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Public Bill Committee

ENVIRONMENT BILL

Third Sitting

Thursday 12 March 2020

(Morning)

CONTENTS

Examination of witnesses.
Adjourned till this day at Two o'clock.

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

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The Committee consisted of the following Members:

Chairs: SIR ROGER GALE, † SIR GEORGE HOWARTH

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

Witnesses

Sarah MacFadyen, Head of Policy and Public Affairs, Asthma UK and the British Lung Foundation Partnership

Liam Sollis, UK Head of Policy and Advocacy, UNICEF

Katie Nield, UK Clean Air Lawyer, ClientEarth

Professor Alastair Lewis, Chair, Air Quality Expert Group

Stuart Colville, Director of Strategy, Water UK

Ian Hepburn, Chair, Blueprint for Water

Chris Tuckett, Director of Programmes, Marine Conservation Society

Public Bill Committee

Thursday 12 March 2020

(Morning)

[SIR GEORGE HOWARTH *in the Chair*]

Environment Bill

11.30 am

The Committee deliberated in private.

Examination of Witnesses

Sarah MacFadyen, Liam Sollis, Katie Nield and Professor Alastair Lewis gave evidence.

11.32 am

The Chair: Good morning. I thank the witnesses for attending. This is an important Bill, and it is important that we have the opportunity to hear expert evidence. You are probably aware that members of the Committee have already received the briefings that you issued, so I do not propose to request that you go through yours; you can assume that people have read it, so we will go straight into questioning. I ask each witness to introduce themselves for the record, from left to right—purely topographically—and to say which organisation you represent.

Liam Sollis: Hi everyone. My name is Liam Sollis. I am the head of policy at UNICEF UK.

Katie Nield: Hello. My name is Katie Nield. I am a clean air lawyer at a charity called ClientEarth.

Sarah MacFadyen: I am Sarah MacFadyen. I am the head of policy and public affairs at the British Lung Foundation.

Professor Lewis: Hello. I am Alastair Lewis. I am a professor of atmospheric chemistry. I am here as the chair of the Department for Environment, Food and Rural Affairs advisory group on air pollution—the air quality expert group.

Q126 Dr Alan Whitehead (Southampton, Test) (Lab): Good morning. This may be a bit of a challenge, but for the Committee's edification, could you—between you, or one or two of you—give us a little scene-setting about the impact of air quality on human health, with regard to asthma rates, disability, causes of death and so on, and then briefly set out for us where you think we are with Government action in this area? That is particularly important for what we may put into the Bill.

Sarah MacFadyen: I will start on health impacts. Air pollution is absolutely a risk to everybody's health. Our understanding of the evidence base on how it relates to different health conditions is growing all the time. We know for sure that air pollution is a carcinogen, and it is absolutely linked to the development of lung cancer, including in people who do not have other risk factors such as smoking. We know that air pollution is also a cause of heart disease. There is also evidence that is not quite as strong, though definitely emerging, suggesting

that air pollution could be a cause of asthma and a whole range of other health conditions, including things like diabetes and dementia. It is a really rich area of research at the moment.

As well as causing ill health, air pollution has a huge impact on people living with a long-term health condition, especially respiratory conditions such as asthma or chronic obstructive pulmonary disease. There is really strong evidence that breathing polluted air will make people's symptoms worse and could trigger an attack or an exacerbation—in some cases even hospitalisation.

Professor Lewis: It is worth unpacking that air pollution is not one thing; it is a whole range of different chemicals and entities. We may get into more detail on that. Broadly speaking, in the UK we are concerned about particulate matter, which is the small, fine, respirable particles—small droplets or small solids—that can get into your lungs and cause irritation. The health impacts have been described.

There is also a gas, nitrogen dioxide, which is brown—you see it as a haze. That has been covered a lot around diesel engine emissions, and it has similar effects. The third gaseous pollutant is surface ozone, which causes harm and irritation to the lungs and causes damage to crops and plants and reduces agricultural yield. Each of those has its own effect and each needs its own solution, so it is always worth breaking air pollution apart to understand which of the pollutants we are talking about, and which actions will bring about improvements.

Liam Sollis: Infants are likely to breathe as much as three times as much air as adults, because they breathe faster, and for other reasons, so children are particularly vulnerable to the impacts of air pollution. We have heard about some of the health impacts of that. There is growing evidence every single day about the impact on lung health, the propensity for risk of cancer, and how air pollution can affect a child's lung development. There is new evidence that suggests it may have an impact on child brain development as well. When it is seen through the crystal clear lens of the impact on child health, we see it really needs to be prioritised.

I say that partly because about a third of children in the UK—4.5 million children between the ages of zero and 18, and 1.6 million children under five—are growing up in areas with unsafe levels of particulate matter. Those are huge numbers. When we reflect on the Bill, and the extent to which we should push for high levels of ambition on what we can achieve, in relation to the targets set and the implementation plans that follow, we need to keep the impact on the most vulnerable people in our society right at the front and centre of our thoughts.

Katie Nield: To add to that, and hopefully bring this back to the opportunity that is on the table through the Bill, all that makes it really clear that we need a legal framework that sets a meaningful ambition to protect people's health, as well as requiring action to achieve and deliver on that ambition. We already have legal limits for air quality and the emission of certain pollutants in law, but what we have does not achieve them.

Most specifically and starkly, the legal limits we have for particulate matter pollution—one of the most harmful pollutants to human health—are not strong enough to protect our health, and the health of children and vulnerable people. Those limits are more than two times higher—that is, two times less strong—than the guidelines

that the World Health Organisation set back in 2005. That is why we are really keen for the Environment Bill to provide the opportunity for setting a higher level of ambition when it comes to protecting people's health, and the opportunity to commit the Government to achieving those World Health Organisation guideline levels of particulate matter, and to putting a plan in place to show how they will do that.

Q127 Dr Whitehead: I guess you were surprised that the Bill does not require legally binding targets to be set until October 2022 and does not go any way towards ensuring that the UK meets World Health Organisation clean air emission limits, for example. Are there particular measures that you think should be put in the Bill to enable those things to be addressed properly? How might we ensure that the limits are properly reflected in the legislation?

Professor Lewis: I will comment on the setting of targets, which is obviously an area in which a lot of people have an interest. It is worth understanding that there are quite a few components to what setting a target means, and there is more to that than simply crossing out an existing 20 or 25 and writing in 10. Although there is probably universal agreement that we want to head for a limit value of around 10, from a scientific perspective, we have to be absolutely sure that we have all the other parts in place at the same time, particularly the means to assess progress. It is no good setting a limit if we are not confident that we can measure progress towards it. That is considerably harder than picking the number that you would like to shoot for.

