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PARLIAMENTARY DEBATES
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OFFICIAL REPORT

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The following abbreviations are used to show a Member's party affiliation:

Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
Lab Co-op	Labour and Co-operative Party
LD	Liberal Democrat
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

No party affiliation is given for Members serving the House in a formal capacity or for the Lords spiritual.

House of Lords

Wednesday 15 September 2021

3 pm

Prayers—read by the Lord Bishop of Blackburn.

Retirement of a Member: Lord Renfrew of Kaimsthorn

Announcement

3.07 pm

The Lord Speaker (Lord McFall of Alcluith): My Lords, I should like to notify the House of the retirement, with effect from today, of the noble Lord, Lord Renfrew of Kaimsthorn, pursuant to Section 1 of the House of Lords Reform Act 2014. On behalf of the House, I thank the noble Lord for his much-valued service to the House.

NHS: Hospital Visiting

Question

3.08 pm

Asked by ***Lord Farmer***

To ask Her Majesty's Government what steps they are taking to ensure visiting arrangements in all NHS hospitals resume as soon as possible.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, we absolutely recognise the importance of people's ability to visit their loved ones. Over the pandemic, NHS guidance advised all NHS hospitals to welcome visiting in a Covid-secure way. Now that we are not in a national lockdown, visiting arrangements are set out locally by NHS trusts and other NHS bodies. The health, safety and well-being of patients, staff and communities remains the priority, but careful visiting policies remain appropriate to ensure safe hospital visits.

Lord Farmer (Con): My Lords, I thank the Minister for his Answer. Do the Government collect statistics on the number of in-patients whose mental well-being deteriorates during their stay in hospital? Also, what assessment, if any, has been made of the impact of visits on patients' mental well-being and recovery?

Lord Bethell (Con): My noble friend raises an important question. Mental well-being is affected by visiting. We know that particularly from social care, where this has been a particularly onerous problem for those in care and their loved ones. I am not aware of any statistics being assessed but I will look into it and write to him. He makes an extremely important point. We do, however, take statistics on nosocomial infection. I am afraid that is a massive issue, which we must balance at the same time.

Lord Hunt of Kings Heath (Lab): My Lords, of course I understand the reason for very great care in relation to infection control in our hospitals, but it is notable that a press release by NHS England in July, at the time of the announcement of a reduction in restrictions by the Government, said that hospital visiting guidance is set to remain in place for all staff and visitors. The concern is that the health service will never change this guidance. Surely there should be some review of the general guidance, given what is happening in society as a whole and the autumn and winter plan that the Government announced yesterday.

Lord Bethell (Con): My Lords, we brought in harsh guidance at the early stage of the pandemic. That was lifted quickly, for exactly the reasons the noble Lord gave, and we keep the current restrictions under review all the time. But it is up to local trusts to put the right infection control measures in place. Although we have some guidance in place, it encourages visiting, for the reasons the noble Lord points out, and we leave it to trusts to make the ultimate decisions.

Lord Shinkwin (Con): My Lords, I will always remember how my spirits rose the moment my mother appeared at the entrance to the children's ward when, as a child, I was confined to bed with yet another fracture. Given that the isolation of lockdown has highlighted the importance of human contact to good mental health, I ask my noble friend how the Government are advising hospital trusts on taking the mental health of visitors and those they are visiting into account.

Lord Bethell (Con): What a touching piece of testimony from my noble friend. The feelings he had as a child are felt by a great number of people, not only those in hospital and social care but their loved ones. We are mindful of the impact of visiting on the mental health and the good feeling of those in hospital. Visiting was suspended on 4 April last year, but that suspension was lifted on 5 June. Since then, we have sought wherever possible to put careful visiting policies in place. In October last year, the number of visitors was limited to one family contact or somebody important to the patient; since then, we have made huge strides in trying to lift those restrictions wherever we can. It is left to trusts to implement exactly those restrictions that are suitable to maintain infection control in their area.

Baroness Brinton (LD) [V]: My Lords, in his Answer to the noble Lord, Lord Farmer, the Minister said it was vital to keep hospitals safe from Covid infections. There are now over 8,400 Covid patients in hospital with around 1,000 daily admissions and rising. SAGE is concerned that, in a month, there could be 8,000 patients a day. Paragraph 36 of yesterday's autumn and winter plan says that the UK HSA is reviewing easing specific infection prevention and control and social distancing to better manage activity. Can the Minister give assurances that this will not happen while cases in hospital continue to increase at this rate?

Lord Bethell (Con): We are trying to have visiting policies that are proportionate to the situation. To reassure the noble Baroness, as she probably knows,

[Lord Bethell]
the number of visitors at the bedside is currently limited to one close family contact and somebody important to the patient. Those are the guidelines we have in place. As I said, we leave it to trusts to run their own infection control measures. She is entirely right that the potential for nosocomial infections within hospitals, which was such a serious feature of the pandemic last year, is one that we are extremely wary of and careful about.

Lord McCrea of Magherafelt and Cookstown (DUP): As a Christian minister who has visited the sick for over 50 years, I believe that a vital part of the healing process of any patient is not only the care given by medical professionals, but the individual's peace of mind. That healing is greatly enhanced by the visit of a family friend or loved one. One of the tragedies of the Covid pandemic was that many had to die without the touch of a loved one's hand or tender words of comfort and love, as they were about to pass away. Will the Minister do everything he can to change that situation?

Lord Bethell (Con): My Lords, the noble Lord makes an incredibly powerful point. I agree with him. The point about visitors to the dying was one of the most poignant and hurtful aspects of the pandemic. The stories I have heard personally and in the Chamber on that point have been some of the most moving I have heard in the entire year. He is right that being ill is horrible; being ill and away from the people you love is doubly horrible. We are trying our hardest. Infections in hospitals cost a lot of lives last year. We are mindful of that damage. Another area where we are very mindful is maternity units, where to prevent post-birth depression it is really important that partners are there. We have put in allowances for all partners to be at scans and at the birth, but we are working to try to balance these two competing difficulties.

Baroness Greengross (CB): My Lords, have the Government considered using vacant hospital land owned by the NHS or unused buildings near NHS hospitals for patient accommodation while rehabilitating, rather than having long stays in medical wards? Have the Government considered the benefits for patients and families? Visiting may be safer and more suitable in this type of accommodation compared with visiting medical wards.

