that Parliament and Government hear from the sector in a united way, so that our asks are presented with clarity and purpose.

**Rebecca Newsom:** My name is Rebecca Newsom. I head up the political affairs unit at Greenpeace UK. As Ruth said, we are a member of the Greener UK coalition.

**Ali Plummer:** I am Ali Plummer. I am a senior policy officer at the RSPB.

**The Chair:** Thank you all very much indeed for joining us.

**Q104 Dr Whitehead:** I know that there has been a considerable amount of discussion among environmental and green groups about how the Office for Environmental Protection will work within the Bill, and to what extent it will be sufficiently independent to carry out the function that is widely regarded as the function that it should carry out on environmental protection overall. How do you think the OEP could be strengthened in the Bill, and do you think that the Bill has it right regarding the teeth that the OEP will need to hold the Government and public authorities to account?

**The Chair:** It is not necessary for every member of the panel to answer every question, but in answer to this first question it may be helpful for you to set your stall out a bit as well.

**Ruth Chambers:** That is a very important question. There are three ways in which the independence of the Office for Environmental Protection will be ensured. The first is through the legal foundations provided by the Bill. The second is through its culture, which we will not talk about today. The third is through its organisational design, and the initial budget that it will get. Again, that is not relevant to the Bill, but it is a very important issue to ensure that we get the OEP on to a good start, so that it is not hampered from the get-go.

In terms of the legal foundations, there are two main ways in which the independence of a public body can be assured through law: how it gets its money and where its members come from. At the moment, although there have been some welcome strides forward, the Bill unfortunately falls down in both those regards. In terms of where it gets its money from, we welcome the commitment that the Government made around October that the OEP will have a multi-year annual funding framework for five years, ring-fenced in each spending review. That is very helpful. We see no reason why that could not be enshrined in the Bill, to give those guarantees on an enduring basis. The route by which the OEP gets its money is also very important. We have argued that it should be able to submit its own estimate directly to Parliament in the way that other public bodies, such as the National Audit Office, can.

Secondly, where the body will get its chair and other members from will be entirely at the discretion of Government Ministers at the moment. For a body of this importance, which is meant to be independent not just at the start but for the duration, we think that greater involvement from Parliament would be very helpful. We
are not asking for something unprecedented. Indeed, there are very good models where that is the case in practice. The National Audit Office and the Office for Budget Responsibility have already been flagged before the Committee. They are two examples of how you could crack the same nut in a slightly different way. Either way would be better than what the OEP has at the moment.

In terms of teeth, finally, we think that the way the enforcement functions are configured at the moment is certainly a step forward but there are some serious flaws, particularly in clause 35. One example is the upper tribunal being constrained in the types of remedies that it can issue and grant, should a public authority be found to be in breach of environmental law. We think it should have more freedom to impose the remedies as it sees fit.

**Rebecca Newsom:** I echo everything that Ruth just said. From Greenpeace’s perspective, we have concerns around the OEP’s independence, funding and enforcement powers, which definitely need to be closed. The scale of public concern for getting this right is such that over 20,000 Greenpeace supporters have been in touch this week with their MPs about this and other issues relating to the target-setting framework.

**Ali Plummer:** We share the concerns Ruth has outlined. I would add that part of getting a robust watchdog in place is the likeliness of its acting at its most effective. We welcome the escalating processes in the Bill, and there are opportunities to look to resolve issues before they get to full enforcement. To our mind, the way those remedies and escalating processes work most effectively is when you have a robust stop at the end, which encourages action before you have to get to that point. We welcome and share everything Ruth said in terms of strengthening the OEP in respect of both its independence and its ability to act as a true deterrent. We need to make sure that we are remediying any environmental damage or failure to comply with environmental law.

**Q105 Dr Whitehead:** Following on from that, the OEP is substantially seen as the guarantor, as it were, that the standards of environmental protection that existed when the UK was a member of the EU will not only be continued but will be enhanced. Do your concerns about the OEP’s independence and other such matters relate to ensuring that we have that proper standard of environmental protection following the UK leaving the EU? Or do you have other concerns about the question of regression or otherwise in terms of environmental law, as we are now on our own in environmental law rather than substantially under the carapace of EU directives?

**Ruth Chambers:** That is an important question. Independent accountability and oversight will definitely be crucial in ensuring that our environmental laws are not only maintained but enhanced in the future, as the Government have said they want. That is an important element, but so are environmental principles—there are clauses that embed those principles in law, but again there are flaws in how that would be done. We can come on to those later.

There are also some potential loopholes in the Bill where standards could be weakened, almost accidentally. We will not talk about it today, but clause 81 in relation to chemicals in water is a good example of that. We feel that there are a lot of good work and good standards in this Bill but there is a lot of wriggle room as well. We hope that the conversations we will have today and throughout the passage of the Bill will enable some of those loopholes to be closed.