I have some sympathy about the timescales, if the timescales are to allow us to get the assessment framework right, because I suspect that will take a bit of time. The UK is potentially going into a place, in terms of the limit value, where no other large developed country has been before, so we are likely to need infrastructure, methodologies and so on to assess progress towards that, for which there is no blueprint. The WHO does not tell you how to do the assessment side. If all that is wrapped up in the discussion of what is a target and setting a target, we need to be a bit cautious about trying to do things too quickly, in case we do not get the assessment part of the equation right.

Katie Nield: I mentioned that the existing legal limit for particulate matter is too weak. It is great that the Bill acknowledges that, because it is the only target that is specifically required by the Bill—a new binding target for PM_{2.5} pollution. It is really positive that the Bill, in that respect, recognises the current weaknesses.

What the Bill does not do and does not tell us, however, is how that target will actually be set to better protect people's health. As you alluded to, the decision on that is kicked down the road for another two and a half years. Issues around finding out exactly how it will be assessed aside, we are frustrated because we know that we need action to tackle this pollutant now. We have heard from the other panel members the impacts that it is having on people's health now. We do not want the ambition to take urgent action to tackle this pollutant to be stalled for another two and a half years.

There is evidence that it is possible to achieve the WHO guidelines for this pollutant by 2030. The Department for Environment, Food and Rural Affairs released a report last year that concluded that. London is arguably

the city in the country with the largest-scale problem when it comes to particulate matter, but it is also said to be possible in the capital too. With all the evidence there, despite the ins and outs of exactly how the target will be assessed, and the fact that it might be set out in subsequent secondary legislation, the Bill provides a real opportunity to set out the Government's stall now, and show that they are committed to real ambition to protect people's health now, rather than delaying action any further.

Sarah MacFadyen: We fully understand that the Government's intention with the legislation is to allow them to consult with the right experts on the environment and health to set the right targets, but we feel that, with air pollution, the World Health Organisation has made its recommendation very clear, and it is the expert on this. There is a really strong case for taking that guideline and committing to it in the legislation, in addition to doing the work around that to set out exactly how we will reach it and monitor our progress.

Liam Sollis: The logic that underpins the WHO recommendation is to set a benchmark that says, "If the PM_{2.5} levels exceed this level, you will be doing irrevocable harm to people's health." We need to make sure that we target below that, because it has been designated by health experts as the very maximum that we can legitimately see as permissible. That level of ambition needs to be front and centre, because health is the common purpose that underpins the air quality component of the Bill.

On the timing of the targets, some important points have been made. We want to make sure that the process of setting the targets and the assessment processes that will follow will not stall action and implementation and hold things up any longer than they need to. We need action now, because people are falling ill and dying now. The more impetus there is, and the quicker we can move towards that, the better for people's long-term health.

The Chair: I shall bring in the Minister responsible for the Bill, Rebecca Pow.

Q128 The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow): Thank you all for coming in. I want to pursue this subject a little further. It is clear that we recognise how damaging PM_{2.5} is to human health, as we have made it the only legally binding target in the Bill. I hope you welcome that.

I want to address Professor Alastair Lewis first, from a more scientific perspective. While the WHO has said that it might be possible to get to that target quicker, it did not say how to do that or what the economic impacts were. I would like you to go into the detail of why that is so difficult to do right now. One key aspect of the Bill is that experts will be involved in consultation right the way along the line. How important is it that we do not rush into something, but take important guidance and expert advice?

Professor Lewis: There is quite a lot in there. The first issue is what the WHO is really telling us. One technical point that we need to be clear about is that harm from air pollution does not stop magically at 10 micrograms, and it does not say that it does. That is set as a benchmark that we should all aim for, but harm continues below that. If someone lives in a house and their

exposure is 10.1 and someone else lives in a house where it is 9.9, the health impacts are basically the same. We have to think about continuous improvement everywhere, not just the limit values in isolation. The WHO is not suggesting that if we all got to 9.9, we should stop thinking about air pollution. We have to think about that component.

The reason it is particularly challenging the lower you get is that less of the pollution comes from obvious sources. Most of us visualise air pollution as something coming out of a car exhaust or a chimney. In terms of particulate matter, we would consider that a primary emission—you can see it coming from the source. More and more particulate matter that we will breathe in in 2025 and 2030 will be secondary particulate matter. Those are particles formed in the atmosphere from reactions of chemicals from the wider regions around us. It becomes harder because we cannot just work on the sources in the cities themselves and go to the bogeymen sources we have gone at before; we now have to work across a much broader spectrum of sources. The chemistry of the atmosphere works against you because, often, that is non-linear chemistry. You have to take a lot of pollution out to begin to see relatively small benefits. None of those are reasons not to have action now, but there are some underlying fundamental issues around reducing particulate matter.

Q129 Rebecca Pow: Some of it comes from Europe, doesn't it?

Professor Lewis: Europe will be a significant component. You cannot reduce particulate matter without the co-operation of your neighbours, because it is quite long-lived in the atmosphere and it blows around. It is particularly significant in the south-east and London. Other sources come in from suburban areas, from agriculture and so on.

There are a lot of areas that will need to be worked on simultaneously. It is rather different from how we have dealt with air pollution in the past, where you could get a really big hit from closing down some coal-fired power stations or working on one particular class of vehicle, which is what we have been doing for nitrogen dioxide. As we look over the next decade for particulate matter, we will have to have actions all the way across society, from domestic emissions—what we do in our own homes—to how we generate our food, how industry operates and so on. This is about not underestimating the scale of the task.

Your final point was on how achievable this is. The WHO does not tell you whether 10 micrograms is achievable in your country or not. In fact, in many countries in the world, it will not be achievable, because of natural factors—forest fires and so on. In the UK, whether it is 100% achievable—meaning that every square metre and person in the UK can be brought under that limit—is probably questionable. If you ask me whether the vast majority of the UK could be brought under that limit value, the answer is probably yes.

That has implications on how you choose the right targets to set. The limit value is one, and it very much focuses the mind on what you are trying to achieve. However, we have seen perversities around only having a limit value, because it means that more and more attention is placed on to a smaller and smaller number of places, which does not necessarily always deliver the

largest health benefits. The Bill sets out the headline of potentially 10 micrograms per cubic metre, but alongside that we want to see a long-term target around continuous improvement, measured across the population as a whole. We do not want to see pollution simply smeared out a little bit, to artificially get underneath the limit values. I have said quite a lot, so I will probably stop there.

Q130 Rebecca Pow: Just to encapsulate that, is it right to have the legally binding PM_{2.5} target and to set the other targets when we have more evidence, given that we all want to be really ambitious for the health aspects?

Professor Lewis: Obviously we will need this target around population improvement. However, even when setting the limit value now, we have to be quite clear about how we will assess that. It is technically quite a challenging thing to do. Nobody would want to set a target, discover that we came up with the wrong way to assess progress, and then potentially argue in the courts over whether progress had been made. Having real clarity now about how we will measure progress towards the specific 10 microgram per cubic metre limit value is really important, and we will want to take quite a lot of expert advice on that, because nobody has done this before.