Lord Bethell (Con): The noble Baroness's point is entirely right. The focus on hospitals puts huge pressure on hospital administrators to have safe, contagion-free environments. That makes visiting extremely difficult. That is why we are trying to move as much care and diagnostics as we can back into the community, where we have smaller hubs and visiting is much more accessible. Some of that can be done on vacant NHS land. There are also opportunities on the high street, which is not as occupied as it used to be, for those kinds of services. We have £3.3 billion available for discharge. If we have safe, quick discharge, that also achieves the same objective.

Lord Flight (Con): My Lords, I question the wisdom of seeking to restore all visiting arrangements as soon as possible. For the time, surely visitor resource priority should go to those who are seriously ill, whether with Covid or other serious illness. Visiting should be limited, for the time being, both for the seriously ill and for limited slots of groups of limited size.

Lord Bethell (Con): My Lords, it is a question of balance. We certainly have to be extremely careful about people visiting those with Covid because of the obvious contagiousness of that disease. As I said, the guidance is currently to limit the size of groups to one close family member, but we are mindful of the mental health impact of that, so trusts are trying to get the right balance between contagion control and the mental health implications of people being ill and alone in hospital.

Baroness Thornton (Lab): It is very nice to see the Minister in his place; I wish him good luck right now. May I say how much we welcome the measures relating to visits in care home premises from 16 August? Welcoming anyone into care homes poses risks and it is important that those risks are managed and mitigated. In the face of the winter plans that have been announced, is there any expectation that there will be a review of these guidelines for care homes under plan A or plan B?

Lord Bethell (Con): My Lords, I am pleased to say that 91% of care homes in England have been able to accommodate residents receiving visitors, compared to 40% in March. That is huge progress and answers a very large amount of concern that I have heard here in the Chamber. It is our objective not to change or review these measures. We want to try to keep care homes open to visiting in a safe way, as we do presently. If it becomes necessary, though, we will take the steps to protect life.

Sovereign Defence Capability: Meggitt Takeover

Question

3.19 pm

Asked by ***Lord West of Spithead***

To ask Her Majesty's Government what assessment they have made of the impact of a takeover of Meggitt by Parker-Hannifin on the United Kingdom's sovereign defence capability.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con): My Lords, we welcome trade and investment where it supports UK growth and jobs, and which meets our legal and regulatory requirements while not compromising national security. Where we believe there are concerns, we raise them, and where we need to intervene, we will. The Government continue to monitor the situation closely. However, commercial transactions are primarily a matter for the parties involved. It would therefore be inappropriate to comment on the potential consideration of this or any other case.

Lord West of Spithead (Lab): My Lords, I thank the Minister for his Answer. I thought that the Government had made very clear that they feel sovereign capability in these high-tech areas is hugely important for the nation, certainly in defence terms. We have now seen a succession of takeovers of highly capable British firms with a lot of high-tech workers and a huge amount of intellectual property by primarily American groups that are not primarily defence firms. Although promises have been made, I am afraid that, in terms of keeping the firms in being and running them as they were, those promises do not seem to have been kept. This is extremely worrying. Is there some way more than he has already described of ensuring that we do not lose high-tech jobs, that these firms are not broken up and that we keep a controlling interest? Is there, for example, any sense in having a golden share?

Lord Callanan (Con): The noble Lord is tempting me down a path down which I cannot go. The United States is a valued trade partner and a large source of inward investment in the UK. UK and US officials work closely together to protect against any hostile foreign investment that threatens our shared security. We have a shared interest in keeping important defence suppliers in safe hands.

Lord Trefgarne (Con): My Lords, can my noble friend confirm that the nuclear warheads fitted to our Trident missiles, which form such an essential part of our continuous at-sea deterrence posture, have been, and always will be, manufactured in the United Kingdom, and that if Scotland chooses to leave the United Kingdom, Faslane and Coulport will have to be shut?

Lord Callanan (Con): I can indeed reassure my noble friend that the UK's replacement warhead will be designed and manufactured in the United Kingdom. While work continues with US counterparts to ensure that the UK replacement warhead remains compatible with the Trident missile system, the requirements, design and manufacture of the warheads are sovereign to each nation.

Baroness Wheatcroft (CB): My Lords, the undertakings given by Parker-Hannifin last for only one year. Does the Minister believe that they should be extended if jobs in this country, and other things, are to be safeguarded by those undertakings? Could he update the House on how the investigation into the Chinese takeover of Britain's largest computer chip manufacturer is progressing?

Lord Callanan (Con): Those are competition concerns. I am in a difficult position, as noble Lords will understand. It is a quasi-judicial process, and it would not be appropriate for me to comment on the details of the specific commercial transactions of any security or competition assessments that are currently taking place.

Lord Rooker (Lab): When manufacturing and defence of the realm are concerned, I want a hard-line, patriotic Minister, not a weak, sell-out capitalist. Which is the Secretary of State?

Lord Callanan (Con): The noble Lord knows me well, and I would love to engage in debate with him on this issue—because of course he is wrong—but I cannot comment on the specifics of this case. Whether the Secretary of State takes the decision to intervene is a quasi-judicial matter.

Lord Lee of Trafford (LD): My Lords, going somewhat wider, is not the failure by UK investors properly to value many quality companies in the defence sector, such as Meggitt, Ultra and possibly Cobham in the past, the real reason for the spate of takeovers? In this regard, does not the abject failure of television to cover stock market investment and our hugely important savings and investment industry bear some responsibility? With financial education so lamentable, does this not explain why thousands sadly leave money in the bank, earning zero interest, when they could put some into a company of the stature and strength of, say, Legal & General, which offers a dividend yield of 6.5%?

Lord Callanan (Con): I know of the noble Lord's campaign to raise awareness of the important work and value of private UK companies, but as I mentioned in my Answer to the noble Lord, Lord West, we value trade and investment into the United Kingdom. We believe in an open trading environment, and that is why the noble Lord, Lord Rooker, is wrong. We cannot just exist on an individual basis, not taking account of trade in the rest of world. We are proud to be one of the largest sources of inward investment in Europe, and long may that continue.

Baroness Hayter of Kentish Town (Lab): My Lords, as others have said, we need a defence industry that is secure for jobs and the economy but also whose technology is secure from hostile hands. Given that, as the noble Baroness, Lady Wheatcroft, said, the assurances of jobs from Parker are for only a year, can the Minister indicate whether he considers that a more thorough assessment is needed? Also, had the new national security and investment regime been in place now, would the Meggitt takeover have been caught by the definition for mandatory notification?