An example of where there could be some wriggle room is in the section on the REACH regulation and chemical standards. It is a wide-ranging power, and extra oversight and accountability could ensure that the power is exercised in a faithful way. We are clear that clauses 19 and 20 are not tantamount to a binding commitment to non-regression. They are welcome and important transparency mechanisms, but that really is what they should be seen as. There are modest, pragmatic ways in which they could be improved. For example, we think that clause 19 is modelled on human rights legislation, but the way in which the Human Rights Act 1998 ensures that human rights are factored into new legislation and new policy is a little bit more stringent and strategic. There are ways in which those clauses could be tightened as well.

**The Chair:** Before we proceed, Ms Chambers, you indicated that we would not talk about a particular clause today. In so far as we have the time you are entirely within your rights to comment on anything that is relevant.

**Ruth Chambers:** Thank you.

**Ali Plummer:** If I could just add something, there are two parts to that question. One is about maintaining the robustness of enforcement mechanisms; what we are really looking for through the independence of the OEP is maintaining that in longevity. It is not necessarily about the intent of the body as it is being set up, but making sure that it maintains that independence and robustness going forward.

I guess a watchdog and enforcement body is only as good as the law it is able to uphold, which comes to the second part of your question. There are lots of welcome provisions within this Bill that should allow us to go much further and to build on existing environmental protections, but we would be looking for much more robust reassurance that that floor—those existing protections—will remain for us to build on. The second part is making sure that we are able to secure existing environmental legislation so that the OEP can continue to uphold that.

**Q106 Rebecca Pow:** Welcome, everyone, and thank you for coming. I just wanted to get some clarification, because there seems to be a view that in leaving Europe we are going to have lower environmental standards, but the whole point of this Bill and, indeed, the OEP is that it will enable us to have higher standards. First, we will roll over all the environmental law; we will then create our own measures, and it is quite clear to me that the Bill enables us to do so. At EU level, the Commission can issue judgments on a breach of law, but they are not legally binding on member states. Do you not think that the court order remedy in this Bill would be stronger than that?

**Ruth Chambers:** I would go back to my previous answer about the lack of remedies that the tribunal will have at its disposal. It is severely constrained by the clause, if you look at the small print.
Q107 Rebecca Pow: But it can ultimately issue fines if it so desires, and before that, the OEP will try to remedy any problems through discussion, advice, analysis and scrutiny. It will only go to the upper tribunal if it really needs those extra teeth, and that opportunity is there.

Ruth Chambers: We very much support your vision for how the enforcement system would work, where it is front-loaded, if you like, and the OEP acts as a strategic intervener and litigator rather than a serial nit-picker. Nobody wants a busybody poring over every single decision of every public authority; that is nobody’s vision for how this body will work.

However, at the moment when we get to the end of the process, if a public authority is found in breach of environmental law after all of the good work that the OEP will necessarily have done, what we are left with is a statement of non-compliance. It is very hard to know exactly what bite that non-compliance will have, factoring in the upper tribunal not having a very effective or strong set of deterrents. It is helpful to have your reassurance, Minister, that the tribunal will be able to impose a financial penalty if it sees fit. It would be even better to have that reassurance written into the Bill so that there is absolute clarity on it, and stakeholders and public authorities know that there is bite to this process. That will provide the deterrent that we all want, so that things are sorted out early on.

Ali Plummer: It is also worth reiterating that the ability to levy fines is really welcome, but what we are actually looking for is to either prevent environmental damage in the first place or remedy it. Although a fine is a welcome part of that, we are really looking for remedial action, or the ability to ensure that the public authorities or others are taking the actions needed to remedy the environmental damage. While a fine can provide for some of that, it is not necessarily—

Q108 Rebecca Pow: But as I hope I made clear, that is the last step; remedy is the first step of the OEP. I hope it is very clear now that we have left the EU, and as a sovereign nation we will be responsible for setting our own environmental laws. It is then the role of Parliament to scrutinise those laws.

That leads me on to the whole issue of the targets, and what we will be scrutinising in order to improve the environment, which is the focus of the Bill. We have a triple lock within the system, and I just wanted your views on how you think that will work. We call it a triple lock because we have five-yearly improvement plans; we have annual reporting on how those five-yearly plans are going to get to the long-term targets; and we have the Office for Environmental Protection analysing all of that to drive environmental improvement. We think that is very strong, so I wondered what your views on that were.