The Chair: There is no obligation to do so, but if any other witnesses want to add anything to that, they are very welcome to.

Katie Nield: I will take a step back and think about the purpose of the targets. Obviously, we already have legal limits and emission-reduction commitments within existing law, and we are hearing that the Government are committed, quite rightly, to improving on those, which is great. However, I am concerned that the actual architecture of the Bill does not provide us with that comfort.

There is a requirement for the Secretary of State to review the targets periodically, but only against a requirement that a change would significantly improve the natural environment. There is a huge omission in that statement: there is no mention of human health or of the need for these targets to be there to protect human health. That seems to be a really stark omission that could be quite easily fixed within the Bill. Surely the whole purpose of these air quality targets is to protect people's health. At the moment, there is not enough comfort in the Bill to make sure that that is the case.

We are talking about long-term targets. There will definitely be a need to review and change things as evidence and the means of assessing things go forward. We need a Bill that constantly requires those things to be the best that they can be, to protect people's health. At the moment, the Bill is kind of silent on that point, which is a major concern.

We also talked about the importance of expert evidence. The Bill requires that the Secretary of State obtains expert evidence before setting targets, but it could provide that mechanism in a much more transparent and meaningful way. There is no requirement for the Secretary of State to take that advice into account, for that advice to be published, or for the Government to respond to or to explain why they are doing things contrary to that advice. To set a meaningful, long-term framework, tying up those gaps within the Bill is really important.

The Chair: Thank you. Diedre Brock, do you have any questions?

Diedre Brock (Edinburgh North and Leith) (SNP): Not particularly at this time.

The Chair: In that case, I call Robbie Moore.

Q131 Robbie Moore (Keighley) (Con): Professor Lewis, what sorts of measures would you expect the Government to have to implement to meet the World Health Organisation levels by 2030?

Professor Lewis: The Government have a clean air strategy. It is quite a lengthy document, and necessarily so because of the problem with needing to reduce emissions effectively all the way across society's use of chemicals and so on. We have made significant progress on reductions in emissions from vehicles, but there is still some way to go on that. One area that we will have to look at is, even when the vehicle fleet is electrified—by 2030, the majority of passenger cars may be electric—vehicles will still be a source of particle pollution from brakes, tyre wear, road wear and so on. Although electrification has huge benefits for air quality and will hopefully completely eliminate nitrogen dioxide, simply buying electric cars in isolation will not completely solve their contribution to air pollution. We will need measures to try to get cars out of city centres and so on, even if they are electrified. That is one thing.

A major component of particulate matter forms from the chemistry that I have talked about, involving ammonia from agriculture. That has been a persistently difficult source of pollution to reduce; it is very diffuse and comes from all sorts of agricultural processes. That is a sector that has not seen many declines. There will have to be substantial reductions in agricultural ammonia emissions to meet that target. That is the one area where I have some concerns, because historically we have not made an awful lot of progress on that.

Another contributor to the formation of particles in PM_{2.5} is our consumption of chemicals. A lot of the reactive chemicals that we use and consumer products that the industry uses go on to react in the atmosphere and form PM_{2.5}. We will all collectively have to work to reduce our consumption of those.

Then we get to sources that are very hard to reduce. That is why we may be left with some very stubborn areas. You cannot completely remove PM_{2.5}, because in the end it is generated from friction, and it is very hard to live a life that does not involve some form of friction and the wear of surfaces. Food and cooking are sources—it would be hard for any Government to commit to banning food.

I have touched on a few contributors, but I could probably have listed 15 more. Individually, they all sound quite small; in combination they have a large effect. We will be facing some that will be very difficult to reduce, just because they are so integrated into our lifestyles, particularly in the most densely populated cities, where the sheer volume of people and activity is in itself a generator of PM_{2.5}. I would not want anyone to go into setting a target without being very clear that there are some activities that we undertake where you cannot totally eliminate emissions. But as I say, the vast majority of the UK could, you would hope, be brought under a 10 micrograms limit.

Liam Sollis: To build on that, there are so many different areas that potentially contribute to air quality in the country, so it is all the more important that there is a cross-governmental duty to ensure that different Departments of Government and different areas of life across the UK are all working towards that common ambition. We must think through how that can be articulated in the Bill, making sure that there is co-ordinated action that is not led just by DEFRA, but that brings together a whole number of different Departments to meet those common aims.

There is mention in the Bill of the environmental improvement plans—that is very welcome. I do not think that there is any explicit mention that air pollution needs to be included within those EIPs. Ensuring that air pollution is a priority throughout all elements of cross-governmental co-ordination on the environment is definitely something that we would like to see.

The Bill contains emphasis on local bodies and local government action to make sure that we reduce air pollution. That will become a reality only if there is a national action plan ensuring that there is co-ordination and adequate levels of support and funding. I know that some money was announced in the Budget yesterday that links to this issue. We would welcome more information on how that is being focused and prioritised to make sure that the allocation of that money is linked to where the greatest health impacts are across the country and to make sure that the most vulnerable people are being protected.

The only other thing I would add to that in this broader, more holistic approach to tackling air pollution is the impact from European countries, which the Minister mentioned. As we get further along the line and reduce air pollution more, that will become an increasing factor on air pollution in the UK. We have the opportunity of COP 26 later this year—a real marker in the sand whereby the Government can take leadership and start to bring other countries along with it in relation to air pollution.

As we get further down the line and get closer to 2030, we are trying to get much further along with the air pollution targets. It will become increasingly important that we are able to galvanise action from our European partners as well. This year is a really important moment for that. The signing of this Bill and the follow-on plans that will come afterwards are a really important way of galvanising that action, so we should prioritise that.

The Chair: I am going to start taking questions in twos because we do not have a lot of time left, but is there a follow-on question specifically on that?

Q132 Jessica Morden (Newport East) (Lab): How does what the UK does to tackle air pollution compare to other countries?

Professor Lewis: It depends how you want to measure success. We do quite well in terms of the concentrations that people are exposed to relative to other European countries, but we have the great advantage of a massive Atlantic ocean upwind of us, so that is probably not a fair measure of success. We have some natural geographic advantages.

Another measure of success is national emissions. There are a basket of air pollutants with which we have targets under both the Gothenburg protocol and the

national emission ceilings directive. They set the tonnages, effectively. On those, the UK meets its targets reasonably well. It does not stand out as being an overperformer, but it is not a laggard either. Most of the large European economies have seen their emissions reduced broadly at the same rate, but we do slightly better in terms of concentrations and exposures just because of geography.

The Chair: Thank you. I will take two questions now. Perhaps the witnesses will decide between them who is the most appropriate person to respond in each case. I know that might be asking a bit much, but try and think about that.