Lord Callanan (Con): The answer to the second part of the noble Baroness's question is yes. On the first part, it is a quasi-judicial process, and the Secretary of State has not taken a decision on it, so I cannot go any further than what I have said so far.

Lord Holmes of Richmond (Con): My Lords, what steps have the Government taken to strengthen their investment screening processes?

Lord Callanan (Con): As I just indicated in my answer to the noble Baroness, Lady Hayter, this House debated at length and passed the National Security and Investment Act, which strengthens the Government's powers. That Act is in the process of being implemented now. We have already passed a number of statutory instruments, and it will commence fully in early January.

Lord Browne of Ladyton (Lab): My Lords, 85% of defence R&D is government funded. In the integrated review, the Government promised a defence and security industrial strategy that will "prioritise UK industrial capability". Announcing it, Defence Minister Jeremy Quin said the DSIS

"will help retain onshore critical industries for our national security and our future."—[*Official Report*, Commons, 23/3/21; col. 797.]

First Cobham, then Ultra Electronics and now Meggitt—these are all critical industries for our national security and our future. At what point will the Government follow their own strategy and try to slow the current US equity fund-led spree of buying these businesses?

Lord Callanan (Con): The current takeover is not by an equity fund but a defence contractor. As I said, we welcome investment into the UK but will not hesitate to take action if it threatens or compromises our national security.

Baroness Smith of Newnham (LD): My Lords, Tom Williams of Parker told the *Financial Times* that he was open to talking to Ministers and, in particular, said:

"We recognise the importance that everybody has around national security and defence capabilities. We want to reassure people that we have no intention of impacting that."

That is fine in this case, perhaps, but what assessment have the Government made of bids where those wishing to take over sovereign defence capabilities do not have such apparently benign aims?

Lord Callanan (Con): As I said, we have not taken any decision on the current takeover yet, but the UK will always enthusiastically champion free trade, recognising that the vast majority of inward investment into this country is highly beneficial and creates jobs and prosperity for the country. An open approach to international investment, as many other countries have, has to include the appropriate safeguards. We have powers under the Enterprise Act 2002 to intervene in mergers or takeovers that raise particular public interest concerns. As I have intimated in other answers, we have recently strengthened our powers through the National Security and Investment Act, which will commence on 4 January.

The Lord Speaker (Lord McFall of Alcluith): My Lords, all supplementary questions have been asked and we now move to the next Question.

Council Tax

Question

3.28 pm

Asked by ***Lord Campbell-Savours***

To ask Her Majesty's Government what plans they have to reform council tax.

Viscount Younger of Leckie (Con): My Lords, council tax is collected and retained by local authorities, which set it within the national framework. Local authorities best understand the needs of their local area, though any increases above the referendum principles require the support of voters. Council tax is well understood by ratepayers. The Government have no plans for council tax reform, which would be complex and time-consuming to undertake and would create confusion for ratepayers.

Lord Campbell-Savours (Lab) [V]: My Lords, the national framework is flawed. How can a band C house in Cumbria, with council taxes of over £1,600 per year, pay more than a £54 million band H luxury house in London's Mayfair? Surely such discrepancies in the treatment of houses in the north serve only to further reveal how utterly absurd the whole council tax system has become. Is not the concept of a red wall defending the north no more than a myth, confirmed by the refusal by the Government to reform council tax and its huge inconsistencies?

Viscount Younger of Leckie (Con): The Government recognise that authorities have differing abilities to generate income from council tax, and the settlement methodology takes these into account when allocating funding. The Government have used grant funding to equalise against the adult social care precept since its introduction. Funding baselines for every authority, whether up north or down south, are determined by an assessment of the relative needs of areas, including measures of deprivation. Indeed, councils in the most deprived areas of the country receive 16% more in core spending power than in the least deprived areas.

Lord Clark of Windermere (Lab): My Lords, throughout Cumbria, whether in Barrow, Carlisle, Kendal or the many households in the villages in between, householders feel aggrieved that because of the national framework they are forced to pay more council tax than luxury houses in London. Even the Government must accept that it is grossly unfair. When do they intend to take one small step towards alleviating the problem and help levelling up in Britain?

Viscount Younger of Leckie (Con): I am sure the noble Lord is aware of the support that is given. Following the spending review in 2020, local authorities' core spending power is estimated to have increased by 4.6% in cash terms in 2021-22. This follows the largest real-terms increase in core spending power for a decade at the spending review in 2019. Local authorities, including the ones he mentioned, will have access to £2.2 billion of additional funding in 2021-22 to invest in public services.

Lord Leigh of Hurley (Con): My Lords, there are 26 million houses subject to council tax in the UK but only 160,000 are in band H, so a sensible small step might be that just council houses in band H are revalued. As 65,000 of those are in London, it would enhance our reputation for levelling up. Will the Minister agree to a meeting with the Treasury to progress this idea?

Viscount Younger of Leckie (Con): I can certainly pass on that request to the Treasury—that is no problem at all—but I reiterate that there are no plans to review or revalue council tax. It is important to say that the

council tax system is understood by people. A recent poll demonstrated that there is no move from the public to change it.

Lord Bird (CB): With 60%, or 60p in the pound, of local authority council tax spent on social support, that is an enormous amount of pressure on local authorities. When we talk about reforming local authorities, can we take into account that enormous pressure, which is growing all the time, and the wonderful work that our local authorities have done over the Covid-19 period?

Viscount Younger of Leckie (Con): I certainly recognise the wonderful work done. Each council provides council tax reduction schemes for working-age taxpayers. Councils have choices, as they should, about how to design their scheme, reflecting local circumstances. There is a variation in how councils deliver these schemes. For example, some councils offer 100% reductions on their criteria, while others request a contribution from everyone irrespective of income and savings.

Lord Tunnicliffe (Lab): My Lords, earlier this year the Government hiked the amount by which local authorities can increase council tax bills without holding a referendum. This hit family incomes at a time when the Treasury should have been doing everything possible to encourage local spending and stimulate economic growth. With the autumn Budget and the 2021 spending review due shortly, does the Treasury accept the need to properly fund local government rather than placing an increasing burden on working people?

Viscount Younger of Leckie (Con): I certainly cannot second-guess what the spending review would have in it, but I reiterate that local authorities have the flexibility to increase council tax bills in 2021-22 by up to 2%, as the noble Lord will know, without a referendum, and up to 3% for the adult social care precept for social care authorities. In addition, the police and crime commissioners can raise their bills by £15 per person per year.