Rebecca Newsom: The thing that I would want to say about that is that reporting and analysis are really important, but are not the same as interim targets actually having a legal force. It is a top priority from all of our perspectives to ensure that the short-term interim targets have that legal bite, so that there is absolutely no wiggle room in terms of the requirement on public authorities to ensure progress straightforward to meeting that long-term goal.

That is really important, particularly also because there is a track record for voluntary targets set by Government not being met or being abandoned—for example the 2020 target of not using peat in horticulture has not been met. Another example is that site of special scientific interest targets have also now been dropped, and they were voluntary. It is really important that we have that safeguard in the Bill, guaranteeing that the interim targets will have that force.

Q109 Rebecca Pow: To get our SSSIs, the 75% in good and favourable condition, is in our 25-year environment plan. The first phase of the Bill is the 25-year environment plan. It is called the environmental improvement plan. That is what I call the second side of the Bill. It is in the Bill. This actually provides all the levers and all the tools to do exactly what I think you all want us to do.

Rebecca Newsom: I think we are agreed to a large degree on the vision. The difference is that the environmental improvement plans are not legally binding. It is good to have a policy document, but it needs to have legal force. That is what is going to guarantee the drive forward of change in the short term.

Q110 Rebecca Pow: But targets will be the legal force; the setting of the targets is the legal duty.

Rebecca Newsom: Long-term targets definitely, but the interim targets will not have that force, as the Bill is currently set up.

Q111 Rebecca Pow: But wouldn’t you agree, on the environment, it is an ever-changing, flexible scene? That is why we have interim targets.

Rebecca Newsom: Yes, absolutely. It is really important to recognise that, in different environmental areas, change towards long-term goals, and progress towards meeting them, does not always happen in a linear way. We recognise that, but that is not an argument not to make the interim targets legally binding. It is an argument for the Government to apply some flexibility in the type of interim targets they might set.

For example, in some areas, such as bird species abundance, you could have an interim target that relates to the planting of wildflower meadows or to particular types of tree planting in certain areas, because there is that flexibility and non-linearity towards the long-term goal. In other areas—for example, pesticide pollution in rivers—it would be much easier to do an outcome-based interim target. In both cases, they need to be legally binding. The Government could apply that kind of flexibility to the type of target, without compromising on the legally binding nature of it.

The Chair: Thank you. The Minister invited you to set out your concerns, and you have done so very lucidly, if I may say so. We cannot engage too long, however, in a bilateral discussion.

Q112 Deidre Brock: I would like to direct this to Ruth Chambers. In your submission to the Committee, Greener UK points out that the requirement to have due regard to the environmental principles policy statement does not apply to decision making but is also subject to wide-ranging exemptions. I am speaking specifically of those mentioned in clause 18 regarding the Ministry of Defence and HM Treasury. It specifies “the armed forces, defence or national security”
and
“taxation, spending or the allocation of resources within government”. Could you elaborate a little more on your concerns regarding that? Perhaps Ms Newsom and Ms Plummer would have something to add.

Ruth Chambers: I think the environmental principles clauses are really important and, in many ways, are a slightly overlooked part of the Bill, because everyone is interested in the OEP, and many people are interested in targets. The principles have become a little bit forgotten, so I am really pleased that question has been asked today.

They should be the bedrock of the Bill going forward. We were pleased to see the Government and the Minister say that they are intended to place environmental accountability at the heart of Government. That is a shared vision for what they should do. Unfortunately, we do not think that the framework as configured in the Bill will do that, for a number of reasons. You have highlighted one very important reason, which is that there are lots of carve-outs and exclusions. For example, the duty will not apply to the Ministry of Defence and will not apply to decisions like resource allocation and spending and so on. Already, we seem to be absolving quite a large part of Government from the principles.

Secondly, the duty is quite weak. It is to have regard not to the principles themselves, but to a policy statement. The trouble is that none of us has yet seen what the policy statement says. Ever since it was first mentioned, we have been asking to see what it is, so that we can have some comfort that it will be a helpful tool for policy makers and for stakeholders. The sooner that it can be published—ideally, that would be during the Bill’s passage—the better.

The third reason is that this part of the Bill will apply to England only. We have questions as to what will happen to the principles in the rest of the UK and how trans-boundary decisions will be guided by the principles in the future.

Finally, on the policy statement, if you look at comparable arrangements for how policy statements on, say, national energy projects are endorsed and approved by Parliament, you see that they are subject to a motion that is voted on by Parliament. There is no such thing for this policy statement. We think that, if it really is that important, there should be some tighter parliamentary oversight of it.

Q113 Robbie Moore: I want to turn the conversation back to the OEP. Can you explain why the Committee on Climate Change and the Equality and Human Rights Commission have similar independence, if not slightly weaker, to the OEP? Have those bodies not clearly been shown that the independence of the OEP set out in the Bill is credible?