Q133 Abena Oppong-Asare (Erith and Thamesmead) (Lab): I want to ask about the respective contributions to air pollution made by road, air and sea transport and other emission sources such as energy from waste, incinerator plants, wood burning and ammonia from farming.

Q134 Bim Afolami (Hitchin and Harpenden) (Con): Professor Lewis, I was very interested when you talked about the different chemical reactions and the effect of agriculture upon the PM_{2.5} particulates in the air, and how we should be fully aware that it is not just car exhaust fumes. Bearing that in mind, would you be cautious about putting into law something that the Government would not necessarily have control of or the ability to fully manage themselves, and might potentially end up as a big problem?

Professor Lewis: I can answer that directly now. You certainly would not want to put in promises to control things that are outside your control. There are things such as natural emissions. For example, there are chemicals emitted from trees that contribute to air pollution when they mix with other things. You certainly would not want to commit to controlling those.

If you are alluding to ammonia being an uncontrollable emission, I do not think it is. Ammonia is something that can be controlled. There are a lot of interventions that can reduce those emissions. There is probably a minimum level of ammonia that you would argue is uncontrollable, but we are way away from that at the moment.

On each of those pollutants and each of the ones that contribute to the chemistry, you do need to sit down and think very carefully about which bits are under your control and which bits are not.

Bim Afolami: And indeed the interaction between different bits.

Professor Lewis: It is a lot of detail, but the contribution from ammonia, for example, comes when it mixes with some of the end products of emissions from car exhausts. So you have two completely dissimilar sources that are not even geographically located together, but when the atmosphere brings them together, the acid and the alkaline react. That is why you need to look right across the emissions sources and not be too focused on just dealing with one.

The Chair: And on Abena's point?

Professor Lewis: I can answer on the contributions, because this is the sort of thing that is reported in the national atmospheric emissions inventory; there is a lot of detail on the individual contributing sources. This is where the world will change in the next 10, 12 or 15 years,

because at the moment we have a huge contribution to urban air pollution from vehicles, and particularly nitrogen dioxide, but that will slowly move out and we will see the mix change. With other transport sources, such as trains and aeroplanes, we imagine that train contributions will decrease and aeroplanes will probably stay the same. It will evolve over time.

Katie Nield: It is worth stressing that although there could be many, many different sources of particulate matter pollution, so many of them are controllable. As you were saying, emissions from road transport are controllable, as are those from agriculture and domestic burning. There is a huge amount left to be done to control those emission sources. The concern I have with the Bill is that, although there are environmental improvement plans and it is great to have something to point to show what the Government are doing to achieve the targets, I do not have enough comfort from the Bill that that is what those plans will achieve for air quality.

I have two main concerns with respect to those plans. First, there is no mention of the need to protect human health. Again, the requirement in the Bill is to set out steps to improve the natural environment. There is nothing about the need to protect human health as part of that. Again, that seems to be a stark omission.

Secondly, although the plans must include steps to improve the natural environment, there is nothing up front that requires that those steps are sufficient to be likely to achieve the targets that the Government commit to. It seems that the plans should be the vehicle for achieving the targets, so I do not see why the law does not recognise that.

From an air quality point of view, the Bill represents a bit of a step back from what the law says at the moment with respect to current air quality targets, because the plan-making provisions that we have in the current law to meet targets are much stronger than those that the Bill provides for. That is a major concern for us.

Sarah MacFadyen: Regarding the mix of sources and where the emissions are coming from, the British Lung Foundation is generally most concerned with emissions from transport, because that is the primary source in busier towns and cities, which is where the majority of people are living, working and breathing. That is why that partnership between national and local government is so important on this issue, because the situation will look different in different places.

We have quite a lot of patient groups based in cities and towns along the south coast, for instance, who are very concerned about air pollution. Obviously, shipping is a big contributor when you are on the coast. We need to be able to look at this issue in local areas and see what the biggest contributors are there. We need both the national strategy and the support for local government to tackle what is going on in their areas.

The Chair: I will take two more questions. We really are pushed for time, so if Members could make their questions as concise as possible, that would be really helpful. We will start with Kerry McCarthy and then go to Cherylyn Mackrory.

Q135 Kerry McCarthy (Bristol East) (Lab): My question is specifically directed at ClientEarth. You have taken the Government to court over their failures on air

pollution three times now. Do you feel that the Bill gives sufficient powers to take action against the Government if there are future failures? Also, my concern is about the buck being passed to local authorities to a large extent. In the wider picture, I have just heard that Bristol has finally got its directive from the Government today, but unless funding is released for transport, housing and all the things that go with it, it will be very difficult for local authorities to do what is required, so where is the balance? Who should be held to account, and can they be held to account under the Bill?

Q136 Cheryl Mackrory (Truro and Falmouth) (Con): I suppose that my question follows on from that. I am lucky enough to represent a coastal rural community. My confusion is about how we measure these targets. I do not know what success looks like where I live, compared with London, for example. We might also set targets in the Bill, but where I live might have met them already while London has not. Who are we setting the targets for? I find it a bit too complex, which is why I am leaning towards using secondary legislation to manage that. Following Kerry's question, I would also like to hear a little more about the role of local authorities.

Katie Nield: I will go first, given that the first question was directed at ClientEarth. The cases that ClientEarth has taken against the UK Government have been key both to driving action to meet the legal limits we already have and to highlighting this as a serious issue and highlighting Government failures so far. It is really important that the Bill allows people to continue to do that against these new binding targets. They need to be meaningful, and that means that the Government need to be held to account against them. That is key.

What is also key is that we should not have to rely on organisations such as ClientEarth or individuals to take action. That is another reason why it is really important that the Office for Environmental Protection—the new environmental watchdog set up by the Bill—has adequate teeth to do that job and scrutinise Government actions. I assume you heard in previous evidence about the shortcomings of the Bill in that respect, so I will not repeat that.

In terms of action from local authorities, what has come out in the discussion so far has been clear: air pollution is a national problem and there are a huge number of different sources that need to be dealt with. It is not a localised issue with just a small number of hotspots that need to be cleared up. What we are concerned about is pushing the burden of responsibility on to local authorities to deal with this problem—that will not be the most effective way to tackle this national public health crisis. We need the Bill to reflect that, and we need the environmental improvement plans to reflect that.

At the moment, the Bill provides some new powers to local authorities, and those are very welcome, but it risks putting the burden of responsibility on them. This goes back to the point Liam was making earlier about the opportunity to introduce a broader ranging duty on all public bodies across different levels of Government and different Departments from the central level to ensure that they are doing their bit to contribute to those targets.

Professor Lewis: I would like to comment on assessment in a rural environment, because that is really important. Most people potentially live in places that will not be

anywhere near a measurement point. It has been possible to bring action on nitrogen dioxide because there was a very good way of assessing it: we knew where the pollution was—at the roadside—and there was a network of measurements and, crucially, an ability to predict, model and fill in the gaps in between, where everybody else lived. That provided you with the evidence base with which you could say, “These areas exceed; these areas don't.”

