

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

ENVIRONMENT BILL

Eighth Sitting

Tuesday 3 November 2020

(Morning)

CONTENTS

Programme order amended.

CLAUSES 7 TO 15 agreed to.

CLAUSE 16 under consideration when the Committee adjourned till this day at Two o'clock.

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

not later than

Saturday 7 November 2020

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The Committee consisted of the following Members:

Chairs: † JAMES GRAY, SIR GEORGE HOWARTH

- | | |
|---|--|
| † Afolami, Bim (<i>Hitchin and Harpenden</i>) (Con) | † Longhi, Marco (<i>Dudley North</i>) (Con) |
| † Anderson, Fleur (<i>Putney</i>) (Lab) | † Mackrory, Cherilyn (<i>Truro and Falmouth</i>) (Con) |
| † Bhatti, Saqib (<i>Meriden</i>) (Con) | † Moore, Robbie (<i>Keighley</i>) (Con) |
| † Brock, Deidre (<i>Edinburgh North and Leith</i>) (SNP) | † Pow, Rebecca (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>) |
| † Browne, Anthony (<i>South Cambridgeshire</i>) (Con) | Thomson, Richard (<i>Gordon</i>) (SNP) |
| † Docherty, Leo (<i>Aldershot</i>) (Con) | † Whitehead, Dr Alan (<i>Southampton, Test</i>) (Lab) |
| † Furniss, Gill (<i>Sheffield, Brightside and Hillsborough</i>) (Lab) | † Zeichner, Daniel (<i>Cambridge</i>) (Lab) |
| † Graham, Richard (<i>Gloucester</i>) (Con) | Anwen Rees, Sarah Ioannou, <i>Committee Clerks</i> |
| † Jones, Fay (<i>Brecon and Radnorshire</i>) (Con) | |
| † Jones, Ruth (<i>Newport West</i>) (Lab) | † attended the Committee |

Public Bill Committee

Tuesday 3 November 2020

(Morning)

[JAMES GRAY *in the Chair*]

Environment Bill

9.25 am

The Chair: May I start by welcoming the Committee back to the interrupted consideration of the Environment Bill and give you a few little parish notices? First, I start from the position of being a very traditional chairman. Chairmen come in different shapes and sizes, and I am at the traditional end of things and, therefore, try to use the procedures and practices we have in the main Chamber, although there may be some variations.

Secondly, we should be extremely careful about social distancing. The idea is to sit at the chairs with a blue tick, so the central row is not used, by and large. I think that is a matter for Members' discretion, but perhaps people can make a point of keeping their distance throughout the process of the Bill. On social distancing, instead of passing notes to *Hansard*, which we would normally do, would Members kindly send by email any speeches they might make. I know that the *Hansard* Reporters would appreciate that.

Most members of the Committee are very experienced, but for those who might not be that experienced, the principle of what we are doing is that, having agreed the principle behind the Bill on Second Reading, we now consider the detail of the wording of the Bill, to make it a good Bill, no matter what we thought of the principle behind it. We can do that by considering the Bill line by line. The means by which that happens is that members of the Committee, whether Opposition or Government—or indeed people who are not members of the Committee, by means that I will describe in a moment—put down amendments to the Bill. Those amendments are then grouped for debate in a convenient way, bringing together topics that are similar.

Only members of the Committee may argue for amendments. However, hon. Members who are not members of the Committee may lay amendments if they can persuade a member of the Committee to move them, and I think one or two examples of that may occur during the Bill. Amendments must be laid by the rise of the House on Thursday for discussion on Tuesday and by the rise of the House on Monday for discussion on the Thursday. That is all I have to say by way of introductory remarks.

Dr Alan Whitehead (Southampton, Test) (Lab): On a point of order, Mr Gray. I welcome you back to the Committee after our long break. It is a pleasure to serve under your chairmanship. I also welcome Committee members back to our proceedings.

Because of the particularly long break we have had, a number of events have occurred since the last sitting in the earlier part of the year, which those with a long memory will dimly recall. Those events are twofold. First, the Government decided during the period in which the Committee was in abeyance to table a large number of new amendments, particularly concerning

the operation of the Office for Environmental Protection, which, certainly in the Opposition's view, considerably alter how that office works.

Secondly, in the period between our original deliberations and now, the Government also brought forward a planning White Paper, which looks as though it will cut across many of the provisions of the Bill relating to environmental improvement and action areas, which depend on planning zones for their operation.

Both those developments fundamentally alter some structures of the Bill. Through the usual channels, we made representations that we should have new evidence sessions at the beginning of this Committee period so that the Committee is informed of those new developments, which would help to ensure that our deliberations are carried out in the best way possible. Unfortunately, that has not found favour, and we begin our proceedings this morning without the benefit of any new information that might allow the Committee to consider those developments.

Would it be possible, Mr Gray, to accommodate a statement from the Minister on those two issues, on which she could be questioned, so that the Committee can have some elucidation before it continues its proceedings? Whether that statement should be made immediately upon the resumption of the Committee this morning, or could be accommodated as early as possible in the Committee's proceedings, is clearly a matter for discussion, but we strongly hope that such a statement could be agreed.

The Chair: I am grateful to the hon. Gentleman for that point of order, which is more of a point of information than anything else. The changes that have occurred since the Committee last sat will be considered via amendments submitted by Opposition and other Members during our proceedings. There is no facility for making a ministerial statement to the Committee, but the Minister will have ample opportunity to answer the points that the hon. Gentleman wishes to raise during the debates that we will have between now and 1 December, which is the agreed out date. If there were extra evidence sessions, that would delay the out date. Although it cannot be done, the hon. Gentleman has made a valid point and the Committee has heard it. I know that the Minister will seek to answer those points during the debates that lie ahead of us.

Robbie Moore (Keighley) (Con): On a point of order, Mr Gray. As it is fairly warm in the room, would you mind if Members removed their jackets?

The Chair: It goes completely against my natural instincts and my absolute principles, but of course, gentlemen may remove their jackets if they wish during our proceedings. There is no need for a new point of order on every occasion. I assure the Committee that I will not be taking my jacket off.

Ordered,

That the order of the Committee of 10 March be varied as follows—

(1) In paragraph (1)(d), leave out “and 2.00pm”.

(2) In paragraph (1), leave out sub-paragraphs (e) to (l).

(3) After paragraph (1), insert—

“(1A) the Committee shall (in addition to its meeting at 9.25am on Tuesday 3 November) meet—

(a) at 2.00 pm on Tuesday 3 November;

- (b) at 11.30 am and 2.00 pm on Thursday 5 November;
 - (c) at 9.25 am and 2.00 pm on Tuesday 10 November;
 - (d) at 11.30 am and 2.00 pm on Thursday 12 November;
 - (e) at 9.25 am and 2.00 pm on Tuesday 17 November;
 - (f) at 11.30 am and 2.00 pm on Thursday 19 November;
 - (g) at 9.25 am and 2.00 pm on Tuesday 24 November;
 - (h) at 11.30 am and 2.00 pm on Thursday 26 November;
 - (i) at 9.25 am and 2.00 pm on Tuesday 1 December.”.
- (4) In paragraph (4), leave out “5 May” and insert “1 December”.—(*Rebecca Pow.*)

The Chair: We now move to line-by-line consideration of the Bill. The selection list of amendments arrived in the Committee Room a few moments ago. I hope that everyone has a copy. It shows how the amendments have been grouped, starting with clause 7.

One point that I omitted to make during my earlier remarks is that amendments are grouped for convenience of debate. However, if a decision has to be made on them, that decision comes at the point in the Bill to which the amendment refers. In other words, we may have an amendment to clause 7 and an amendment to clause 25 considered together, but the amendment to clause 25 will be moved formally at the time when we discuss clause 25.

Clause 7

ENVIRONMENTAL IMPROVEMENT PLANS

Dr Whitehead: I beg to move amendment 88, in clause 7, page 5, line 7, leave out subsection (4) and insert—

“(4) The environmental improvement plan must include, as a minimum—

- (a) measures which, taken together, are likely to achieve any targets set under sections 1 or 2 and will ensure that the next interim targets included in the plan are met;
- (b) measures that each relevant central government department must carry out;
- (c) measures to protect sensitive and vulnerable population groups (including children, older people, people with chronic illnesses and outdoor and transport workers) from the health impacts of pollution;
- (d) a timetable for adoption, implementation and review of the chosen measures, and the authorities responsible for their delivery;
- (e) an analysis of the options considered and their estimated impact on delivering progress against the relevant targets; and
- (f) measures to minimise, or where possible eliminate, the harmful impacts of pollution on human health and the environment.”