Ruth Chambers: It is an interesting question about the EHRC. We recently came across something that, if it would help the Committee, we could provide a short note on. I think that last year the Government undertook what is called a tailored review of the EHRC. In its evidence to that review, the Equality and Human Rights Commission itself was arguing for greater independence, more accountability to Parliament and a slightly different model, but the Government said that they did not think that that was appropriate for that body. So even a body that the Minister this morning was drawing some comparison with is saying that it feels that it is not sufficiently independent from Government.

We would not say that, for us, in the NGO sector, that is the best comparator. The two bodies that we think are more comparable in this space are the National Audit Office and the Office for Budget Responsibility—not necessarily in terms of their form and function, but in terms of how their independence is delivered via laws, both now and in the long term.

Ali Plummer: It is worth saying that what we are looking for here, ultimately, is that the OEP will hold the Government to account on meeting their environmental obligations, so building in some independent safeguards just to make sure that there is that gap between what the OEP can do, in terms of holding Government to account, and how it is set up is really important. As Ruth said, there are clear examples of that happening in other places, so what we are calling for is certainly not unique or unheard of in other places. I think that it would make sense to apply it to the OEP as well.

Q114 Kerry McCarthy: Could I ask about the global footprint issues? As you may have noticed, I have tabled a couple of amendments: 76 and 77. There are two aspects to this. One is our consumption—the consumption of commodities, how they are produced overseas and the fact that we are contributing to climate change, environmental degradation and deforestation as a result. The other side of the coin is that we are financing. British companies are financing or UK Export Finance is financing quite a lot of this work as well. Do you think that there is a case for going global in terms of this Bill? I am trying not to ask too leading questions, but my view would be that there is not much point in putting your own house in order at home and talking about planting trees here if the Amazon is being razed to the ground because of British consumption or British financing. I think that Greenpeace put something about this in its note to the Committee.

Rebecca Newsom: Absolutely—we totally agree with what you have just said. We have to think about our global impact, as well as getting things right here. There is a major problem with the UK’s global footprint at the moment. A lot of the products that we consume on the UK market often, when it is related to meat and dairy, are somehow connected, through the supply chain, to deforestation. For example, 95% of chickens slaughtered in the UK are farmed intensively in a way that means they are fed on soya, and half of Europe’s global deforestation footprint is in relation to soya. We know that it can be tracked back, but, at the moment, there is not that kind of transparency.

The way to deal with this issue is twofold: first, reduce how much meat and dairy we are consuming in the UK, because we need to be freeing up agricultural land globally to give back to nature and allow abundance to be restored. We know the Government are very keen on nature-based solutions for climate change, and a key part of the puzzle is giving land back to nature. That requires a shift in our consumption habits. A global footprint provision in the Environment Bill to allow targets for this would enable that to happen.

The other piece to the puzzle is sorting out our supply chains and putting a requirement on corporations to clean up the supply chain and conduct due diligence.
That can be delivered through the amendment you tabled on enforcing the 2020 deforestation deadline; the Government have backed that previously, but it needs legal enforcement, and also the establishment of due diligence legislation in six months’ time, which would set up that framework to enable it to be delivered.

Ruth Chambers: Can I add one thing to that? Again, this is a vital issue. If we take a step back and think about the journey of this Bill, it has been on a journey, and we have been on a journey with it. Its existence came from draft provisions from the European Union (Withdrawal) Act 2018, which were intended to close the environmental governance gap I have already talked about that arose as a result of EU exit. Then the Government took a very welcome step and decided to take the opportunity to enshrine domestic ambition in law through the Environment Bill, which came out in October and was re-published in January. This is the missing piece of that trilogy.

We totally understand that the Bill has been on a fast track—rightly, because nature’s decline cannot wait a moment longer. We understand why it has not been possible until this point in time to include measures in the Bill, but we hope the Government will do all they can to ensure these important issues are addressed, whether substantively or by using the Bill as a very important springboard ahead of the international summit later this year.

Q115 Bim Afolami: I want to ask our visitors about regulatory complexity when it comes to environmental regulation. I do not know how many bodies there are, including Natural England and this new OEP. I would like you to describe how you feel it works. Do you think we need fewer? Do you think the OEP can help bring together some of this work? I am interested in your views on that.

Ali Plummer: From my perspective, one of the things the OEP can do is help bring a strategic overview of how some of this is working, to really drive and make regulation work a bit better in this country. One of the things regulation suffers from is underfunding and under-investment, to be honest; that applies particularly to bodies such as Natural England and the Environment Agency. Natural England has suffered huge budget cuts, and when it comes to its ability to properly regulate the things it is supposed to, it is struggling to fulfil some of its statutory duties. As a result, one of the things the OEP can do is take a much more strategic overview and hopefully provide a bit of insight and guidance—and enforcement, when needed—to make sure regulation is working effectively. It is not the OEP’s role to step in and perform the roles of these regulators, but it can take a much broader view and make sure the regulators are doing what they are supposed to be doing, and are properly upholding environmental law.