Lord Kirkhope of Harrogate (Con): Bearing in mind the Government's exhortations to local authorities to

"exhaust other options before going to court"

to recover council tax arrears, has my noble friend any comments on the fact that more and more councils are still pursuing unpaid sums through court action, even after only one missed payment? Surely we need new and realistic approaches instead to recover those arrears.

Viscount Younger of Leckie (Con): My noble friend makes a very important point about unpaid council tax bills. It is important that everyone takes steps to pay their bill given its importance to delivering local services, on which we all rely. On the other hand, councils should be sympathetic to those in difficulties and proportionate in taking any reinforcement action. If we look at 2020-21, for example, councils had collected £31.7 billion with an in-year collection rate of 95.7%, which is a reduction of 1.2 percentage points on the previous year.

Baroness Blake of Leeds (Lab): My Lords, the Prime Minister's sticking plaster for the social care crisis is asking a great deal of cash-strapped councils. As a result of the proposals, they face a larger national insurance bill for their staff despite receiving less grant from central government. Does the Treasury intend to compensate councils for this rise or does it expect that councils will need to raise council tax further still to cover these increased costs? If it is the latter, when combined with personal national insurance contributions, what is the true additional cost to be faced by working people?

Viscount Younger of Leckie (Con): I recognise the experience of the noble Baroness in this area, but I reassure her and the House that the Government will ensure that local authorities have access to sustainable funding for core budgets at the spending review. We expect that demographic and unit cost pressures will be met through council tax, social care precepts and long-term efficiencies. The overall level of local government funding, including council tax and the social care precept, will be determined in the round at the spending review in the normal way.

Lord Young of Cookham (Con): My Lords, when I raised this issue in July and asked if the Government would introduce additional bands to mitigate what has become an arbitrary, regressive and unfair tax, the Minister said that the suggestion had merit. But he then rejected it, even though three Conservative noble Lords broadly supported the principle. Can I add my weight to what my noble friend Lord Leigh said? As the Government look for fairer ways of funding local government and social care, might the Treasury not have another look at this?

Viscount Younger of Leckie (Con): I recognise my noble friend's interest on this issue and I reassure him that his strong comments will be fed back to the department. However, he will know what I am about to say: creating new bands would also require a revaluation, both to determine which properties might be captured by those bands and to ensure a common valuation approach to all properties. Given that council tax income is not redistributed, new bands for the highest value properties would yield little extra money in areas where house prices are lower and demand for services may be higher.

Baroness Bennett of Manor Castle (GP): My Lords, the noble Lord, Lord Kirkhope of Harrogate, referred to the already high levels of council tax arrears. Have the Government made an assessment of what impact the £20 cut to universal credit is going to make on increasing those levels of arrears?

Viscount Younger of Leckie (Con): No, we have not made any assessment of that.

The Lord Speaker (Lord McFall of Alcluith): My Lords, the time allowed for this Question has elapsed.

Afghan Relocations and Assistance Policy

Question

3.39 pm

Asked by ***Baroness D'Souza***

To ask Her Majesty's Government what steps they are taking through the Afghan Relocations and Assistance Policy to support (1) individuals,

[Baroness D'Souza]
and (2) groups, working on Official Development Assistance funded projects on gender and women's rights in Afghanistan.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the Afghan relocations and assistance policy was set up to facilitate the resettlement of Afghan nationals who worked with the UK Government in Afghanistan. A number of gender and women's rights activists were evacuated as special cases under Operation Pitting, and those still in Afghanistan may be eligible for resettlement under the Afghan citizens' resettlement scheme.

Baroness D'Souza (CB): I thank the Minister. What precise assessment has the FCDO made of the number of affiliated academics and/or researchers currently in hiding? What on-the-ground assistance can be relied on to ensure their safe evacuation within the next few days?

Baroness Williams of Trafford (Con): As the noble Baroness will know, safe evacuation within the next few days is incredibly challenging, first, because of the lack of consular assistance and, secondly, because of the dangers in getting people out. But the schemes that we are running will enable people like those the noble Baroness talks about to ultimately find safety in this country.

Baroness Crawley (Lab): My Lords, I ask the Minister to reiterate the Government's current advice to those desperate Afghans who are fleeing to the border, because there seems to be a contradiction between departments on that advice. What help and advice under the UK resettlement scheme can the Government offer to the many Afghan women judges who are in hiding from the Taliban because of the years in which they headed up specialist courts in the 34 provinces to protect women and girls?

Baroness Williams of Trafford (Con): I wholeheartedly concur with the noble Baroness on consistency of approach across government. It is no time for there to be differences in what departments are saying. In terms of the people that the noble Baroness refers to, I am going to read from the policy statement because it clarifies it:

"The scheme will prioritise … those who have assisted the UK efforts in Afghanistan and stood up for values such as democracy, women's rights and freedom of speech, or rule of law (for example, judges, women's rights activists, academics, and journalists)".

Baroness Smith of Newnham (LD): My Lords, the Minister has just stated what the policy will do. Can she tell us when we are going to get details of the resettlement policy? At the moment, there are thousands of people in hiding with no idea of how they are going to get out of Afghanistan and what they need to do to give this Government the right information to enable them to get out.

Baroness Williams of Trafford (Con): My honourable friend Victoria Atkins has started to outline some of the detail of what we are doing so far, and I think more will come. The policy statement makes very clear the types of people we will be prioritising—that is, the people who are most vulnerable to the Taliban.

Baroness Sugg (Con): My Lords, development contractors delivering projects for women and girls on behalf of the UK Government routinely employed local staff. Currently, the ARAP scheme does not recognise them as it recognises people employed directly by the Government. But these people are at risk; they are receiving regular and legitimate threats to life. Can my noble friend the Minister look at expanding the ARAP scheme to ensure that these people, as and when we are able to get them out of Afghanistan, can receive the help that they need?

Baroness Williams of Trafford (Con): I thank my noble friend for that question. As she acknowledges, the ARAP scheme has already been broadened both before and during Operation Pitting. It was extended to include those who resigned from service, who were dismissed for all but serious misconduct or criminal offences and additional family members of certain contractors who worked alongside the UK and represented its interests. It is not our intention to broaden the scheme, but those who worked as contractors in support of women's rights were eligible for evacuation as special cases and will be eligible for resettlement under the Afghan citizens resettlement scheme.