It is harder with PM_{2.5} because it does not come just along the roads, although there are sources there; it comes from many places. You might rightly ask, “How will I know if it is getting better in my constituency?” The answer is that if we do adopt things like a 10 microgram target and continuous improvement, we will have to do more measurements, because we will not have the evidence to present to say whether it is getting better or not. There is a fundamental difference as you go lower and lower: the challenge in proving that things have got better, and particularly in places that historically we would not have thought of as pollution hotspots, is pretty hard. People should go in with their eyes open that there will be more of a burden in demonstrating that progress is being made.

Katie Nield: I suppose setting an ambition for that target also provides an opportunity for us to better assess it and better understand the impacts it is having on our health, so it is an opportunity.

The Chair: I am afraid we have time for only one more question, and I am not sure that we will have adequate time for all the witnesses to respond. Alex Sobel, please be very brief.

Q137 Alex Sobel (Leeds North West) (Lab/Co-op): I will try. My city, Leeds, has some of the worst air quality in Europe. We are getting a clear air zone, but it is nine months late due to Government methods. A DEFRA fact sheet says that NO_x—nitrogen oxides—emissions fell by only 33% between 2010 and 2018, and PM_{2.5} by only 9%. The NO_x limits are the same for the EU and the WHO, but the WHO's PM_{2.5} limits are much lower than the EU's. How can we get to a safe level by 2030, given where we have got to at this point and what we can do with the Bill?

The Chair: Very quickly.

Sarah MacFadyen: I think we have covered a bit of that already, but the actions laid out in the Government's clean air strategy are going in the right direction. We need to look across all sources. Within Leeds, a huge part of that will be road transport, but it is not the only part. We know that clean air zones are a step in the right direction, and that the modelling around them shows that they will reduce nitrogen dioxide and some particulate matter. To reduce PM further, we will need to consider having fewer cars on the road—not just newer or electric models—and look at investing further in clean public transport and in walking and cycling. We will also need to look at wider sources, such as fuel burning, industry and agriculture.

The Chair: Order. I am afraid that brings us to the end of the time allotted for the Committee to ask questions. On behalf of the Committee, I thank the witnesses for their forbearance. I know it has been

[The Chair]

difficult to squeeze in all the information, but I am sure the whole Committee has found it very informative and helpful in shaping our views.

Examination of Witnesses

Stuart Colville, Ian Hepburn and Chris Tuckett gave evidence.

12.17 pm

The Chair: Good afternoon. We will now hear evidence from Water UK, Blueprint for Water and the Marine Conservation Society. We have until 1 pm, but it has been very difficult to get through all the questions in the time allocated. As Members of the Committee do not seem to understand what “concise” means, I ask them to condense their questions. Our witnesses are very welcome. Do not feel that you have to answer every question if you do not have anything to add to what the others have already said.

Q138 Dr Whitehead: Good afternoon. I want to start with some thoughts about water efficiency, and specifically the extent to which it is widely thought that the Bill perhaps misses the opportunity to strengthen water efficiency targets and encourage homes and businesses to reduce their water usage. Do you think there should be powers and targets included in the Bill to enable those efficiency measures to be expedited?

Stuart Colville: My name is Stuart Colville and I am from Water UK. The position of the water industry is really clear on this. Looking at the second half of this century, we are starting to see projections of water deficits in every part of England, and water efficiency is clearly part of the toolkit for dealing with that. We would like to see some of the Bill’s resource efficiency clauses used to bring forward a scheme to label water-using appliances—dishwashers, washing machines and that kind of thing—coupled with minimum standards. We feel that is really important. The modelling shows that if you do not do that kind of thing, you end up having to bring forward a lot of supply-side measures, such as strategic transfer schemes or desalination plants, which are not only very expensive, but quite carbon-intensive. That is the kind of measure we are looking for from the Bill.

Ian Hepburn: I am Ian Hepburn of Blueprint for Water, which is part of the Greener UK coalition. We entirely support and endorse the view that there should be opportunities for water consumption reductions in the Bill. We have identified a couple of parts of the waste and resource efficiency element of the Bill that could allow for the relevant reduction opportunities to be put in, in the form of mandatory water efficiency labelling and setting standards. There is an absence of a target, and if this Bill could be used to produce a target for water efficiency, we would be very supportive of that.

Q139 Dr Whitehead: I want to touch on the other aspect of water that we have heard rather a lot about recently, namely flooding, and observe that the Bill likewise holds no powers or duties on flood defence or work on drainage of waste water to reduce flood risk.

Do you think that is an omission in the Bill, or are there other ways in which such measures could be reliably incorporated into legislation?

Stuart Colville: From a water industry perspective, the most serious omission, or the thing we would most want addressed, is a recognition in statute of these things called drainage and waste water or drainage and sewage management plans. There is no adjacent duty on those others in the water industry to co-operate and collaborate in the development of those plans. Those plans are slightly technical, but we see them as fundamental to our long-term ability to deal with increased rainfall patterns, climate change and so on, to ensure that there is enough capacity to meet that.

At the moment, the onus is placed on water companies, which is correct because they are at the heart of that planning process, but there is an absence of any requirement on other operators of drainage systems to be part of that. In practice, we are already seeing that leading to some variability across the country in the quality of co-operation, whether with strategic road operators or local authorities. The most serious omission for us is that lack of obligation on others to be part of that process, to be around the table and to think about how these very long-term plans will work.

Ian Hepburn: If I could add briefly to that, one of the big opportunities missed in this Bill is to provide for a strategic catchment-scale management of water. Without that, we have lots of little piecemeal bits of mechanisms, bits of legislation, the flood and coastal erosion risk management strategy, the resource management plans that are coming in—a whole host of different elements, none of which are joined up. That join-up cuts across to the Agriculture Bill and the opportunities there under the environmental land management scheme to generate natural flood management opportunities.

If none of those are joined up and it is not dealt with in a strategic way, we will still be doing things using a very piecemeal, bitty approach, and that is not the way water works. Water falls, it moves, it goes into the sea; that is what you have to manage. You are managing the issues that we will increasingly face, too much water and too little water. We have to manage for that. We have to manage that so that we are able to take out water for our own communities and purposes, while having enough left for the environment.

Chris Tuckett: I am Chris Tuckett from the Marine Conservation Society. I entirely agree with what Ian says about the connectivity between different parts of the environment. Yes, if you are managing the environment in terms of waste water and drainage, that also means that potentially preventing things such as bathing water quality impacts down at the sea. It is about looking at the different aspects in a more integrated way. Some of it is in the Bill—certainly in part I, which is quite general and integrated—but the connection is quite often missing. It should not be missed; in thinking about the Bill, we should think about the connections in our environment.