Q116 Bim Afolami: That makes sense to me, but do you not fear, as a lot of businesses, landowners and farmers do, that there are so many different types of environmental regulator that it is difficult to keep up? It creates its own inefficiencies. Might it be easier if we had a more simplified structure? That does not mean you regulate more or less; it means you regulate more simply. Is that something you think would benefit the environmental outcomes? It is my contention that it would, because it would be clearer and easier for everybody, from Government to individuals, to follow what needs to happen.

Ali Plummer: For the most part, when we have seen reviews of existing regulators and implementation of environmental law, what tends to be lacking is proper implementation. It is not necessarily a question of rewriting, simplifying or restructuring stuff; it is making sure that there is access to the information and guidance that business and industry need in order to comply. I am not sure that simplifying and trying to bring those bodies together would resolve that issue. We need up-front investment in regulators and to ensure that everyone has access to information and understands what they need to do to comply.

Ruth Chambers: To my mind—again, it is an important question—the clarity and shape of the future delivery landscape are very important. That seems beyond the scope of the Bill and the provisions that we are talking about. The Bill does include how the OEP can and should relate to some of the bodies in the existing landscape. There are provisions relating to how the OEP and the Committee on Climate Change should co-operate to ensure that there is no duplication and overlap, so that they operate seamlessly. We welcome the Government amendments in that space, too.

We spoke earlier about the UK. The OEP will be a body for England and potentially Northern Ireland. The Scottish and Welsh Governments are bringing forward their own legislation with their own versions of environmental governance. We hope that some of those proposals will be live at a time when this Bill is still live. There would be considerable merit in looking at them side by side, to see how they work across a UK-wide delivery landscape.

Q117 Bim Afolami: You have anticipated my next question on the UK. Do you think it would be simpler, from a regulatory perspective, and more effective, if the Scottish, Welsh and Northern Ireland devolved Governments worked with the Office for Environmental Protection that we are setting up, rather than setting up duplicate versions of their own?

Ruth Chambers: It might well be, but that ship has sailed, unfortunately. The Scottish and Welsh Governments are now making their own devolved governance arrangements. I think the Scottish legislation will be coming shortly. It is less clear when Welsh proposals will be out, but we hope that will be shortly. It is important to look at them side by side, to ensure that they interrelate on things such as transboundary issues. There is a clause in the Bill that requires future environmental governance bodies to co-operate and share information. I think that is very important.

To go back to Northern Ireland, if I may, we spoke about environmental principles being a slightly forgotten part of the Bill; we also feel that way about the Northern Ireland clauses in part 2. Again, we talk about the OEP and principles, but the Northern Ireland environmental governance provisions are a game-changer for Northern Ireland. We should not underestimate their importance. We hope that they get due consideration in the Committee, either in the oral evidence sessions or when amendments are proposed. They are vital; we cannot stress that enough.

Ali Plummer: On the issue of co-operation across four governance bodies, it is really important for citizens to be able to access complaint mechanisms. It should be
clear that if they make a complaint to one body, and that is not the right place, it will be shared with the four country bodies. If there are four mechanisms, they need to work in co-operation, because they will all be upholding devolved environmental legislation. It is important that if a citizen makes a complaint to one point, they can have confidence that it will be looked at, no matter where in the UK they made it, and that it will get to the right place, without them necessarily needing to understand the interaction between these systems.

Q118 Abena Oppong-Asare: I want to go back to the brief conversation about the interim and long-term environmental targets, which you touched on, Rebecca. As you know, provisions on that will be in the Bill. Do you think the clauses give a sufficiently clear direction of travel on the sort of targets that will be set?

Ali Plummer: Not currently, the way the Bill is written. The provisions to set targets in priority areas are welcome. We are looking for slightly more clarity and reassurance in two areas: first, on the scope of targets that will be set, to ensure there are enough targets set in the priority areas; and that they will cover that whole priority area and not just a small proportion of it; and secondly, on the targets being sufficiently ambitious to drive the transformation that we need in order to tackle some big environmental issues.

While there is a welcome duty to set targets—on, for example, the priority area of biodiversity—I think we are looking for more confidence that the Government’s intent will be carried, through the Bill, by successive Governments. I am not sure that that sense of direction is there. While there is a significant environmental improvement test, I do not think that quite gives us the confidence that the Bill will really drive the transformation that we need across Government if we are to really tackle the issues.