Lord Loomba (CB): My Lords, in a society where women are discouraged or prevented from achieving economic independence, the fate of widows, whose number has grown exponentially in the conflict, is even more calamitous than in many other countries where they are merely ostracised. The plight of widowed mothers and their dependants in Afghanistan is that they are easy prey to exploitation of the worse kind and must not remain in the dark. Can the Minister tell us whether the Government will commit to working with specialist NGOs to develop programmes to support such women with, or if necessary, without, the acquiescence of the new Government of Afghanistan?

Baroness Williams of Trafford (Con): The Government, particularly the Prime Minister, have made it very clear that we will work with the new regime. Prioritising the sorts of things that the noble Lord talks about is incredibly important—because they are the most vulnerable cohort of people that we are trying to both help in the region and resettle out of the region.

Lord Collins of Highbury (Lab): My Lords, last week I raised the vulnerability of the LGBT community in Afghanistan with the FCDO Minister, and I called on him to work with the Home Office to ensure that the resettlement scheme can help. Can the Minister tell us what cross-departmental work has taken place since to help to facilitate safe passage for the LGBT community, including, as the noble Baroness, Lady Sugg, mentioned, those who have worked on ODA-funded projects in Afghanistan, making them particularly vulnerable?

Baroness Williams of Trafford (Con): I recognise all that the noble Lord has said. Of course we work with things like the UNHCR. If I may go back to the policy

statement, the point that comes after the first one that I read out refers to:

"vulnerable people, including women and girls at risk, and members of minority groups at risk, including ethnic and religious minorities and LGBT."

LGBT people must be some of the most vulnerable people in Afghanistan at this point in time.

Baroness Barker (LD): I welcome the noble Baroness's statement. When it was clear and obvious that the Taliban were about to take over, the Government of Greece agreed to get women MPs out of Afghanistan because they were in very evident danger. That enabled those women to use their existing networks. Will our Government, in consultation with other international Governments, identify groups of women and girls who will be prioritised so that we can use what remains of their networks while we do not have a consular presence to get them out quickly?

Baroness Williams of Trafford (Con): The noble Baroness mentions a very sensible point: this is a global crisis, in many ways, because helping these people requires a global response, and co-ordinating effort is eminently sensible. I cannot give her details on what is going on, but there is a co-ordinated approach across government, and certainly lots of bilaterals are going on at this moment with my noble friend Lord Ahmad and other Ministers across the world.

Lord Davies of Brixton (Lab): My Lords, I take this opportunity to join other Members of the House to press the Minister to facilitate, as a matter of urgency, safe passage for those Afghan citizens who worked specifically on UK-funded academic research to advance the UK's international development agenda? They have risked their lives undertaking fieldwork in areas of policy and practice that the Taliban see as a threat to their objectives.

Baroness Williams of Trafford (Con): As I said to other noble Lords, the ACRS will prioritise those people who have assisted UK efforts in Afghanistan and who face particular risk from the Taliban because of their stance on democracy and human rights or because of their gender, sexuality or religion.

Baroness Stuart of Edgbaston (Non-Afl): My Lords, the noble Baroness, Lady Barker, quite rightly pointed out that, with Afghan women MPs being helped to come out of Afghanistan, some of their networks have been broken up, as have some of the family structures. Could the Government undertake also to work with the diaspora in this country to ensure that some of these networks and families are being reunited and brought to work again?

Baroness Williams of Trafford (Con): That is a very good point, and I will certainly take that back.

Lord Purvis of Tweed (LD): I declare an interest, as I chair the UK board of a peacebuilding charity that still operates within Afghanistan. The Minister indicated that UK officials have been in direct talks with the Taliban about the relocation, which is very welcome. However, of course we would all want to see continuing programmes within Afghanistan, so can the Minister confirm that UK officials will continue to talk with Taliban authorities? In the debate during the recall, the noble Lord, Lord Ahmad, told me that no UK aid will go to the Taliban Government directly. What is the Government's policy on continuing to provide overseas development assistance for these vital programmes that we would all wish, in an ideal world, to continue?

Baroness Williams of Trafford (Con): If the noble Lord is amenable, I will ask the FCDO to outline precisely the details of that because it is slightly beyond my purview today.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): My Lords, that concludes Oral Questions for today.

Health and Social Care Levy Bill

First Reading

3.50 pm

The Bill was brought from the Commons, endorsed as a money Bill, and read a first time.

Monken Hadley Common Bill

Second Reading

3.50 pm

Moved by ***The Senior Deputy Speaker***

That the Bill be now read a second time.

Bill read a second time and committed to an Unopposed Bill Committee.

Ecodesign for Energy-Related Products and Energy Information (Lighting Products) Regulations 2021

Ecodesign for Energy-Related Products and Energy Information (Amendment) Regulations 2021

Motions to Approve

3.51 pm

Moved by ***Lord Callanan***

That the Regulations laid before the House on 1 July and 5 July be approved.

Relevant document: 9th Report from the Secondary Legislation Scrutiny Committee. Considered in Grand Committee on 14 September.

Motions agreed.

Health Protection (Coronavirus, Restrictions) (Steps etc.) (England) (Revocation and Amendment) Regulations 2021

Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) Regulations 2021

Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 2) Regulations 2021

Motions to Approve

3.51 pm

Tabled by ***Lord Bethell***

That the Regulations laid before the House on 15 July and 19 July be approved.

Relevant document: 11th Report from the Secondary Legislation Scrutiny Committee. Considered in Grand Committee on 14 September.

Baroness Chisholm of Owlpen (Con): My Lords, on behalf of my noble friend Lord Bethell and with the leave of the House, I beg to move the three statutory instruments in his name en bloc.

Motions agreed.

Environment Bill

Report (4th Day)

3.52 pm

Relevant documents: 3rd and 5th Reports from the Delegated Powers Committee, 4th Report from the Constitution Committee

Baroness Bloomfield of Hinton Waldrist (Con): My Lords, before we begin proceedings, I remind noble Lords that the Bill needs to conclude today, and we have 12 groups to get through. I do not propose to outline all the rules of engagement again; suffice to say that only the mover of an amendment may speak after the Minister. Other Members speaking after the Minister may do so only to ask short questions of elucidation. I remind noble Lords that brevity is king in all things and please could they try not to repeat arguments already made in the same debate.