The Chair: Minister, would you like to add to our proceedings?

Q140 Rebecca Pow: I would love to. I want to be clear about resource and water efficiency, which was mentioned earlier. That is catered for in clause 49. I take the points about needing to look at the wider issues of all water

resources. We have to set a water target in part 1 of the Bill. I am interested to know your thoughts on what sort of target you would like to see, because we have that opportunity in the Bill.

Chris Tuckett: First of all, I am delighted to be here. I am quite surprised I am here, because the Bill does not actually mention marine—it mentions the Marine and Coastal Access Act 2009, but it does not talk about the marine environment.

Rebecca Pow: But it mentions the natural environment, and to be clear, that includes marine. That is why you are here.

Chris Tuckett: Yes, which is great, and I really appreciate that. We would really like a little bit of clarity, and for the Bill to mention marine, because 55% of our territory in England is under the sea, yet the Bill does not mention the words “sea” or “marine.” There are some simple changes and a few amendments that I know have been agreed that can fix that very simply.

As far as targets go, it is incredibly difficult to look at the different parts of the environment—water, biodiversity, land and air—and put one target on them. For the marine environment, the best we have at the moment is good environmental status. That is to be achieved by the end of 2020. We are pretty certain that it will not be. Following the assessment at the end of last year, 11 out of 15 indicators of good environmental status are not at green; they are failing. There is a lot of work to be done.

In terms of the target for water, good environmental status is probably as good a measure as we can get. That needs to be there. It will not be met by the end of 2020. Thinking further about the value of the environment, particularly the marine environment from a climate point of view, do the indicators to achieve good environmental status need to be upped a bit more, to make sure we take account of climate change and the role that the marine environment has in that? For water, we need a basket of measures.

Ian Hepburn: I cannot argue with any of that. It is quite difficult to pick one target, because there are many targets for the water environment that we would want to see. The most obvious target is the water framework directive target for good ecological status or potential for all waters by 2027. I seriously doubt we will meet that; most people think we will not. That is only one part.

I would like someone to invent a target that integrates all needs for the water environment. I have not seen it yet. I could not pick one particular target right now that I would like to see. There is a need for a multitude of targets. Picking one will not be sufficient.

Stuart Colville: Do you mind if I add two quick things? First, it is clearly right to have more than one target for water in the Bill. My personal preference would be to have a distribution input target, which is a technical thing that simply measures the amount of water taken away from the environment, whether for residential or commercial purposes or so on. Placing a target aimed at the ecological outcome—or the impact most associated with the ecological outcome, the removal of water—would drive a bunch of incentives and behaviours by water companies and others that would promote good ecological outcomes. There is something there around abstraction that is quite interesting.

There is clearly also something on ecological status or ecology. The targets we inherited from the water framework directive will expire in 2027. We are not really having a debate yet about what should come afterwards. However, if you look at the investment lead times of the water industry, for example, you are talking about 10 or 15-plus years, so we really need to have a debate now about what comes after 2027, regardless of the percentage compliance that we actually achieve under that. We already need to start planning those longer-term investments.

The third area, which is perhaps more difficult, because it is newer, is the idea of public health. All the existing legislative framework around protecting waterways, and the environmental outcomes around waterways, are predicated on the protection of invertebrates and species and biodiversity. If you look at the water framework directive, the urban waste water treatment directive and so on, that is the outcome that they aim at. We are increasingly seeing society expecting to have the ability to bathe, swim and paddle in inland rivers, or to go down to the local pool of water and splash around with a dog or whatever. The gap in how we—the industry and Government regulators—react to that is between whether we take that inherited legislation, which is clearly based on environmental parameters, or whether we think about protecting public health in that environment, because that will trigger a lot of investment and money, and a lot of carbon—

Q141 Rebecca Pow: Can I quickly follow up on something? In the light of what you have all said, we already have a pretty heavy legislative framework for water and the water space; we already have water management plans, catchment plans—a raft of information—which is why a lot of that is not reiterated in the Bill. The message I am getting from you is that there are myriad targets that we could set. I would say that the Bill offers the opportunity later to set any targets that we want. Do you agree that it is good that a water target will be set in the beginning? I think our marine lady particularly welcomed that. This shows how complicated setting targets is, and that we would need to take a great deal of advice in the secondary stage of the Bill in order to do that. This is what the Bill offers us the opportunity to do. Do you welcome that general approach?

Stuart Colville: Yes, I completely agree.

Chris Tuckett: Yes. If I could add to that, the additional thing that the Bill will potentially bring is teeth to some of those targets. The water framework directive target is for 2027. Who knows whether we will get there; we have missed a number of points along the way. It is the same with the marine strategy framework directive. When I talk about good environmental status, that is related to marine strategy. The targets are there—there is a ream of targets—but the regulatory bite and the consequences of the targets not being achieved is missing. If we could bring that through, that would be great, and a huge improvement.

Ian Hepburn: I would add very quickly that the opportunity for interim targets to be set and managed over a shorter timescale than the one global target ought to be taken advantage of.

Q142 Deidre Brock: I have been doing quite a lot of work examining issues around munitions dumps around the coast of the UK. In fact, I called for an environmental

[Deidre Brock]

audit—on both land and sea—of the Ministry of Defence’s activities. Clause 18 excludes

“the armed forces, defence or national security”

and

“taxation, spending or the allocation of resources within government” from the scope of the policy statements. I am interested to hear your thoughts on that.

Chris Tuckett: I have to confess that it is not something that I have scrutinised; I should have. Munitions dumps, disused landfill sites, unclaimed landfill sites are potentially a risk to the environment in the round. Where there is coastal erosion, they are absolutely a risk to the marine environment. If there are loopholes in the Bill in relation to those sorts of risks, and there is the opportunity to deal with those loopholes here, we absolutely should. But we must look at it in the round, because there are a number of different sorts of sites that are like that.

Ian Hepburn: I do not see a reason for having gaps in terms of responsibility. There is a potential impact on the environment. They may be treated slightly differently, perhaps because of their special positions, but I do not see a reason why there should be a gap.

Q143 Deidre Brock: You think a blanket exemption is not appropriate.

Chris Tuckett: The environment does not see any difference, does it?

Q144 Saqib Bhatti (Meriden) (Con): Mr Colville, you spoke about the water industry. Do you agree the Bill is a step forward with respect to the regulation of the water industry? Obviously, the current process can constrain water companies and increase uncertainty about regulation and so on, but bringing the process in line with other sectors can strengthen Ofwat’s ability to improve the way water companies operate and the information they receive.

Stuart Colville: You are referring specifically to the changes to licence amendments and the process around that.

Saqib Bhatti: Yes.

Stuart Colville: This is clearly an area that needs to be approached with caution, because the licences that water companies hold are extremely important to the way that they operate and for attracting investment, essentially. We think the Bill broadly strikes a reasonable balance between the powers that the Government and the regulator feel that the regulator needs, while maintaining protections for investors and continued investment.