Q119 Abena Oppong-Asare: I am putting you on the spot here, and the Bill is quite broad, but are there any specific, target-related things that you want to see in it?

Ali Plummer: If I can look at the biodiversity provisions for a bit longer, we really want targets that drive the recovery of biodiversity across the board. With the way the Bill is drafted, we have concerns that you could see quite narrow targets set in some areas to do with biodiversity. For example, you could see targets set around habitat extent that would not necessarily speak to the quality of that habitat. They might not necessarily drive the improvement that we need in order to not just halt the declines in biodiversity but drive recovery.

We would want broad targets around species abundance, populations and the quality of habitat, as well as the extent of the habitat. I appreciate that the Bill is framework legislation, but we want to make sure that when targets are set and revised, it is within a strong and ambitious framework, with a clear vision of what we are trying to achieve, which, ultimately, is recovery of our natural world and our environment more broadly.

Abena Oppong-Asare: Thanks. Rebecca?

Rebecca Newsom: I echo everything that Ali has said. In terms of the target-setting framework and making sure that the long-term and interim targets are comprehensive enough, that really comes down to amendment 1, which would require an appropriate number and type of targets to be set in each priority area. Also, amendment 81 is about requiring the taking of independent advice, and full public consultation, which will inform the target-setting process. Finally, there is the one on ensuring that global footprint is included in the list of priority areas, so that there is a holistic view of the environment nationally and internationally, and improvement across the board is being pushed through that target-setting framework.

While those changes are absolutely vital, there are two areas where, in our opinion, such is the sense of urgency, the evidence base and the public demand for action in the short term that two short-term targets need to be put in the Bill. The first one is the 2020 deforestation target, which I have already touched on. The second would be a 50% plastic packaging reduction target by 2025, which is basically about providing a level playing field for retailers and suppliers, off the back of the voluntary commitment that Sainsbury’s has made, but no others have, and off the back of calls that retailers have made to us. They say they would support a plastic packaging reduction target in law, to allow the drive towards reuse as a level playing field in that sector.

Abena Oppong-Asare: That is really helpful.

Ruth Chambers: Very briefly, because I think my colleagues have covered the position extremely well, all I would add is that what we are seeking is not a different policy objective from the one that the Government are set on. We very much agree with the policy objective, which is to ensure that ambitious, enforceable, legally binding targets are set to drive environmental improvement; there is nothing between us on that. I think our difference is on how the framework is configured to achieve that, and whether what is written in the Bill is sufficient and gives the right signals, not only to business, as you heard this morning, but the public, and future Governments in which current Ministers may not have such an active role. It is about that clarity and the clear direction of travel, which we do not think is there, for the reasons that my colleagues have explained.

Abena Oppong-Asare: That is very helpful; thank you.

Q120 Alex Sobel: I have just one question—I know we have had a long sitting, because of the vote. The clauses on environmental principles have been widely criticised for being creatures of policy, with many carve-outs and exclusions. Do you agree with those criticisms, and if so, what would your recommendations be to improve the Bill and ensure that we do not have carve-outs and exclusions?

Ruth Chambers: As we discussed with Deidre, the carve-outs are not helpful, because they absolve much of Government from applying the principles in the way that they should be applied. The most simple solution would be to remove or diminish those carve-outs. We do not think that a very strong or justified case has been made for the carve-outs, certainly for the Ministry of Defence or the armed forces; in many ways, it is the gold standard Department, in terms of encountering environmental principles in its work. There seems to be no strong case for excluding it, so remove the exclusions.

There are also proportionality and other limitations on how the policy statement should be taken forward. Again, we do not see a strong case for those being embedded in the law. As I mentioned, we should strengthen
the duty, so that it is not just a duty to have due regard to a policy statement, which is a next-step-removed duty, but a duty in relation to the principles themselves. To repeat the point, it would be brilliant if we could see the policy statement soon, so that we can help the Department and the Government shape it into a really helpful vehicle for everybody.

Q121 Robbie Moore: How important do you think it is that businesses are brought on board throughout the process in relation to meeting the global footprint target and in relation to the due diligence requirement?

Rebecca Newsom: It is really important. There have been indications from companies that they are interested and support the idea of a due diligence framework. Again, it is about setting up a level playing field. There have been voluntary commitments over the last decade through the consumer goods forum to deliver deforestation-free supply chains by 2020. Those commitments have not been met or delivered on, basically because it has been a voluntary framework and the mechanisms have not been in place to deliver on it. The Bill is an opportunity to do that, and to set it in law and give the direction of travel. There is business interest in doing that because it means that the companies that want to move ahead and be progressive are not going to be at a competitive disadvantage.