Amendment 99

Moved by ***Lord Krebs***

99: After Clause 109, insert the following new Clause—

"Habitats Regulations: limits on powers to amend

(1) The Secretary of State may only make regulations under section 108 or 109—

(a) for the purposes of—

(i) securing compliance with an international environmental obligation, or

(ii) contributing to the favourable conservation status of species or habitats or the favourable condition of protected sites;

(b) if the regulations do not reduce the level of protection provided by the Habitats Regulations, including protection for protected species, habitats or sites; and

(c) following public consultation and consultation with—

(i) the Office for Environmental Protection,

(ii) Natural England,

(iii) the Joint Nature Conservation Committee, and

(iv) other relevant expert bodies."

Member's explanatory statement

This amendment ensures that powers to amend the Habitats Regulations may only be used for the purposes of environmental improvement following consultation. It ensures that the level of environmental protection that must be maintained includes protection for important habitats, sites and species as well as overall environmental protection.

Lord Krebs (CB): My Lords, the amendment is in my name together with those of the noble Baronesses, Lady Parminter, Lady Jones of Whitchurch and Lady Bennett of Manor Castle.

The amendment replaces four amendments that we debated in Committee. It has the same intent as those four amendments: to ensure that the Secretary of State cannot amend the habitats regulations without due process and constraints.

Bearing in mind the admonition we recently heard, let me recap very briefly. The habitats regulations protect our most valuable conservation sites, habitats and species. While these sites account for only a modest proportion of our land and marine area, they certainly punch well above their weight when it comes to protection of species. Unlike the targets in Clause 3, which apply to the country as a whole, the habitats regulations refer to specific places. This is an important distinction.

Clauses 108 and 109 allow the Secretary of State to amend these regulations, and they do not give enough safeguards to ensure that our most valuable habitats will be protected in future. Amendment 99 would provide those safeguards, stating explicitly that any changes to the habitat regulations would not breach any of our international obligations, would contribute to enhancing the conservation of habitat sites and species and would not reduce current levels of protection. It would also require the Government to consult the appropriate statutory expert bodies and other relevant experts. In short, it places in the Bill the commitments that the Government have already made in debate in Committee, when the Minister reassured us on every point.

So what is not to like? The Minister told us that key reasons for Clauses 108 and 109 were contributing to "international obligations" and ensuring

"our protected sites can be restored to good condition".

This is made clear in Amendment 99. He also told us that the powers in these clauses would be used only to strengthen environmental protection. However, as it stands this would be a test of the Secretary of State being satisfied that protections are not reduced. Although the Minister described this as a "high bar", it is a subjective judgment. Amendment 99 would replace this subjective test, whereby Ministers mark their own homework, with an objective requirement. The Minister pointed out that the Secretary of State's judgment could be challenged in the courts, but that seems to me to be

setting up a system that would generate money for lawyers and take up large amounts of time with uncertain outcomes. Why not simplify with Amendment 99?

The Minister said that the Government would consult the office for environmental protection before making any changes to the habitats regulations. Amendment 99 extends the consultation requirement to include other relevant bodies. He also referred to a review led by the noble Lord, Lord Benyon, but did not tell us who was consulted in this review and what its impact will be. Perhaps he can expand on this in his reply.

As I have already mentioned, a crucial difference between the habitats regulations and the Clause 3 commitments is that the habitats regulations protect particular sites, habitats and species, while the Clause 3 targets do not. The Minister told us that Clause 108 is "designed to allow requirements to specify … protections for habitats and species".—[*Official Report*, 12/7/2021; cols. 1620-1.] However, this does not guarantee those protections. The Minister also told us in Committee that the habitats regulations had not worked. I am not sure to which studies he is referring, but the evidence, as I understand it, from peer-reviewed literature, is that protected species fare better in countries where protection of the kind provided by the habitats regulations is most extensive and long-standing. This is not to say that things could not be improved. However, the Minister did not give us specific examples of how the powers of Clauses 108 and 109 would lead to an improvement. In fact, we heard from the noble Baroness, Lady Neville-Rolfe, that this was a post-Brexit opportunity to cut red tape and bureaucracy—hardly a reassuring message.

In summary, I have not heard any convincing arguments against the habitats regulations being maintained, and Amendment 99 will ensure that any changes in future will strengthen rather than weaken them. I very much look forward to what the Minister has to say in his reply but, as things stand, I would wish to test the opinion of the House on this crucial amendment. I beg to move.

Baroness Bennett of Manor Castle (GP): My Lords, your Lordships' House will hear from me a great deal later on, so I will be very brief in this contribution. I have attached my name to this amendment in the name of the noble Lord, Lord Krebs, which of course has full cross-party and non-party backing. The noble Lord has set out an overwhelmingly powerful case for why we should have this amendment.

I make two comments. We were promised non-regression with Brexit, and this would restore some of the protections that we lost with Brexit and, more than non-regression, we were promised improvements. This is simply standing still, so the Government really must commit to this amendment.

4 pm

Baroness Young of Old Scone (Lab): My Lords, it was very long ago and far away that the birth of the habitats regulations took place, but it was something on which the EU was led by the UK. Since then, the impact in terms of improved protection for habitat sites and species has been huge. The SACs and SPAs that they created are the very jewels in the crown of UK nature and the countryside.

Clauses 108 and 109 as they stand state that any changes to the habitats regulations should not reduce the level of environmental protection provided, but the judge on whether a change represents a reduction in protection is left to the Secretary of State—he is going to mark his own homework. This would be after consultation of course, but the clauses do not say who he will consult.

Let us face it: we know that, in some quarters, the habitats regulations have long been a post-Brexit target for pulling their teeth. There is a unique hatred of the habitats regulations in some quarters. They are seen as getting in the way of development, but that is usually inappropriate development. There is an antagonism that is in the same camp as the sweeping zonal proposals in the planning system changes, which we hear the Government have been forced to abandon. The Secretary of State has asked the noble Lord, Lord Benyon, who was briefly in his place, to chair a habitats regulations assessment working group, as the noble Lord, Lord Krebs, said. It is described as a small and informal group, but I think it is a bit of a giveaway that one member of this four-person group is also working with the Government on their planning reforms. It is so small and informal that it has not yet published any outcomes of its review. Can the Minister tell us when it will report and who it is consulting?

The Government say that they need to amend the habitats regulations to meet the Environment Bill targets and the environmental improvement plans, but measures to meet those could easily have been in addition to, not instead of, the habitats regulations. We should be rejoicing in what the UK-inspired habitats regulations have achieved in reducing annual damage to and loss of our key wildlife sites—from 17% each year before the regulations were introduced to 0.17% after their introduction.