Q145 Marco Longhi (Dudley North) (Con): I am interested in the panel’s views on the role of local government and, more broadly, on the regulatory framework once we have decided what the medium and longer-term targets may be. As I observe the water economy—if I could use those terms a little loosely—it seems very fragmented. We have water providers, water treatment, marine, canals, x, y and z. How do you see the regulatory framework, as that develops, once we have decided what those targets should be? I just want to make sure that we do not put the cart before the horse, if that makes sense.

Stuart Colville: I think the role of local authorities is crucial. We are seeing an increasing move towards catchment-based planning across the UK. Local authorities bring a sort of accountability that industry and regulators

cannot. Involving local authorities more in the medium-term or long-term plans around some of our most important river catchments is really important—bringing them into the partnerships that are being constructed to think about how best to maintain and improve water quality, flood resilience and so on.

I do not necessarily see a role for the Bill in promoting that. I think it is already happening to some extent, and we are seeing work quite well in particular areas. It requires a proof of concept and a scaling up of what is already happening.

Chris Tuckett: Absolutely, it is complicated. The Bill is huge. The governance framework is also huge.

Q146 Marco Longhi: It follows on from Mr Hepburn’s comments earlier on integrated thinking. Given the fragmentation of the whole environment around water, it is a complicated equation.

Chris Tuckett: The systems thinking around governance, as well as the environmental system itself, is really important. There is a specific example I have around local government. The inshore fisheries and conservation authorities that operate around England, at six or 12 nautical miles—the inshore area—get their funding through local authorities. We know that due to the situation local authorities are in, some of that funding is lost along the way. It just happens.

The funding position there is pretty dire, so from a marine point of view, to regulate the inshore and to do this job properly and recover our marine environment, we need the regulators to be in place to have the power and, bluntly, to have the funding to be able to do the job. That goes for the Association of Inshore Fisheries and Conservation Authorities and for the Marine Management Organisation.

With local authorities, you of course also go on to the waste and resources side of things, which I think you will be talking about later. It is important to think about their role on such things as deposit return schemes versus what would happen within a new system that is set up. I am sure DEFRA is absolutely on the case with thinking about governance arrangements, the flow of money and how all that works as part of this, but it is vitally important.

Q147 Kerry McCarthy: Can I just ask a quick question about chemicals in the water supply and whether the Bill does enough to increase the monitoring of pesticides and other pollutants in the water? You are all nodding, but nobody is answering.

Ian Hepburn: It is not something I have looked at in depth, but certainly there seems to be concern—this is from other organisations that support and work with Greener UK—that there is a large number of substances out there that will be risky as far as human health is concerned, let alone the health of the environment. That will need to be regulated. I do not see within the Bill that there is necessarily the right framework to do that monitoring.

It is also probably worth touching on the fact that if one puts that responsibility on the Environment Agency, which has had fairly significant depletion of its resources, it may be that there is no capacity, even if you include that responsibility in the Bill, to get that monitoring done. I think that is something that we need to bear in mind when developing something that will help us

watch these novel substances, both alone and in how they operate together in the environment, because they do pose risks.

Stuart Colville: I would just observe that regulators and the water industry itself have a programme of research into what I suppose you would call novel contaminants or novel pollutants within watercourses and water bodies. That is funded at a reasonably high level and will continue. In fact, the next round, between 2020 and 2025, is about to start. That looks at things such as microplastics, antimicrobial resistance and exotic chemicals that may be leaching into watercourses from various forms. I suppose the question is whether there needs to be some duty or obligation through legislation to formalise that somehow. My sense is that the current system, which is overseen by the Environment Agency, is reasonably effective at keeping an eye on those substances and trying to work out what is actually in the environment.

Chris Tuckett: Clause 81 of the Bill, which relates to water quality, gives the Secretary of State powers to look at the substances that are regulated through what is now the water framework directive. That is good, and we do need flexibility on the sorts of chemicals that are monitored. It is slightly different for pesticides, but it is important to adapt as new chemicals come on to the market. What we would say about that clause is that there should be absolutely no regression on standards. Those standards that are there should not be reduced in any way.

Stuart Colville: Just to be clear, we would agree with that.

Q148 Abena Oppong-Asare: There are a few requirements for consultation on water quality in the Bill, but they are only to ask the Environment Agency. If any changes made under this section of the Bill are subject to the negative resolution procedure, do you feel that that level of scrutiny is enough, or do you think it should be extended? I just wanted to hear your general thoughts on that.

Ian Hepburn: This is on clause 81?

Abena Oppong-Asare: Yes, I should have been clearer.

Ian Hepburn: It is an important issue. There is no overall requirement for non-regression, so changes could occur in either direction; they could reduce the standards and they could remove substances. We consider that that is highly inappropriate. There must be a degree of protection in there. We would certainly want to see a general improvement in the way in which any move to alter the substances or the standards is addressed. It will need to have specialist advice. There is an obligation to consult the Environment Agency, as you say, but it needs to go beyond that; it needs public consultation, and it needs an independent organisation like the UK technical advisory group—UKTAG—which currently advises on the water framework directive. That would need to be incorporated, and I believe it would need the affirmative procedure and proper parliamentary scrutiny alongside that.

Abena Oppong-Asare: You said parliamentary scrutiny.

Ian Hepburn: Yes.

Stuart Colville: I completely agree with all that. The clause gives quite a lot of power to the Secretary of State in ways that we cannot really predict, sitting here

today, so we want to see a bit more structure or a few more checks and balances within that. The affirmative procedure is one way of doing that. Consultation and a requirement to talk to the experts are all helpful in that context.

Chris Tuckett: The scope of the water framework directive goes out to 1 nautical mile, so it goes into the sea. When you are talking about chemicals and where they are going, it is going to impact there as well.

Q149 Alex Sobel: The River Wharfe in my constituency and in Robbie's has significant sewage outflows when it rains, with *E. coli* levels 40 to 50 times the EU bathing water limit. Only 14% of our rivers are, by EU standards, in a good ecological state. Considering that track record, do you think the Bill will improve the quality of our rivers? Chris alluded to this earlier, so perhaps she wants to respond.

Chris Tuckett: Absolutely; it needs to be managed as a system. The targets need to be there and need to bite. You talked about *E. coli* and bathing waters. To be fair, good progress has been made on bathing water quality, but absolutely, there are some exceptions, like the one you talk about. Stuart mentioned the temptation to use bathing waters year-round in different places—swimming in rivers and all that sort of thing—so the need is there, from a recreational point of view, to do more. The biting part of the Bill around targets is pretty crucial.