This amendment looks to strengthen Environmental Improvement Plans by connecting them to; measures which are proportionate to targets set out in the bill, departmental action, vulnerable people, a timetable and analysis.

The Chair: With this it will be convenient to discuss amendment 112, in clause 7, page 5, line 7, leave out subsection (4) and insert—

“(4) An environmental improvement plan must set out the steps Her Majesty’s Government intends to take in the period to which the plan relates, which the Secretary of State considers will—

- (a) enable targets set under section 1(1) and that meet the conditions at section 6(8) to be met, and

- (b) make a significant contribution to meeting the environmental objectives irrespective of whether targets are in place to cover all matters relating to the environmental objectives.”

Dr Whitehead: This is potentially an important amendment. What we would expect to happen in a Bill is that as the legislation moves through its narrative, one part of the narrative connects to the next one in a coherent way. One of our criticisms of this Bill, although we have said that it is a good Bill in its own right in what it seeks to achieve, is that it fails to add to its coherence as the narrative of the Bill proceeds. What I mean by that is that the Bill tends to set itself out in a number of chunks, a little like an early picaresque novel, rather than a more recent novel that includes the present, the past and the future. I am not suggesting that the Bill itself is a novel, but others may have views on that.

The amendment seeks to bridge the narrative gap in the Bill by ensuring that the measures in this clause relate back to the targets at the beginning of the Bill, which we discussed, as hon. Members with long memories will recall, when our proceedings started earlier this year. Those targets, which we agreed—indeed, we agreed not only the targets, but the mechanism by which they would be decided on—are very important in relation to the environmental improvement plan that will arise from the Bill. If we have an environmental improvement plan that does not relate to those targets and, indeed, has a narrative on environmental improvement that is actually a descriptive arrangement rather than an action arrangement, it is vital that the connection is properly made in the Bill itself and that the environmental improvement plan, essentially, is instructed to organise itself along lines that do relate to those targets in the first place.

As we discover when we go through this clause, an environmental improvement plan is, in effect, already in existence—or rather, this Bill will bring that environmental improvement plan into existence. The Bill describes the process by which an environmental improvement plan can be developed and put in place, and then the Bill says, “Oh and by the way, it so happens that there is an environmental improvement plan already in existence that we can adopt for the purpose of the Bill”—and that is “A Green Future: Our 25 Year Plan to Improve the Environment”. People will see that, in the legislation, it is specifically referred to as being the present environmental improvement plan, the one in front of us.

However, that improvement plan—as, again, I am sure hon. Members will know—was actually adopted in 2018. To show people how far back that goes, I point out that it has a “Foreword from the Prime Minister”, the right hon. Member for Maidenhead (Mrs May), and a “Foreword from the Secretary of State”, the right hon. Member for Surrey Heath (Michael Gove). Neither of them is in the same role at the moment, so it is quite an old document. Among other things, it does not address itself to the structure of the Environment Bill; it says a lot of very interesting things, but it certainly does not address itself to how those things should take place. I want to talk later in the debate about some of the issues in the environment plan, “A Green Future: Our 25 Year Plan to Improve the Environment”.

For the time being, suffice it to say that there appears to be a problem of connection, as far as the Bill is concerned. The amendment seeks to rectify that by clearly stating on the face of the Bill:

[Dr Whitehead]

“The environmental improvement plan must include... measures which, taken together, are likely to achieve any targets set under sections 1 or 2 and will ensure that the next interim targets included in the plan are met”.

It therefore makes a direct connection between this part of the Bill and the first part. It states that the environmental improvement plan must include

“measures that each relevant central government department must carry out... measures to protect sensitive and vulnerable population groups... a timetable for adoption, implementation and review of the chosen measures... analysis of the options considered and their estimated impact on delivering progress... and measures to minimise, or where possible eliminate, the harmful impacts of pollution on human health and the environment”.

The amendment therefore comprehensively makes those connections.

I am sure the Minister will say that none of that is necessary, because everything is okay—it all works all right. However, I hope, at the very least, that, in explaining why that is the case, she will also explain why it is not necessary to make that link between this part of the Bill, the environmental improvement plan and the targets that we set out and agreed in previous sittings.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow): I thank the hon. Gentleman for his opening words. It is an absolute privilege to be back with the Committee. [HON. MEMBERS: “Hear, hear.”] It is more than seven months since we had to adjourn, very unusually, and we all know why that occurred. Sadly, we are still in a tricky situation with the coronavirus pandemic, but I am pleased that we are able to carry on with this hugely important piece of legislation, which will change the way we think about our environment forever. We are all involved in a very significant piece of work, and it is a delight to have you in the chair, Mr Gray.

Despite the fact that we are in these very tricky times with the pandemic, we need to look ahead as a Government and as a country. As we build back, as the Prime Minister has said, we want to base the recovery on solid foundations, including a fairer, greener and more resilient global economy. I want to touch on a few of these issues before we carry on, because it has been such a long time since we reconvened.

On the points made by the shadow Minister, we took expert evidence before. Everyone is entitled to take their own evidence as we go along to inform anything that we do. Written evidence is also submitted to back up the Bill, and that is always welcomed. The hon. Gentleman mentioned planning issues, and I absolutely assure him that we will address those when we get to the right part of the Bill and particularly the nature chapter. I think the Chair covered the issue of a statement comprehensively, and I fully support your words, Chair.

The Chair: Order. I think “Mr Gray” is the right thing; otherwise, we will get mixed up between Chair and Chairman. Also, in passing, I know you are all pleased to serve under my chairmanship, but you do not need to say so—[*Laughter.*]

Rebecca Pow: But we love saying that, Mr Gray. Okay, I will try not to say it again.

9.45 am

To touch on those wider issues, we are mindful of the situation that the country is in at the moment, but we need to look ahead. Those much bigger global challenges have not gone away, including climate change, biodiversity and all the things we have heard so much about, including the crash in species. The Government remain committed to being a world leader on tackling environmental issues. We will ramp up our work on ambitious legislation. As I have touched on, that will be done through this landmark Environment Bill.

Although the Bill has been paused, the work that Government have been doing has not paused, as was touched on by the shadow Minister. The Government have continued to work on implementing the Bill’s measures, including publishing our targets policy paper in August and launching a call for evidence to help identify which public bodies will be required to work with local authorities to reduce air pollution.

We have also launched a recruitment campaign for the chair of the Office for Environmental Protection, and have launched five local nature recovery strategy pilots in Cornwall, Buckinghamshire, Greater Manchester, Cumbria and Northumberland to test how the strategies will support development of wider environmental objectives. I see my hon. Friend the Member for Truro and Falmouth grinning, because one of the pilots is in Cornwall. I am pleased that those pilots have been launched, and I think they are going to give us some really interesting and useful data.

Sadly, we have to wait a bit longer to play our part as the host of COP26, but work has continued on that wider environmental agenda as well. The Prime Minister has committed to protect 30% of our land by 2030, which was a really serious commitment. We played a key part in the leaders’ pledge for nature, recently endorsed by 76 world leaders at a United Nations event.

We consulted on an obligation for companies trading in forest risk commodities to carry out due diligence on their supply chains. I very much hope to update the Committee on that matter in the coming weeks. Indeed, it was raised by many members of this Committee, including Opposition Members, in an earlier sitting. I will reporting on that as we proceed.

We have set out our plans to cement the UK’s position as a world leader in wind power. Inhabitants of these isles often complain about the weather, but it is a great natural asset and it will really help in our journey to net zero by 2050. That is why we have set out our plans for wind to power every home in the country by 2030, and to double capacity for renewable energy generation through the contracts for difference mechanism. I mention those measures, as well as others too numerous to go into today, the Chair will be pleased to hear, because they are all relevant to the Bill as background.