Ali Plummer: More broadly, getting business on board across the whole Bill is really important. As we have talked about quite a lot, it is a bit of framework legislation. An awful lot will need to be delivered through actions taken elsewhere—for example, actions coming through the Agriculture Bill and through house builders. You had a session earlier on planning. It is about getting business on board and getting understanding. This will need to be delivered across society. It is beholden on us all to contribute to delivering the ambition of the Bill.

Getting understanding and input from business, particularly in the target-setting framework in terms of what will need to be in place to deliver that, is really important—not just for the global footprint bit but for the Bill more broadly. Finding that coherence and narrative between the first and second half of the Bill, and in other Bills including the Agriculture Bill, is also really important, so that they work together to deliver the Government ambition on environmental restoration and recovery.

Ruth Chambers: Again, this is a really important question. From our engagement with businesses across the piece—our members have many contacts with all sorts of businesses—we do not detect that business is opposed to such measures in any way. Of course businesses want to know the detail and the nature of the measures and any particular mechanisms that are proposed. The easiest way to do that is to set out a policy proposition and then consult on it. We would encourage the Government to do that as quickly as possible. That consultation can be done at the same time as the passage of the Bill. That is not unheard of. Certainly, we would want to see that. I worked on the Modern Slavery Act 2015, which did a similar thing in relation to a transparency-in-supply-chains requirement. That was done with the consent and help of businesses.

Finally, there is a group called the Global Resource Initiative, which is a taskforce that has been looking at the questions that we have been talking about. We hope that it will publish its report while the Bill is still live. If it does, we would encourage you to look at those recommendations as well.

Q122 Dr Whitehead: Turning to another part of the Bill, as you know there is a section concerning single-use plastics and proposals to raise a tax on them to discourage their use. Is the emphasis on plastics in single-use the right way round in the Bill? Should we perhaps think about single use, which might include plastics, and legislate for that? What are your thoughts on that? Are there ways to legislate to take that view into account?

Ruth Chambers: In our evidence we very much recognised that point. Our preferred position would be not to introduce charges just for single-use plastics, because although it sounds really good, it could have unintended consequences. If we really want as our policy objective to drive down single-use cultures and practices, we need to look at including a broader range of material. We would suggest an amendment to that part of the Bill that related not just to single-use plastics, but to all single-use materials.

Q123 Dr Whitehead: I will try not to take too long: I know that people want to get home. One part of the plastics concern in the Bill is about transfrontier exports. As a result of the powers that could be in the Bill, it is suggested that restrictions could be placed on the export of plastics to non-OECD countries, but there are potential problems even within OECD countries as far as receiving exports of plastics is concerned. One view is that we might resolve the issue simply by setting a date for the banning of plastic exports, provided we have the resources and plant to recycle and reprocess plastics within the UK. Do you have a view on that? If so, what date do you think that a ban might properly be introduced, taking into account what we would need to do in the meantime to accommodate that ban within the UK?

The Chair: Ms Newsom? You are nodding.

Rebecca Newsom: I do not have a specific recommendation on a waste export ban date, but it is important to remember the big picture. Plastic production globally is set to quadruple, at the same time as a lot of countries across the world are due to enforce their own plastic waste export bans, coming from the UK. The only way to deal with the problem without causing a massive spike in incineration is to reduce how much plastic is used in the first place. That is why we have placed the emphasis on the reduction side of things. We need to emphasise the waste hierarchy. Reuse needs to be at the top of that, without emphasising as much on the recycling side because of course we need infrastructure there. But there is no way that the UK’s recycling infrastructure, even with a lot of extra investment, will be able to cope with the anticipated rise in production and with the waste export bans, so we need to turn the tap on the production at source.

Q124 Dr Whitehead: So you might favour something in the legislation that requires attention to the waste hierarchy, for example, in terms of the passages on waste and resources.

Rebecca Newsom: Definitely. As Ruth said, we would support making sure that there are reduction targets stemming from the waste priority area across all materials. Such is the urgency specific to plastics that Greenpeace
would support a plastic reduction target for packaging in the Bill in the short term, with an emphasis on reuse to avoid unintended environmental consequences.

Ruth Chambers: I definitely agree with all of what Rebecca has just said. Certainly one of the schedules in the Bill talks about disposal costs, which does not seem to sit readily within the strategic framework that Dr Whitehead has outlined. I do not have a view on the date, but you should certainly put that question to my colleague Libby Peake when she gives evidence on Thursday.

Finally, to reinforce a point that was made in the discussion, a key to ensuring that such a ban is to be enforced effectively is resourcing—the resourcing of bodies such as the Environment Agency. That point has come up a few times now in the discussion. It is obviously not an issue that the Bill has much ability to direct—it is an issue of much broader import than that—but it keeps coming up. If the Bill is to matter and to be delivered and implemented successfully, the resourcing needs to be there to match that over the long term.