The measures around waste water management and the need for planning for waste water management are also really welcome. Obviously, Stuart will come in on that. For a long time, there has been a requirement to plan around water resources, but not around waste water management. It is necessary to plan ahead on that, and to understand what the volume of water is likely to be under climate change conditions. It will increase. Having a sewerage system that works and can cope with that kind of capacity is a big ask, but it needs to be planned for. So yes, I think there are things here that will help.

Stuart Colville: Perhaps I could add two things. I agree with all that. First, on *E. coli*, that speaks to my earlier point that the legislation is aimed at ecological outcomes, not public health outcomes, which is why that issue is there. For me, there is the long-term question to address—probably through the target-setting process—of what we as a society and legislators feel about that.

The second point I would make is that one of the principal causes of spills of sewage into rivers at the moment is blockages, and the main cause of those is wet wipes congealed with fat, oil and grease within the sewerage network. One of the things we are calling for is for some of the producer responsibility powers in the Bill to be used to do something about that. We know it is an increasing problem. It costs £100 million a year and it is a direct cause of several pollution incidents we have seen across the country. That is why we hope this framework will at least address that element of the cause of what you describe.

Ian Hepburn: You have alluded to the fact that we have not done desperately well in terms of achieving good ecological status for water bodies. In England, 61% of the reasons why water bodies are failing are down to agriculture, rural land management and the water industry. I believe that the Bill does a lot to

address the water industry aspects; it does not seem to do very much on the agriculture and rural land use aspects of the pollution. Of the 37% of reasons for failure that are attributed to agriculture and rural land management, 85% are down to, effectively, diffuse pollution from farm land and rural land use. It is a big issue, and has been for a long time. We have not got around to dealing with it. We need join-up between the Environment Bill and the Agriculture Bill to ensure that we deal with that sector.

We have been talking about clause 81 and the need to have it framed in a way that does not allow regression. There must be a temptation somewhere down the line—not necessarily in this Parliament, but in future—to lower the bar because of the levels of failure. We need to resist that, and ensure that under the framework, that is unlikely to happen.

Q150 Robbie Moore: I have a question for the Marine Conservation Society, although I am happy for the other witnesses to comment. How important do you think that the waste and resource efficiency measures in the Bill are as a means of tackling pollution in the marine environment?

Chris Tuckett: They are really important. As I said earlier, it is about systems thinking. What is happening on land, what is happening at source, and where does that go through the environment? Ultimately, quite a lot ends up in the sea. We welcome the waste and resources clauses. I think you have a session this afternoon in which you will go into more detail on the ins and outs of what is needed.

The clauses are absolutely welcome, particularly the enablement of deposit return schemes. That needs to happen as soon as possible, please. That would be great. A lot of other countries have done it, and there are figures of up to an 80% reduction in litter as a result of having deposit return schemes in place, through improvements in recycling. That is really important.

We also very much welcome extended producer responsibility. The emphasis within the waste and resources portion of the Bill should be very much on the waste hierarchy—reduce, reuse and recycle—but very much on the “reduce” bit to start with. Obviously, there has been a lot of discussion on marine plastics—the “Blue Planet” effect—and some measures have come in as a result of that, but not an awful lot. The Bill takes all of that forward, which is great and we welcome that. The sooner it happens, the better.

For the deposit return schemes that the Bill enables, we really hope that the legislation will be passed as soon as possible. It will be a comprehensive system that includes all types of containers—drinks containers—and all sizes. We at the MCS have been picking up litter from beaches for more than 25 years. It is not getting a lot better. We really hope that it will do soon as a result of the Bill.

Q151 Cherilyn Mackrory: I believe clause 81 sets out the same powers that we already had under the European Union with regard to ensuring that water quality is maintained. The only way is up, in my opinion, on that. I wanted to come back to the run-off from agricultural land. I believe that that is covered more in the Agriculture Bill than in the present Bill, with incentives given for good stewardship of land, and so on. I wanted to get your feelings on that. It does not change the wider

regime for assessing and monitoring water quality that is enshrined in English law under the 2017 environment regulations. Do you feel that the Bill sufficiently sets out the direction of travel on leaving the European Union? As I say, the only way is up. Does it give you sufficient comfort that there will no regression?

Ian Hepburn: The problem is that we do not see non-regression. The way could be up or down, given the way the Bill’s provisions are set out. There is nothing to stop the Secretary of State from changing the substances listed or the standards for those substances in the same way that there would have been had we been part of the EU and, alternatively, had we had a non-regression clause within the withdrawal Act. Again, that has gone. As my colleagues have made clear in earlier sessions, we consider that clauses 19 and 20 do not amount to non-regression obligations. That is the risk that we see. We think that some amendments to clause 81 could soften the impact of the risk and of going in the wrong direction.

Q152 Cherilyn Mackrory: To my mind it feels as though the Secretary of State is able to leave that open to do things differently from before, and that it is not an intention to regress.

Chris Tuckett: I absolutely would like to think that. I really would, and I think we all agree this is a significant piece of legislation under this Administration. I am sure this Administration would absolutely think that this was about non-regression, but for the future, for the continuity of the Bill and what happens under the next Administration and the one further on, making that very clear would be extremely helpful.

Stuart Colville: I will make one quick comment on agricultural run-off, if I may. Incentives being put in place through the Agriculture Bill, which are really important, need to be coupled with a decent regulatory baseline. At the moment there is mixed evidence about that baseline. One option might be to set a target through the Environment Bill, not just on water and some other sectors, and to think about how that works with agriculture. That refers back to the integration point that we discussed.

Rebecca Pow: We have a couple more minutes. This is not a question, but an observation. The whole purpose of the Bill is to significantly improve the natural environment; that is why the targets are set there. They should achieve what has just been referred to. We have not touched on water abstraction, on which there is a measure in the Bill.

The Chair: We will have to be very quick.

Q153 Rebecca Pow: Do you agree that amending the water abstraction licences regime will help us to better manage our water resources? Perhaps our water company specialist might comment.

Stuart Colville: Our view is that it will help a bit. It is a necessary but not sufficient condition for managed abstraction in the long term. Ultimately we will need investment to develop the abstraction sources, as well as in potential projects to move water around and store it in different ways, but it is helpful.

Ian Hepburn: My very quick point is that it is good. It is essential. We need to keep it, accelerate it and bring it forward. The issue is with things like chalk streams.

Abstracting from the aquifers has been going on for so long that it needs action now. You could easily build in mechanisms through minor amendments to the Bill that would allow a 2021 date to be set, and then a negotiation period to be set for the individual organisations that would be affected. We must remember that this will not happen everywhere; it is only for the habitats and sites that are most threatened by abstraction. The bottom line is that for the sake of some of these scarce habitats, we just need to get it done, to borrow from an overused phrase, really quickly.

The Chair: Order. That brings us to the end of the time allotted for the Committee to ask questions. On behalf of the Committee, I thank the witnesses for the very thorough and informative way in which they have responded to the questions.

1 pm

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

Adjourned till this day at Two o'clock.