The Chair: Order. Sorry to interrupt the Minister, who is speaking extremely well, but I intend to be very tough with the Committee to make sure that we address the amendments in this group. I think it is right to offer a reasonable reply to the hon. Member for Southampton, Test and the point of order he made regarding things that have occurred since we last met. However, I think the Minister is tending towards a Second Reading speech, and perhaps she could address more particularly the amendment in front of us.

Rebecca Pow: Thank you Chair, I get your point and I beg your forgiveness. I will not include everything, but I wanted to update the Committee because so much has happened since we stopped our consideration of the Bill. People think we have gone on hold, but absolutely we have not.

We will be doing much more work, and we will discuss our statutory EIPs, which will drive up environmental improvement, in the next few days alone, as well as how we will continue to protect the environment from damage by embedding environmental principles at the heart of Government policy.

Turning to the amendments, which is what you really want me to do, Mr Gray, I appreciate the desire of the hon. Member for Southampton, Test to strengthen the EIPs—that is what clause 7 is all about. I am delighted that he has raised the 25-year environment plan because I was at the launch of that plan. Although colleagues who filled those important posts are in different roles now, I was there as Parliamentary Private Secretary in this Department.

I am utterly delighted to introduce this—perhaps the shadow Minister failed to address this—as the 25-year environment plan is actually the first EIP. That is what this is all about. What we are doing with the EIPs is triggering what is set out in the excellent plan. The Bill's statutory cycle of monitoring, reporting and planning is designed to ensure that the Government take early, regular steps to achieve long-term targets and are held to account through regular scrutiny by the Office for Environmental Protection and by Parliament.

The Bill creates a statutory triple lock, which we will hear about a great deal as the Bill progresses, to drive short-term progress. First, the Government must have an environmental improvement plan setting out the steps they intend to take to improve the environment and to review it every five years. When reviewing it, they must consider whether further or different measures should be adopted to achieve interim—five yearly—targets and long-term targets. When we review the EIP in 2023 we will update it as necessary to include the steps that we intend to take to achieve the targets that we set. That will be five years after the launch of the first plan in 2018.

Secondly, the Government must report on progress towards achieving targets every year. Thirdly, the Office for Environmental Protection will hold us to account on progress towards achieving targets. Each year it will comment on the progress towards targets reported in the Government's EIP annual report and can flag early on whether it believes there is a risk of the Government not meeting their long-term targets. It may make recommendations on how progress could be improved, and the Government have to respond. Ultimately, the OEP has the power to bring legal proceedings if the Government breach their environmental law duties, including the duty to achieve long-term targets.

In requiring that EIPs set measures to deal with pollution, amendment 88 would single out aspects of the environment ahead of others. EIPs are defined as plans significantly to increase the natural environment. Measures on air quality, with corresponding benefits to human health, are already within the scope of EIP, so it is not necessary to place duties on particular matters in the EIP, which could undermine consideration of other important environmental goals.

The Bill includes a duty to set a legally binding target for PM_{2.5}, the air pollutant with the greatest impact on human health, in addition to a further long-term air quality target. The introduction of measures to meet the air quality target will reduce exposure to harmful pollutants and deliver significant improvements to human health. Other targets that meet the criteria set out in clause 6(8) already have their own statutory regimes, including any appropriate requirements to set out plans and measures to achieve them. It is therefore unnecessary to require that EIPs include measures to achieve them.

Amendment 112 would explicitly link the measures in the EIP to “meeting the environmental objectives”, and I address this with the assumption that the environmental objectives are to achieve and maintain a healthy and natural environment, as set out in new clause 1. The Bill's provisions already ensure the delivery of the significant environmental improvements that the hon. Member for Southampton, Test seeks through the amendment and ensure that the Government can be held to account. Targets and EIPs have the objective under clauses 6 and 7 of delivering significant improvements to the natural environment, so I urge the hon. Gentleman not to press the amendment.

Daniel Zeichner (Cambridge) (Lab): As you suggest, Mr Gray, I will not go through all the formalities. It is a pleasure to be on this Committee, although it is a little like the philosopher's axe: which part of this Committee is still part of the preceding Committee? Many of us are new to this, and it has been a long-running process.

The Minister is notorious for her optimism—*[Interruption]*—or has a reputation for optimism. When she talks about the 25-year improvement plan, I wonder whether that is 25 years forward or whether it is taking us 25 years back, because it is about filling the gaps left by our leaving the European Union and the protections that came from that membership. I fear, as my hon. Friend the Member for Southampton, Test explained earlier, that the heart has been ripped out of the Bill.

To turn to the amendment, as you directed Mr Gray, I listened closely to the Minister's observations and I do not quite understand why she is not sympathetic to some of the amendment's proposals. I particularly query her attitude to the natural environment. She will have seen the representations from the National Trust about including heritage within the ambit of natural environment, and that prompts a big question. There is no natural environment; we have been part of the environment as human beings for many, many years and we have had huge impact on it. I suspect we will pursue this matter in further discussions, but I would welcome her observations on why heritage is not included among the proposed protections.

In particular, I do not understand why the Minister does not favour the inclusion in the environmental improvement plans of proposed paragraph (b) in amendment 88, which calls for the reporting of

“measures that each relevant central government department must carry out”.

All of us involved in rural policy know that it is an endless issue, and that virtually every part of government touches on the environment of rural areas. Those policies must be included as an essential safeguard to ensure that the environmental improvement plans work properly.

Rebecca Pow: The hon. Gentleman has hit the nail on the head: the natural environment is very complicated and complex. We have set out the Bill as it appears so that it takes an holistic approach to the environment, as I believe he will see as we proceed in our deliberations.

I believe that the hon. Gentleman was referring to rurality in particular, but the Bill covers everything about the environment, and not just one thing or another. It takes an holistic approach, and is a great deal more holistic than anything that the European Union has done. The environmental improvement plans are significant because there are no equivalents to them under EU law: member states were not required to maintain a comprehensive long-term plan to improve the environment significantly, but that is a key issue of the Bill. Nor was there any requirement on member states to report annually on progress towards any kind of significant improvement. EU law tends to require member states to prepare or publish plans to achieve particular targets, for example on air quality or water quality, but it does not offer the holistic approach of the Bill. By leaving the EU, we have an enormous opportunity to look at the environment in the round. I hope that helps Members.

Dr Whitehead: I am sorry, but I am just not convinced. I will consider clause 7 in further detail later, but the gap that we have identified in terms of the connection between this part of the Bill and the first six clauses is egregious, and does not appear to relate at all to what is in the 25-year environment plan, interesting though that plan may be in its own right.

The amendment is important because it addresses those shortcomings and it should not be set aside on the grounds that everything will be all right, and that the Bill is quite an holistic Bill after all. For that reason, I am afraid that we will seek to divide the Committee.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 9.

Division No. 3]

AYES

Anderson, Fleur	Whitehead, Dr Alan
Furniss, Gill	
Jones, Ruth	Zeichner, Daniel

NOES

Bhatti, Saqib	Longhi, Marco
Browne, Anthony	Mackrory, Cherilyn
Docherty, Leo	Moore, Robbie
Graham, Richard	Pow, Rebecca
Jones, Fay	

Question accordingly negated.

10 am

Richard Graham (Gloucester) (Con): I beg to move amendment 201, in clause 7, page 5, line 10, leave out “may” and insert “must”.

This amendment would require the Government to include steps to improve people’s enjoyment of the natural environment in its Environmental Plan.

The Chair: With this it will be convenient to discuss amendment 202, in schedule 2, page 127, line 11, leave out “may” and insert “must”.

This amendment would require the Government to include steps to improve people’s enjoyment of the natural environment in its Environmental Plan and is consequential on Amendment 201.

Richard Graham: This is likely to be the shortest amendment proposed to the Bill. It simply substitutes the word “must” for “may” in clause 7, which would in turn require the Government to include steps to improve people’s enjoyment of the natural environment in their environmental plan. Why does this one-word change, which amounts to a net increase of one letter to the Bill, matter so much? The clue is in clause 7(5) and its clear intent to improve people’s enjoyment of the natural environment. The Government explicitly recognise the importance of that in the environmental improvement plan, which will set interim targets for each five-year period, and the amendment would ensure that the Bill includes people’s enjoyment in the five-year targets.