The Chair: I need to bring the Minister back in. Ms McCarthy, do you want to come in briefly?

Kerry McCarthy: We are having a sitting on Thursday, when we may be looking at things such as the waste hierarchy, so I can probably save my question for that. It was mentioned earlier today that, because there is already technically a waste hierarchy that is enforceable in law, we do not need anything here. I would like to return to that, but I think we can do it at the Thursday sitting. I am flagging it up now in case Thursday’s witnesses are listening.

The Chair: Final questions or statements from the Minister.

Q125 Rebecca Pow: Thank you all for your input. I know that all your organisations have engaged previously, and it is invaluable. We have had a lot of talk today about targets. I partly get the impression that you think we should have much stricter, tighter and more defined targets set in the Bill. We will set legally binding targets in the four areas specified as well as the PM_3.5. Do you feel that the intention is that we fully engage further with NGOs, the public and experts to set these targets as we go through, and potentially learn lessons from other areas where targets have been set but have not worked very well? What is your view on that, in order to help us get the right targets? Do you think that is the right way to do it?

Ali Plummer: I think they are really welcome and vital. This area of the Bill is quite sparse. The targets are difficult. We are trying to tackle some challenging and difficult issues. One of the things that we will be looking for is the welcome conversation that the Government will open with experts, practitioners on the ground and stakeholders to make sure that we are genuinely setting achievable and ambitious targets. We are setting a high level of ambition but we are also clear what we need to do in order to achieve those targets. Those two conversations need to go hand in hand. We cannot set high-level ambitious targets without having a genuine conversation about how we are going to get there. Otherwise, we will end up setting long-term targets and potentially arguing for the next 15 years about how to do it and then have to start the whole process over again.

We are looking to build some of that Government intent into the Bill. We then have certainty and clarity that not just this Government but successive Governments will continue that intent and make sure that the Bill is going in that direction—in particular, on the advisory function, making sure the Government have access to good-quality expert advice. It follows more of the model we see in the Climate Change Act 2008, where there is a “comply or explain” mechanism built in. The Government can take this expert advice, which is public, transparent and clear, and comply with it, or give a good, clear explanation why not. Those are the sorts of things we are looking for. As Ruth reiterated earlier, I think we are as one on this. We totally recognise the Government intent. We are looking for a Bill that will make sure that successive Governments hold that intent. That open dialogue, where we can all have a genuine conversation about what we need to put in place to tackle these issues, is welcome.

Rebecca Newsom: I basically fully agree with what Ali has just said. I am also grateful for the intent; it is about translating it into a robust legal framework. I would add that, alongside getting the advice functions right, it is also about the public consultation through the target-setting process. As you said, continuing this conversation through formal consultation processes is key for the ongoing target-setting framework.

Ruth Chambers: Again, I endorse what my colleagues have said. I want to say two final things. First, we are asking for some of the very good intentions and objectives that we have talked about today to be more explicit, rather than implicit, so that whether we are a business, a member of the public or a future Minister, we have that clarity going forward.

Minister, you helpfully referred to the target development process, which will not form part of this Bill but will nevertheless be an important match to it. It will happen over the next few months, and if the targets in the first tranche are to be set by 2022, although that sounds a long way away, we all know from the way Governments work that it is actually not that far. The sooner that process can start in earnest and the sooner there can be clarity about how stakeholders can be involved, how we can feed in and when the consultation is going to be, the better, so we can make sure that we play a full and meaningful part in that.

The Chair: Thank you very much indeed. I think that brings the proceedings fairly neatly to a conclusion. As I have said to everybody else and will say to you, earlier this morning the Committee passed a resolution agreeing to accept written submissions. If there is anything that you feel you missed out or wish you had said, please put it in writing and let the Committee have it, and it will be taken into account.

Ms Chambers, Ms Newsom and Ms Plummer, thank you very much indeed, both for your patience and for the information you have given to the Committee. We are all grateful to you, and look forward to a successful resolution.

Ordered, That further consideration be now adjourned. —(Leo Docherty.)

5.25 pm

Adjourned till Thursday 12 March at half-past Eleven o’clock.
Written evidence reported to the House
EB01 49 Club
EB02 Coca-Cola European Partners
EB03 Local Government Association
EB04 Society of Independent Brewers (SIBA)

EB05 The Royal Town Planning Institute
EB06 Cycling UK
EB07 Building Engineering Services Association (BESA)
EB08 Girlguiding
EB09 United Kingdom Onshore Oil and Gas (UKOOG)