In Committee, the noble Lord, Lord Goldsmith, assured us that the proposed new powers were to improve the condition of our sites. The amendment from the noble Lord, Lord Krebs, would set these good intentions in law.

Lord Deben (Con): My Lords, I hope that the Climate Change Committee will be one of the appropriate organisations to which this amendment applies; I declare an interest in that sense. There is nothing in this amendment that the Minister has not committed himself to already. All it would do is make sure of the advantages that we have in the habitats directive, which was taken into our own law. The Climate Change Committee has taken to it very strongly because of the additional advantages of sequestration and the treatment of land, which this helps in a significant way. I find it very difficult to see why the Government cannot accept it, unless there is somebody hidden away in No. 10 who has a plot.

I therefore hope that my noble friend realises what will happen if the Government do not accept this: he will have to whip the Conservative Party to vote against the very things that he says he will do. All this amendment would do is to make sure that any successive Minister would also have to do those things. That is, after all, a legacy that he would no doubt like to leave.

Lord Mackay of Clashfern (Con): My Lords, Clause 109(3) says:

[Lord Mackay of Clashfern]

"The Secretary of State may make regulations under this section only if satisfied that the regulations do not reduce the level of environmental protection provided by the Habitats Regulations."

I suggest that all the Minister needs to do from this point of view is delete the words "satisfied that".

Baroness Parminter (LD): My Lords, I add the support of our Benches for this important regulation on day four of Report. As the noble Baroness, Lady Young of Old Scone, said, the habitats regulations are the jewel in the crown in terms of protecting our sites of most special protection for our wildlife and our birds, our bitterns and our nightingales.

It has not been mentioned in this debate so far today that the proposals from the Government to amend these regulations were smuggled in on Report down the other end. These are incredibly important regulations. No one is saying that things must be set in stone for ever, but if they are to be changed, it should be done with full and clear consultation and for the right purpose.

The Minister said in Committee, "They're not working." I live in Surrey, which is one of the most densely populated areas, and they are working there. With the Thames Basin initiative of 11 planning authorities, we are managing to build the houses and protect the sites at the same time. If there are going to be changes, the Government should ensure that there is no regression, which this amendment would guarantee, and that there is consultation with experts. As the noble Lord, Lord Deben, said, that might be a slightly broader list than that suggested in the amendment so far but certainly there needs to be that expert consultation.

If this amendment is not accepted, it will leave the impression that there are other reasons why the Government are prepared, at a time when we are facing a nature crisis, to sweep aside these most important protections. That will make people feel that perhaps it is because they want to ensure that planning regulations are given a light touch, which, frankly, is not appropriate given the environmental challenge and crisis that we face.

Baroness Jones of Whitchurch (Lab): My Lords, I am pleased to support the amendment in the name of the noble Lord, Lord Krebs, to which I have added my name.

The noble Lord has set out in detail why we have concerns about Clauses 108 and 109 and why the safeguards in our amendment are so important. There is real concern that the government clauses will weaken the protection of our most valued species and habitats which the habitats directive conferred. There is also concern that the clauses give the Secretary of State undue discretionary powers to change the rules in the future.

The Minister will no doubt argue that there is no need to worry and that the wording in the clauses give sufficient protection that the conservation and enhancement of biodiversity will be assured. However, as the noble Lord, Lord Krebs, and others have explained, there is a difference between a general commitment to biodiversity and the specific protection of individual habitats and species. The new objectives are simply not a substitute for those of the nature directives, which have provided the first line of defence for our most precious habitats over many years.

If we are not careful, these new powers could be used to deconstruct the strict protections for the UK's finest wildlife sites by referencing other enabling clauses in the Bill. This is why we believe that the general commitment to enhanced biodiversity and to halting species decline, which is elsewhere in the Bill, need to go hand in hand with the more specific guarantees set out in our amendment. This would ensure that any regulations made under these clauses delivered compliance with international obligations, and, crucially, improved the conservation status of species or habitats. It would also deliver the non-regression promises that the Government made when we left the EU.

In response to the debate in Committee, the Minister spelled out that the Government are planning a Green Paper in the autumn with the aim of providing a "fit-for-purpose regulatory framework" to deliver the Government's ambitions for nature. However, we know that historically, the Government's idea of "fit-for-purpose regulation" is less regulation and less protection, and we also know that a Green Paper could take a very long time to reach conclusions that can be enacted. We are being asked to put our faith in a process which is stepping into the unknown, and it is quite likely that by the time that process is completed, a different set of Ministers will be in play, with a different set of priorities. Therefore, the proposal for a Green Paper simply adds to our concerns.

Over the summer, we were grateful to have a meeting with the Defra officials dealing with this issue, who sought to reassure us that this was about improving nature recovery rather than watering it down. But of course they do not yet know the content of the Green Paper or its likely outcome. In the meantime, all we have before us is the wording in Clauses 108 and 109 and the rather amorphous phrase that the Secretary of State must "have regard to" the importance of furthering conservation and enhancement of biodiversity.

As the noble Lord, Lord Krebs, made clear, it should not be for the Secretary of State to make that call, or to be satisfied that the regulations do not reduce environmental protection for what my noble friend Lady Young rightly described as the jewels in the crown of the countryside. This decision needs to be authenticated by objective scientific bodies such as those set out in our amendment. I hope that noble Lords, having listened to the debate, will understand the strength of our concerns and will agree to support the amendment.

The Minister of State, Department for the Environment, Food and Rural Affairs and Foreign, Commonwealth and Development Office (Lord Goldsmith of Richmond Park) (Con): I thank noble Lords for their contributions during this debate. The Bill takes the world-leading step of requiring a new, historic and legally binding target to halt species decline by 2030. The powers in Clauses 108 and 109 form an integral part of our strategy to achieve this.

The first of those powers enables the amendment to Regulation 9 of the Conservation of Habitats and Species Regulations 2017. Currently, that regulation

requires Ministers and public authorities to comply with or have regard to the requirements of the habitats and wild birds directives. However, these requirements are not explicitly set out anywhere. This has provided scope for differing interpretations and disagreement, as well as potential for legal challenge.