Many of us would argue that people’s enjoyment of the natural environment is always important, but it is especially so now, during the period of this pandemic. Many more of us have been enjoying green spaces during lockdown, and park visits in the UK were up 195% in the six weeks to 25 May compared with February. The amendment would put a greater legal burden on the Government to enhance access to such spaces as they set out new environmental policies in their environmental improvement plan.

The amendment acknowledges the value of parks and green spaces to all of us and all our constituents. This is a chance to appropriately fund our parks and green spaces, including the organisations that maintain them. Some of us will be aware of the Government scheme for pocket parks, which was announced by the Communities Secretary in March 2020. It was a £1.35 million fund—a very small fund by comparison with many of those that have had to be launched to support businesses, culture and many other organisations—and it created 68 new pocket parks around the country in order to transform urban spaces into green havens. They were hugely helpful, and I believe that further rounds would be both welcome and possible. They would help fund the priorities identified in the five-year targets for people’s enjoyment that should be created.

At this stage, I would like to bring as a remote witness the Ramblers organisation, which has made the point that access to, and enjoyment of, the natural environment has multiple benefits that are relevant to the aims of the Bill and to wider Government objectives. They include encouraging pro-environmental behaviours. There is evidence to suggest that people who spend more recreational time in natural settings are more likely to report engaging in a range of pro-environmental behaviours. In simple speech, that can often amount to volunteers joining litter-picking groups to ensure that our parks and green space are kept clean and are attractive to more visitors.

A survey shows that 85% of adults in England and Wales believe that being able to experience the countryside is important for children’s understanding of the environment. I think that is true in all our constituencies. In my constituency of Gloucester, we have the joy of the Robinswood Hill country park right in the middle of our small city. I believe that every child should have the experience of sitting on their mother’s or father’s shoulders for their first visit up the hill to watch the sunset over the River Severn in the summer. It is one of the most beautiful things that anyone can do, and it stimulates enjoyment and healthy behaviours.

There is also the issue of physical and mental health. More than eight out of 10 adults believe that visiting the countryside is good for their physical fitness and mental wellbeing. In a sense, we do not really need surveys to confirm that; we know it is true. People who live within 500 metres of accessible green space are 24% more likely to achieve the 30 minutes of daily physical activity that doctors constantly recommend. Access to green space is associated with reductions in long-term conditions such as heart disease and cancer, and close connections to green space are also associated with significantly less income-related health inequality, weakening the effects of deprivation on health. During the pandemic, there has been a huge increase in mental health problems, and during a lockdown period green spaces are in many ways people's one chance of restoring some balance to their mental health.

In the current 25-year environment plan, which will be given statutory footing on Royal Assent, there are broad aspirations on engagement with the natural environment, but there are opportunities to improve them. I will turn briefly to some of the aspects that could be addressed. Evidence shows that access to nature and the outdoors is not entirely equal: for example, children in lower income areas and people from black, Asian and other minority ethnic backgrounds have the poorest access to green spaces and the natural environment. That is not always the case—in my constituency of Gloucester, the ward that is closest to Gloucester park, Barton and Tredworth, is also the area with the highest concentration of ethnic background diversity—but in general, access to the outdoors is unequal in our larger cities compared with towns or countryside.

The amendment would make a substantial difference by requiring the Government to take a strategic and coherent approach to issues of access to and enjoyment of the natural environment. Some non-governmental organisations have suggested that the amendment might put people's enjoyment over the value of the natural environment to wildlife—that, for example, people and the environment are in competition and their goals are necessarily incompatible—but I reject that suggestion, because I believe that there are very clear examples of how people and the environment go well together.

The easiest way to shine a light on that is by talking about sensory gardens, which, as many of us know, are a frequent feature in schools that handle people with the greatest physical disabilities. Years ago, my family helped to raise funds for a sensory garden that was full of biodiversity. Not only was it a wonderful environmental joy, but it brought great joy to those with disabilities who attended the school. It is important therefore that the amendment be seen not as pro-people and anti-environment, but as pro-people and pro-environment.

Nor is the amendment intended purely to benefit urban dwellers—far from it. Aspects of it will hugely benefit the countryside as well. Research commissioned by the National Trust estimates that people across Great Britain are missing out on 500 million park visits a year because of poorly equipped facilities. Basic facility upgrades, from toilets and income-generating cafés to play areas, can help accessibility; litter collection, which I have already mentioned, is also incredibly important. Natural England has reported that insufficient footpaths in the presence of busy or dangerous roads can prevent easy access and deter their use. One in eight households has

no access to a private or shared garden, a figure that rises to 21% of households in London, which highlights the importance of enjoyment of our green spaces.

Overall, parks in England deliver an estimated £6.5 billion of health, climate change and environmental benefits every year, including £2.2 billion in avoided health costs alone. It is not for me to challenge those figures; I think we can all intuitively relate to them, and I hope that as guesstimates, which are inevitably imprecise, those are as accurate as they can be. For every £1 spent on parks in England, an estimated £7 in additional wealth is generated for health and wellbeing and the environment.

These anecdotal examples of evidence, surveys and research make a strong case for making sure that the people's enjoyment of our public spaces is included in the Bill as a "must", rather than a "may". In a sense, the Environment Secretary showed his support for such concepts in July 2020 in a speech announcing £4 million for a two-year pilot project to bring green prescribing to four areas hit hardest by coronavirus, saying:

"Studies across the spectrum, from health to financial risk, remind us that it is in our best interests to look after nature. We know that a connection with nature contributes to wellbeing and improved mental health."

I could not agree more. I know that the Minister who is taking the Bill through the House, and whose whole career in the House of Commons has been dedicated to working on the environment, shares those feelings.

I draw attention to two other aspects. First, in September 2019, Julian Glover published his independent "Landscapes Review", sometimes known as the Glover review, into whether protections for national parks and areas of outstanding natural beauty are fit for purpose. The Government have not yet formally responded to that review, but I believe they are broadly supportive. Its proposals include:

"A stronger mission to connect all people with our national landscapes, supported and held to account by the new National Landscapes Service",

and,

"A night under the stars in a national landscape for every child".

What a wonderful idea. Millions of children in this country have never had the chance to do that, and if this could stimulate that experience, what could be better? Also proposed is:

"New long-term programmes to increase the ethnic diversity of visitors".

That has to be the right way forward. Different ethnic communities in my city have not had the same experiences in enjoying our national parks. We need to encourage them, and to make sure that national parks are seen as open, accessible and to be enjoyed by everyone. The proposals continue:

"Expanding volunteering in our national landscapes",

and,

"A ranger service in all our national landscapes, part of a national family".

All those recommendations, alongside the nature recovery network that is part of the Bill and that aims to join up green spaces and landscapes, only emphasise the value of replacing "may" with "must" in the Bill, which will help to achieve some of the recommendations.

My one-word amendment has the backing of the Conservative Environment Network, which my hon. Friend the Minister and I were founder members of. It has the support of the Ramblers, as well as the support

[Richard Graham]

of all the heritage organisations that come together in a group chaired by a former colleague of ours. Some of those aspects are reflected in amendment 202, which no doubt somebody else will talk to. It highlights the importance of archaeological, architectural, artistic, cultural and historical interest in our parks.

I particularly draw the attention of those listening from my constituency to the great Jurassic landscape in Robinswood Hill country park; stones that are millions of years old are sitting there on our doorstep. Having been a civil servant in another life, I recognise that no Department welcomes changes to its Bills, and that “must” implies additional responsibilities and work that is unlikely to be welcomed; however, I believe that this one-word change is a worthwhile measure. My hon. Friend the Minister is likely to have only one chance to lead a major new environmental Bill through the House. She will want it to be as strong and successful as possible. All Members on the Government Benches and, I suspect, on both sides of the House, share her ambition. I move this probing amendment in the hope that she will see this one written word as an entirely positive contribution to the spirit and intent of the environmental plan and the Bill.

Dr Whitehead: I commend the hon. Member for Gloucester on bringing the amendment forward. It is an important amendment in its own right. It is also important in terms of something we did at the beginning of the Bill and which was briefly discussed during the earlier stages in the spring. The Bill is littered with “mays” where there ought to be “musts” and we drew attention to about 25 instances where there are “mays” in place and they should be “musts”.

10.15 am

One has to be a little careful when replacing “mays” with “musts” because there are certain indications where they are contingent on some other action. It is perfectly appropriate that the Government may do something after they were supposed to do something else. We have resisted the temptation to try and change those. However, we have put down a number of amendments where the “may” is in a primary part of a particular clause, which means that nothing needs to happen at all. The legislation is suggesting that the Government of the day might do something about that if they feel like it, but they do not have to and they have complete protection within the legislation if they do not decide to do the particular thing that is set out, because all it says in the legislation is that they may do that. If they decide they are not going to that, that is the end of the matter.

I need to give the hon. Member for Gloucester an additional piece of credit, because his was a “may” that we missed. We did not table an amendment to this “may” because we were too busy looking at “mays” and “musts” elsewhere in the Bill. I commend him strongly for spotting this “may” and bringing very cogent reasons to the Committee as to why that particular “may” should be turned into a “must”. I suggest that those cogent reasons spread themselves across the passage of the Bill. Indeed, one could make a speech—not as good and comprehensive as the hon. Gentleman’s but which is a stab in that direction—for a whole range of “mays”

going through the Bill. It is an issue that the Minister ought to address in terms of the Bill’s general structure. We had a debate at the earlier stage where we raised a “may” and a “must” and we said at the time that we could make a lengthy intervention on each “may” and “must” as it went through the Bill, but we probably would not.

The Chair: I am glad of that.

Dr Whitehead: I am putting that to the Committee for its comfort and security. However, there is a continuing real issue in the Bill with the way in which it has been drafted with those “mays” and “musts”. While we have done part of our job by drawing attention to that and putting those amendments down, even though we are not going to pursue them in detail, it is within the powers of other members of the Committee—as happened this morning—to draw attention to the effect that a “may” instead of a “must” has on a passage as we go through the Bill. I fear that that will be, even without my intervention, a recurring leitmotif as we go through the Bill, and that hon. Members will be particularly concerned about that formation as it relates to a thing they are concerned with as the Bill goes through. They may raise that concern independent of our portmanteau amendments on “mays” and “musts”.

I hope the Minister will reflect on that. I observe that she has been assiduous in tabling amendments. It is unfortunate, that those amendments do not include any recognition that this is a particular problem with the Bill. There are amendments that could be put forward that would rectify that.

I hope the Minister will take from this exchange that there is a real concern about how that particular formulation works through the Bill, and especially in this instance. I hope she will consider, at least in some of the instances where those “mays” and “musts” collide, tabling some amendments later in the Bill’s passage to rectify or ameliorate those parts of the Bill. That piece of sunny optimism on my part perhaps goes with the Minister’s sunny optimism on many things. Let us see whose optimism gets the upper hand in this instance.

Finally, it might have been a little mischievous of us to seek to draw the hon. Member for Gloucester into supporting a vote on this clause. Out of sensitivity to his general circumstances in life, we will not seek to do that, because I think the hon. Gentleman will withdraw his amendment. I think it illustrates, however, that this concern is held not only on this side, but across the Committee, so there is an additional onus on the Minister to think about whether there are instances where those “mays” and “musts” can cease colliding and can be amended for the better purposes of the Bill as a whole.

Rebecca Pow: I thank my hon. Friend the Member for Gloucester for his excellent speech. He knows that I hold him in great respect and I always listen to what he says. He collars me many a time. I have given this a huge amount of thought and talked to a great many people about it, because it has been preying on my mind—he can be absolutely sure of that. He has explained a bit about my background, so he will know that I am not making that up.

My hon. Friend painted a lovely picture of life in the countryside, especially in his lovely constituency, including in the Robinswood Hill park, which I know because I briefly worked on rural and countryside issues in Gloucester many years ago. That was one of the places people revered even then.

I am dealing with the “may” as it relates to this amendment, which I think is the right thing to do.

The Chair: It is.

Rebecca Pow: It is cheeky of the shadow Minister to try to widen out the “mays” and “musts” at this juncture.

Connecting people with the environment is really important to our health and wellbeing. It is a core objective of the Government’s 25-year plan, which we can all have a look at later to remind ourselves. It is written in there, I assure my hon. Friend the Member for Gloucester, that connecting more people from all backgrounds with the natural environment for their health and wellbeing is a key part of the 25-year environment plan, which is our first environmental improvement plan. When reviewing the environmental improvement plan, the Government must consider whether further measures are needed to achieve the targets. Under the Bill, long-term targets can be set out for any aspects of the natural environment or people’s enjoyment of it. As he will know, the Bill requires the Government to set out at least one target in four priority areas—air quality, biodiversity, water waste and resource efficiency—as well as the fine particulate matter target. Other targets can be set later, as we go along. There is huge scope for that.

We are already implementing many projects and schemes to connect people with nature. My hon. Friend has named a number of them already. For example, there is the children in nature programme, on which I, as the Environment Minister, link up with the Department for Education. There is the green social prescribing shared outcomes fund; he touched on the funding that has just been given. I was at the launch of the National Academy for Social Prescribing last year, when I was briefly a Minister in the Department for Digital, Culture, Media and Sport. I went with that hat on, although I had done a lot of work as a Back Bencher on green social prescribing; my hon. Friend is absolutely right about how important it is and what a difference it makes to people’s lives.

My hon. Friend the Member for Gloucester touched on pocket parks. That fund was launched last year by the Ministry of Housing, Communities and Local Government, to the tune of £1.35 million, and community groups can still bid for that now. If my hon. Friend or other hon. Members know any groups that would like to bid for that money, please encourage them to do so, as that would be worthwhile. We have also launched a £40 million green recovery challenge fund, supporting projects across the country to connect people with nature and generate jobs at the same time. So, there are a lot of ongoing projects, which will not stop. We expect public authorities to consider how to help to tackle the issue of health and wellbeing, through actions to comply with the strengthened biodiversity duty introduced later in the Bill, in clause 93.

I know my hon. Friend knows that the environmental improvement plan can set out the steps that the Government intend to take to improve people’s enjoyment of the natural

environment. I have touched on that already, but that is engrained in the Bill. As my hon. Friend said, people’s enjoyment of the natural environment can, in some instances, have a negative impact on the natural environment. For example, if too many visitors go to a beach, it can negatively impact the wildlife and habitats, including through litter left behind. I am really conscious of that, because we have had some significant incidences of it over the summer. I had to engage with local authorities about it, including those in Cornwall, where it was raised as being a terribly difficult issue to deal with.

Our enjoyment of nature cannot take precedence over our stewardship of that environment for the future. That is why we do not necessarily want to give equal prominence to environmental improvement and people’s enjoyment in EIPs, as would result from these amendments. I understand that Greener UK agrees that the focus should be on improving the whole, holistic natural environment, not diverting it from its primary status. My hon. Friend the Member for Gloucester touched on that.

I highlight the link between the Environment Bill and the new environmental land management scheme, which is being brought through under the Agriculture Bill. ELMS will be one of the tools for delivery in the 25-year environment plan and one of the measures in the Environment Bill. It will pay for delivery of public goods. Listed among those public goods are beauty and heritage, as touched on earlier by the hon. Member for Cambridge, as well as engagement with the environment. That is actually listed as something that can be delivered as a public good through the Ag Bill and the new ELM system. There is a direct link with what my hon. Friend the Member for Gloucester touched on, and I hope that gives him some assurance.

10.30 am

My hon. Friend mentioned the Ramblers—that excellent organisation, which is doing very good work on access to the countryside through our rights of way. It is obviously concerned about rights of way that might be lost. Rights of way are a vital network that enables people to access our open spaces, and we plan to complete the legal record of rights of way in order to bring certainty to the public and landowners about who has right of way over their land. I wanted to touch on that because it was raised and has been in the press this week.

My hon. Friend also made an important point about who gets access to the countryside, and he touched on issues relating to diversity. He rightly said that the Glover review highlighted that. It came up with some interesting recommendations, and the Government have not formally responded to it yet. It made some significant suggestions about our natural parks and areas of outstanding natural beauty, and all those general aspects. That will be dealt with when the Government fully respond to the review. It touches on many of the issues that my hon. Friend raised—in particular, equality.

On access to green space, the Government are developing a national framework of green infrastructure standards, which will help all authorities, developers and communities to improve green infrastructure provision in their area, and make it more nature-friendly and accessible to people. We are mindful of every single thing that my hon. Friend touched on, and I hope that reassures him.

On amendment 202, the drafting of schedule 2 is in line with and respects the devolution settlement for Northern Ireland. The amendment would, however, have the effect of reducing the Northern Ireland Executive's authority to determine the contents of their own environment improvement plan.

I hope my hon. Friend understands how much thought has been put into this proposal. We truly note where he is coming from, but we believe that the issues he raises are being fully addressed in this holistic approach. I therefore ask him very kindly to withdraw amendments 201 and 202.

Richard Graham: I am very grateful to the Minister for doing detailed research to anticipate most of the points that I was likely to raise. I am also grateful for the comments of the hon. Member for Southampton, Test.

The Minister is quite right that it is appropriate at this stage to tackle the one-word change to the clause only, rather than the wider principle, which the hon. Member for Southampton, Test tempted her to pursue. I am absolutely sure that she not only understands exactly where I am coming from but is entirely with me. The question is whether she can bring me with her in the direction that we want this Bill to go, rather than come from. Everything she said only emphasised the value of bringing something more concrete to the clause. We are in wide agreement on almost every single issue, except the important net increase of one letter that I am hoping for.

I hope the Minister will reflect on some of the thoughts that I offered, particularly on the vital notion that nature and humans do not need to be in conflict. I was brought up partly in east Africa, and I have seen over my lifetime how the occasional obsession with trying to separate the role and the perfection of the environment from the role and desires of the humans living in and beside it can cause conflict unless people work hard to realise that the two can go together very well. We have seen in the most successful environmental schemes around the world how effective that can be; whether in the marshlands to the north of Hong Kong, or in the wildlife protected in India and Africa. The same can be done here, in our own country. There are opportunities to pursue, and in that spirit I hope my hon. Friend the Minister will look at this closely for the Report stage of the Bill—she is nodding. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The Chair: Order. Before we move on to the next group, I would like to say that I have been very relaxed so far. We have had some very discursive contributions to the two groups we have had in the past hour and 10 minutes. We should all collectively seek to address our remarks particularly to the absolute detail of the amendments in front of us and not stray into other areas, however interesting.

Dr Whitehead: I beg to move amendment 87, in clause 7, page 5, line 13, at end insert—

“(5A) It may also set out the steps Her Majesty's Government intends to take to improve the conservation of land environments of archaeological, architectural, artistic, cultural or historic interest, including improving people's enjoyment of them (and if

it does so references in this Part to improving the natural environment, in relation to that plan, include conservation of land environments of archaeological, architectural, artistic, cultural or historic interest, including improving people's enjoyment of them).”

This amendment invites the government to consider the historic environment in environmental improvement plans.

We are enjoined to concentrate on the amendment in front of us and how it affects the Bill as a whole. It would be useful to put to the Committee where we stand on clause 7. The clause states that the Secretary of State must prepare an environmental improvement plan. The beginning of the clause appears to suggest that the Secretary of State must sit down—presumably with a towel round his head—and work out an environmental improvement plan and present it to the House.

The clause then sets out what an environmental improvement plan is—significantly improving the natural environment in the period to which the plan relates—and that that period must not be shorter than 15 years. As the hon. Member for Gloucester mentioned, an earlier clause provides that the EIP should include

“steps Her Majesty's Government intends to take to improve people's enjoyment of the natural environment in that period.”

Clause 7 then takes an abrupt handbrake turn. It says that is all very well, and all those things must be done by the Secretary of State. However, in the great tradition of “Blue Peter”, here is one I prepared earlier. It states in subsection (7):

“The document entitled ‘A green future: our 25 year plan to improve the environment’...is to be treated as an environmental improvement plan”.

That is, it has already been done before the Secretary of State has to put pen to paper as provided earlier in the clause, to produce an environmental improvement plan. It then specifically states in subsection (8) of this clause:

“References in this Part... (a) to the first environmental improvement plan, are to that document; (b) to the current environmental improvement plan, are to the environmental improvement plan for the time being in effect.”

That is the 25-year environment plan—

The Chair: Order. We have a very long Bill to consider, with a great deal of amendments. I therefore intend to be tough on both sides of the Committee. I know that that may upset every member of the Committee equally, but we need to make some progress. I therefore suggest that the hon. Gentleman should speak not to the whole of clause 7—he will have an opportunity to do that, if he chooses, in a stand part debate shortly—but specifically to his amendment, which refers to the conservation of land environments. Broader discussion of the clause may wait for later.

Dr Whitehead: Thank you, Mr Gray. I will, of course, follow your guidance closely, but I feel it is necessary to set out what part of the clause we seek to amend, and why, in order to explain the status quo ante. By tabling the amendment, we seek to set out steps for Her Majesty's Government to take to improve the conservation of land environments of, among other things, archaeological, architectural, artistic, cultural or historical interest, including improving people's enjoyment of them. The clause as it stands mentions people's enjoyment of the natural environment. The amendment would place one of the

definitions of the natural environment into the context of what has happened to it over a very long period of history.

One little example of that, close to my constituency in Southampton, is the New Forest. The New Forest is not new and it is not, by and large, a forest. It is a very large and precious part of our natural environment, but it is not the natural environment it was originally. Actually, it is a spectacularly complex and superbly varied environment that has been worked on substantially by humans over 10 centuries. Substantial sections of the New Forest that were originally forest are heathland, for example, with their own habitats and precious areas of rare species within them. Those habitats have come about only as a result of human activity in the original area of the New Forest, clearing what was forest and working on, draining, changing, enriching and variegating the land. As a result, those species have colonised those areas and are now, to the human eye, indistinguishable from the natural environment as part of that forest.

Daniel Zeichner: My hon. Friend is making a powerful case. In the east of England, the Broads landscape is a similarly excellent example. It was long thought to be an example of the natural environment, but it now turns out to be a consequence of human intervention. The definition of what is natural is extremely important.

Dr Whitehead: My hon. Friend is right. The Broads came about as a result of peat extraction by Saxon and early medieval inhabitants of the area, and an amazing interlinked lakeland and wetland environment has developed as a result. Landscapes of archaeological, environmental, artistic, cultural or historic interest are an important part of the natural environment. They should be conserved and preserved, and loved and looked after for that reason, and not because they are a variation from the original landscape that was in place once upon a time.

10.45 am

Turning to the 25-year environment plan, which is apparently the status quo for our considerations, I see no mention or consideration in it of that aspect of our natural environment. We are being asked to adopt a plan for the future that simply does not include that aspect. As the Minister mentioned the clean air targets that we agreed earlier, the 25-year environment plan does not say very much about that either, other than publishing a clean air strategy.

If we agree the clause without amendment, we will have put all our eggs in a basket that does not contain many of the eggs that we want to be in that basket in the first place. That is why it is very important that we agree the amendment this morning. The Minister has indicated that 2023 is the date that the plan might be up for reconsideration. We must agree the amendment to ensure that at the very least the Bill contains a clear instruction to the Secretary of State to include that when preparing a future environmental improvement plan.

If the Minister does not accept the amendment, she ought at the very least to give an indication that that is the procedure that she will adopt, among other things, for the future preparation of an environmental improvement plan for the period post 2023. We will have lost some time as a result, but if she indicates that that would be very much on her mind for any future environmental

improvement plan, it would go a long way to comforting us, although ideally the measure should be in the Bill in order to properly inform this section for the future.

Rebecca Pow: I want to assure the shadow Minister that the Government were elected on a manifesto that promised to protect and restore our natural environment after leaving the EU, and that is why the environment improvement plans and targets share an objective of significantly improving the natural environment.

I will whizz through my response as briefly as I can. The hon. Member touched on the fact that the natural world does not exist in a vacuum. We are in complete agreement. It is a very complicated scene. We interact with it; we use it and rely on it; and we change it, as the hon. Member referred to in many examples. It becomes part of our life, our history, our values and it is a natural heritage and inheritance that we should all be proud of. That is why the 25-year environment plan has at its heart that we will improve the natural environment and recognises that we cannot manage it in isolation.

The plan committed us to

“Safeguarding and enhancing the beauty of our natural scenery and improving its environmental value while being sensitive to considerations of its heritage.”

That is what the plan mentions, so I want to give absolute assurances. I believe the shadow Minister is not aware that this point is all part and parcel of the Environment Bill already.

I understand that those outside this House who have been calling for the amendment feel that greater confidence would be given by an explicit reference in the Bill to these particular heritage features of land. I know that lots of people have been concerned about this, so I want to reassure them that the Bill ensures that our 25-year environment plan, including its stated recognition of the connection between the natural environment and heritage, will be adopted as the first environmental improvement plan. It will set the benchmark for future plans, including how to balance environmental and heritage considerations.

The approach we took in our 25-year environment plan on heritage was welcomed by stakeholders and is expected to be mirrored in future environmental plans by the future Government. I hope that give assurances. The shadow Minister raises some serious points about heritage, but I think we are actually in agreement, so I would ask him to withdraw the amendment.

Dr Whitehead: I am not sure that the Minister can point to the exact part of the Bill where those things take place in the way that she has suggested they do, although I am a little reassured by the fact that she clearly has a good understanding of the problem that we have set out today and is alive to the issue. I hope the Minister will follow up this debate with some equally assiduous work as previously, to ensure that it is a substantial feature of the next, or revised, environmental improvement plan. I hope it will give great reassurance not just to people in this House, but to those concerned with our natural heritage and the way that our heritage as a whole impacts on the natural environment and the changes that have been made within it over time. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 7 ordered to stand part of the Bill.

Clause 8ANNUAL REPORTS ON ENVIRONMENTAL IMPROVEMENT
PLANS

Dr Whitehead: I beg to move amendment 89, in clause 8, page 5, line 32, at end insert—

“and,

- (c) consider biodiversity reports published by authorities under section 40A of the Natural Environment and Rural Communities Act 2006 (as amended by section 94 of this Act).”

Clause 8 is concerned with the preparation of annual reports on the implementation of the current environmental improvement plan. The amendment would additionally require the consideration of annual reports on the plan’s implementation and operation. The clause sets out a number of ways in which that should be done. By the way, I cannot resist stating that, as hon. Members will observe, subsection (1) says:

“The Secretary of State must prepare annual reports”.

The Secretary of State has no option but to do this. It is not a question of the Secretary of State “may”; rather, he “must prepare annual reports”. There is obviously some careful writing going on here.

Subsection (1) says:

“An annual report must...describe what has been done, in the period to which the report relates”

and

“consider...whether the natural environment has, or particular aspects of it have, improved during that period.”

Later in the Bill, clause 94 amends the Natural Environment and Rural Communities Act 2006 to require the Secretary of State to look at biodiversity reports, which

“must contain...a summary of the action which the authority has taken over the period covered by the report...a summary of the authority’s plans for complying with those duties... any quantitative data required to be included in the report”,

and

“any other information that the authority considers it appropriate to include in the report.”

I will not read out the entire clause—as you will be delighted to hear, Mr Gray—but it sets out a number of other things that the biodiversity report should include. Nevertheless, in terms of biodiversity reports, that appears to be fairly central to the idea of reporting, on an annual basis, what has happened to that environmental improvement plan. That is, those biodiversity reports, which are coming out on a regular basis, should inevitably be included in the annual changes that have happened, which are required to be reported on by the Secretary of State as far as the improvement plan is concerned.

However, as hon. Members can observe, there is no linkage in clause 8 with clause 94 as far as biodiversity plans are concerned. We are concerned that, without something on the face of the Bill to link those biodiversity reports and the progress of the environmental improvement plan, those reports will be set aside, not taken into account and not included in the Secretary of State’s progress reports, and will have much less effect as a result. The amendment would therefore require the Secretary of State to

“consider biodiversity reports published by authorities under section 40A of the Natural Environment and Rural Communities Act 2006 (as amended by section 94 of this Act).”

That is the important part. We are considering an amendment to the 2006 Act later in the Bill specifically to do with biodiversity reports, yet we leave them hanging elsewhere in the legislation. The amendment introduce create an important linking passage between those two issues. The Committee ought to think carefully about whether it wishes that link to be explicit on the face of the Bill, or whether the inclusion of those biodiversity reports in the Secretary of State’s update on the environmental improvement plan should be left to chance.

Rebecca Pow: I thank the hon. Member for his consideration of the Bill and the amendment. However, I assure him that the amendment is not needed. Clause 8 places a duty on the Secretary of State to produce annual reports on progress in implementing the environmental improvement plan. As the current 25-year environment plan shows, EIPs have a very broad scope. We have already touched on that. The reporting requirements that the Government have proposed are equally broad in scope, describing what action has been taken to implement the plan, and considering whether aspects of the natural environment are improving. This consideration should draw upon relevant existing data. Specifying that particular reports must be considered is not necessary.

The Bill will introduce a requirement to produce biodiversity reports as part of a strengthened biodiversity duty on public authorities. These reports will provide valuable data, but are already in the scope of the existing reporting duty of the annual EIP reports. To ensure that the annual EIP reports are as robust and comprehensive as possible, we want them to be based on the best evidence. We also want to retain the flexibility to consider the most relevant evidence for a particular context.

11 am

Within that context, we should also consider that there will be several hundred biodiversity reports produced over a five-year period. They will be produced by all local authorities, local planning authorities, and other large landowning authorities. We will discuss that in more detail in the later clause. Only some of the reports will be relevant to the annual EIP reports, and it would be disproportionate to require all of them to be considered. The hon. Member’s amendment is not relevant, and is already dealt with in later clauses to do with biodiversity. The hon. Member for Southampton, Test is obviously deeply concerned about the issue of biodiversity and it is absolutely right that we should address it, but I ask him to withdraw amendment 89.

Daniel Zeichner: I suspect that we will be discussing the same points on a number of different amendments, but this amendment raises the whole issue of those biodiversity plans. It also raises the issue referred to by my hon. Friend the Member for Southampton Test at the beginning of today’s sitting, which is that we have seen significant changes over the summer in terms of the Government’s stated intent for the planning White Paper.

When we look at the information that goes into the environmental improvement plans, my concern is that, as my hon. Friend has suggested, the data needs to be there to make any kind of sensible judgment. It is

suggested, through the links to clause 94, that local planning authorities will be providing much of that information, yet the Government now propose to create a planning system that makes that nearly impossible. We will return to that, but it points to the great difficulty for the Opposition, in that, without an evidence session to explore these points, it is difficult to have a rational discussion at this point in our proceedings. My hon. Friend's suggested amendment very much strengthens the Government's ability to draw up a coherent plan. If we do not have that, we will end up with a nice-looking document that is not based on any real information.

This debate also touches on a more fundamental issue: the relationship between this Bill and the Agriculture Bill. I had the pleasure of leading on the Agriculture Bill in this very room some months ago, and we raised the point then. The interaction between the two is complicated and sophisticated, particularly in relation to environmental land management schemes. The Minister mentioned that earlier. Without the relevant information, we will not be able to have the planning strength we would all like to see.

Dr Whitehead: The points made by my hon. Friend the Member for Cambridge are important in the wider context of the Bill. They explain why we are finding it difficult to easily track what the various parts of the Bill are against each other. As my hon. Friend says, we will return to that in the next amendment. It is beholden on the Minister to explain a bit better how these things fit together—or indeed do not—than she has this morning. We legislate today not just for those who might be well-disposed towards the Bill and have its architecture well-embedded in their heads, and would therefore hopefully be able to move about within the Bill to put its bits together in terms of future directions. I refer to Ministers and those who are well-disposed towards its ideas—in this instance biodiversity reports. We are legislating for future circumstances where those required to carry out the terms of the Bill might not have the same enthusiasm, dedication and support for the issues as the Minister does. I am sure she will have a long reign as Minister, but she is nevertheless the present Minister.

It is important that we ensure as best we can that the legislation is malevolence-proof and that what we decide in respect of future Governments' duties, both in this Committee and when the Bill goes through the House, really happens. The amendment is an example of something that could be included in the Bill. I accept what the Minister said about there being some measures that, with some good will, can ensure that those things happen, but they are far from the sort of long-term assurances we want. Although I will not press the amendment to a vote, I am afraid that what the Minister has said laid out this morning is very much dependent on her good will towards the Bill.

Ruth Jones (Newport West) (Lab): The shadow Minister is making a powerful point—we are future-proofing for generations to come. To my mind, it is important that legislation is easy to read and understand, and it must be secure and tight. Future generations will be looking to us to set an example, which is why that is so important. A year ago, nobody knew about covid, so we cannot always read the future, but we must set things down tightly in legislation. That is why amendment 201, which

was withdrawn, focused on the use of “may” and “must”—wording is so important. I agree with my hon. Friend that we must make the legislation as future-proof as possible.

Dr Whitehead: That is precisely my view of what we should be doing in Committee and throughout the passage of the Bill. I hope that the Minister will reflect on whether the clause is really tight enough to ensure that the provisions work, not just for her purposes but for the purposes of people in the future, and that she will look over the legislation at her leisure—there is plenty of time on Report—to see whether anything more needs to be done to ensure that that point is properly taken on board. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Dr Whitehead: I beg to move amendment 90, in clause 8, page 5, line 32, at end insert

“and,

- (c) include an analysis of whether the policies and measures set out in the environmental improvement plan will ensure that any targets set under sections 1 and 2 and any interim targets set under sections 10 and 13 are likely to be met.”

This amendment is another example of the theme that we have been developing, first on the extent to which the later parts of the Bill link properly to the earlier parts, and secondly on whether provisions should be included in the Bill to ensure that those links are made when the Bill becomes law and are not just in the minds of the Minister and well-disposed civil servants.

The amendment, which also relates to clause 7(5), proposes that the environmental improvement plan should include

“an analysis of whether the policies and measures set out in the environmental improvement plan will ensure that any targets set under sections 1 and 2”,

which we have agreed to,

“and any interim targets set under sections 10 and 13”,

which we will talk about later,

“are likely to be met.”

It is important to the proper functioning of any environmental improvement plan that it is drawn up on the basis of the targets. The Minister has mentioned that this is not just a question of the targets that are in the Bill; other targets can be set on the basis of the framework in clause 1. It seems to me that if that is one of our prime mechanisms for ensuring that what happens under the Bill as a whole works, it has to be a prime function of an environmental improvement plan. The idea of setting up an environmental improvement plan to miss, subvert or undermine those targets would be anathema to us, but there is nothing in the Bill to prevent that from happening. The two clauses are just not linked together. We therefore think, as I have mentioned before, that the amendment is important to rectify architectural defects in the Bill.

Under the amendment, the analysis would be one of the things the Secretary of State was required to include when preparing an environmental improvement plan. Of course, when the environmental improvement plan that we have at present was produced, no targets were in place, no targets had been set and no targets had been

[Dr Whitehead]

considered. This is therefore an entirely new thing that would have to go into the revision of the environmental improvement plan that the Secretary of State is required to do in 2023.

I hope that the Minister will be fairly generous in considering whether to put this provision in the Bill. I think that it is an important change that needs to be made and, given that we have thought about it for a while, we will consider dividing the Committee if there is not a reasonable response to what is a serious and considerable lack of joining up between this clause and the earlier clauses.

Rebecca Pow: I thank shadow Minister for his proposal that the Government annually assess the sufficiency of environmental improvement plan measures for achieving our targets. He is clearly aware, as are we and, indeed, all the people who have put so much work into the structure of the targets and the EIPs, that it is very important to keep the EIPs on track. With that in mind, I assure him that the whole system that has been set up—the Bill’s statutory cycle of monitoring, planning and reporting—is designed to ensure that the Government regularly assess the sufficiency of their actions, while allowing some flexibility in how they do so.

The EIP annual reports are intended to be a retrospective assessment of what has happened in the preceding 12 months. The five-yearly EIP review is a more comprehensive assessment in which the Government must look not only backwards but forwards and consider whether the EIP should include additional measures. If so, the EIP may be updated and a new version laid before Parliament.

The Office for Environmental Protection will comment yearly on the progress reported in each EIP annual report, providing it with the opportunity to flag early on where it believes there is a risk that the Government might not meet their legally binding, long-term targets. It may also make recommendations on how progress towards meeting targets can be improved, to which the Government must respond.

11.15 am

I hope that that reassures the shadow Minister that there is a step-by-step system of constant reporting, monitoring and assessing. Ultimately, of course, the OEP has the power to bring legal proceedings if the Government breach their environmental law duties, including the duty to achieve long-term targets.

The intent of the amendment already appears in the EIP cycle. I have it all written out, because there is a step-by-step process to ensure we are kept on track. Any extra or duplicative reporting is unnecessary and could divert resourcing from that needed to ensure the successful implementation of the policy, so I ask the hon. Member for Southampton Test to withdraw the amendment.

Dr Whitehead: I wonder whether the Minister will explain why—

The Chair: Order. The Minister has finished her remarks; the hon. Gentleman is replying to the debate.

Dr Whitehead: Indeed. I am wondering in a non-specific way, Mr Gray, what the Minister might think about this issue, having responded to the debate so far.

The provision that we wish to place in clause 8(2) appears in subsection (3), so will the Minister consider including it in subsection (2), which states what an annual report must consist of, whereas subsection (3) states that the report might consider these matters. Surely those targets and interim targets are central to any annual report and are not a consideration that might arise in the report.

I do not know whether the wording is slack or whether there is a reason why the consideration of relevant targets under clauses 1 and 2 are in subsection (3) and not in subsection (2). Our amendment expresses the centrality of targets to annual reports.

Daniel Zeichner: I have to say that I am finding this a slightly dry discussion, Mr Gray.

I listened to the Minister carefully and I am trying to understand the amendment’s effect in the real world. For those that influence the environment—I think of water companies and transport authorities—the extra clarity offered by the amendment would make it far more likely that they would amend their planning and investment decisions at the right time, which seems to be key to what we are trying to achieve.

Dr Whitehead: I thoroughly agree with my hon. Friend, although it is perhaps going a little too far for an hon. Friend to say that I am involved in dry discussions. On his suggestion, I will try to make my discussions a little damper in future.

To be honest, I do not think the Minister has given us a good reply. I do not want to press the amendment to a vote, but I want to put it on the record that we think it is important that these issues should be gathered together centrally in the annual reports and not put in the considerations about the annual reports. Again, I would hope—it is not a general reflection on this occasion, but an actual reflection—that the Minister might look at the fact that the wording applies to the documentation of the report and consider whether a drafting amendment to put subsection (3) into subsection (2) might not be a wise course of action at a future date.

Amendment, by leave, withdrawn.

Clause 8 ordered to stand part of the Bill.

Clauses 9 to 15 ordered to stand part of the Bill.

Clause 16

POLICY STATEMENT ON ENVIRONMENTAL PRINCIPLES

Dr Whitehead: I beg to move amendment 91, in clause 16, page 10, line 6, leave out “proportionately”.

This amendment removes ministerial estimates of proportionality as a limitation on the policy statement on environmental principles.

The Chair: With this it will be convenient to discuss amendment 92, in clause 18, page 11, line 13, leave out subsection (2).

This amendment removes the proportionality limitation on the requirement to consider the policy statement on environmental principles.

Dr Whitehead: I am afraid that we might be here discussing slightly dry propositions for a little while. Amendments 91 and 92 look at the wording in the Bill that relates to the proportionality of the interpretation by Ministers of the Crown when making policy. Clause 16(2) defines what a policy statement on environmental principles is. It explains that it

“is a statement explaining how the environmental principles should be interpreted and proportionately applied by Ministers of the Crown when making policy.”

Although that appears to be an innocuous point, our view is that it is not remotely as innocuous as it looks, because it is not just talking about the statement on how the environmental principles should be interpreted. It is stating that, even after that interpretation, there is a

second course of action that may be taken: Ministers of the Crown may decide to apply them proportionately. As far as I can see, there is no definition of the word “proportionately” in clause 16 or in the Bill as a whole, even though it is quite usual to place an interpretation of particular words in a Bill.

My understanding is that the word “proportionately” has to be attached to something—it is proportionate to something, or proportionately a part of something. When it is stated in the—

11.25 am

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

Adjourned till this day at Two o'clock.