Instead of spending time and taxpayers' money on battles in the courtroom, we want to try to focus on ensuring that the protection of our designated sites and species is based on robust science and technical expertise. The Government will publish a Green Paper later this year, as the noble Baroness, Lady Jones, acknowledged, which will set out clearly, plainly and transparently our view of the current requirements of Regulation 9 and remove that uncertainty. We will consult on and agree the conservation requirements necessary to meet our biodiversity targets and improve the natural environment. This will support our aim to focus on the scientific evidence as well as our national priorities for nature restoration.

The second power concerns the amendment to Part 6 of the regulations, which enables us to review the current habitats regulations assessment process. My noble friend Lord Benyon is chairing a small working group that is gathering information from experts regarding our current HRA process, to inform any future decisions on the use of these powers. The group is consulting a wide range of experts with direct experience of HRA, including the competent authorities, statutory advisers, environmental NGOs, developers, town and country planners and land managers. The group includes Minister Pow, Tony Juniper—he is chair of Natural England—and Christopher Katkowski QC. It will input options for proposals and questions to the Green Paper, which will then be subject to extensive consultation.

A clearer, quicker and more easily understood process will support environmental protection by focusing on the issues that really matter for protected sites. I am reminded that Lord Justice Sullivan, when the regulations were formulated, recommended that we needed a system that was simple and not too full of hurdles that could end up causing excessive battles in the courtrooms. It feels to me that, in part, that is where things have ended up.

However, I can commit to this House that no changes will be made without extensive consultation and strong parliamentary scrutiny. Consultation will include the office for environmental protection and statutory nature conservation bodies. It will also include key environmental NGOs, farmers and land managers to name a few. Those commitments are reinforced in Clauses 108(5) and 109(3), so that, in making regulations using these powers, Ministers must be satisfied that they do not reduce existing protections. In addition, we have added a specific requirement that Ministers justify to Parliament that any new regulations using these powers meet the test. This is a meaningful scrutiny mechanism with strong safeguards ensuring that we will not reduce the level of environmental protection.

I know some noble Lords are concerned that the changes will undermine the specific protections currently conferred by the habitats and wild birds directives, and I want to be clear that Clause 108(3) allows for requirements or objectives to be specified in relation to the 2030 species target or other long-term biodiversity targets and to improve our natural environment. These requirements and objectives can specify, among other things, how we must protect habitats and species, and at what scale, to ensure we can reverse biodiversity loss.

Additionally, many of the requirements in the directives derive in turn from multilateral environmental agreements, of which the UK is a contracting party and was instrumental in promoting—in particular, the Berne convention. We remain bound by international law and committed to those obligations to contribute to the conservation status of these habitats and species within their natural range and to continue to co-operate internationally to do so. We remain equally bound by and committed to conserving the marine environment under the Ospar convention; migratory species under the Bonn convention; wetlands under the Ramsar Convention; and, more broadly, the Convention on Biological Diversity.

I hope I have gone some way to reassure noble Lords that this power has been tightly drafted, with strong safeguards in place on its use, and that Amendment 99 is therefore not necessary. Climate change and biodiversity loss present huge long-term challenges that literally threaten our future if left unchecked. We need to act now, through this Bill, to halt the decline of species by 2030 and, as noble Lords will know, we will be legally obliged to do so when the Bill becomes an Act, as we hope it will. The habitats regulation assessment is a key mechanism for preventing deterioration of our most valuable habitats. We want to strengthen that protection and investigate ways in which the habitats regulation assessment could support better environmental outcomes. I therefore urge the noble Lord to withdraw his amendment.

Lord Krebs (CB): I thank all noble Lords who have taken part in this short debate and the Minister for his response. I want to make just three points. The first is that, listening carefully to what he said, I reiterate the question that the noble Lord, Lord Deben, put to him: there is nothing that the Government are not already committed to in this amendment, so why not accept it? I have not heard the argument against it. I have heard the argument for it from the Minister.

The second point concerns the Green Paper, which loomed large in the Minister's response. There seems to be one species that might be protected by the Green Paper: the pig—the pig in the poke. We do not know what is going to be in the Green Paper. We have had a list of names of people who might be consulted, but we do not know what form the consultation has taken.

The third point is that the Minister referred to the need to have a regulatory regime that is quicker, easier and simpler. That rings alarm bells for me. Ease, simplicity and speed are not necessarily merits that one wishes to pursue if one's aim is to protect the natural environment. I am afraid that although I have heard responses in detail to Amendment 99, I am not convinced that they provide a satisfactory end point, and therefore wish to test the opinion of the House.

4.18 pm

Division on Amendment 99

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Amendment 99 agreed.

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4.36 pm

Amendment 100

Moved by ***Baroness Young of Old Scone***

100: After Clause 110, insert the following new Clause—

"Duty to implement an enhanced protection standard for ancient woodland in England

(1) The Government must implement an enhanced protection standard for ancient woodland, hereafter referred to as the "ancient woodland standard" in England as set out in subsections (2), (3) and (4) and this must have immediate effect.

(2) The ancient woodland standard must set out the steps necessary to prevent further loss of ancient woodland in England.

(3) The ancient woodland standard commits the Government to adopting a standard of protection which must be a requirement for all companies, persons or organisations involved in developments affecting ancient woodlands in England.

(4) This standard must be that—

(a) any development that causes direct loss to ancient woodland or ancient woodland and ancient and veteran trees must be refused unless there are wholly exceptional reasons and, in addition, a suitable compensation strategy must be in place prior to development commencing,

(b) any development adjacent to ancient woodland must incorporate a minimum 50-metre buffer to provide protection, reduce indirect damage and provide space for natural regeneration,

(c) any ancient or veteran trees must be retained within a development site, including a root protection area and appropriate buffer zone.

(5) This buffer zone must be whichever is greater of—

(a) an area which is a radius of 15 times the diameter of the tree with no cap, or

(b) 5 metres beyond the crown."

Member's explanatory statement

This amendment is intended to address the more than 800 ancient woodlands in England that are currently threatened by development. As a large number of these threats result from indirect effects of development next to ancient woodland, these changes will improve the weight afforded to protecting these irreplaceable habitats in planning policy.

Baroness Young of Old Scone (Lab): My Lords, my Amendment 100 seeks proper protection standards for ancient woodland. I am sure noble Lords have heard me bang on about ancient woodland enough, but I will bang on one more time. I thank my noble friend Lord Whitty, the noble Baroness, Lady Boycott, and the noble Lord, Lord Randall of Uxbridge, for putting their names to this amendment and declare my interest as chairman of the Woodland Trust—sorry, chair; I am not allowed to call myself chairman.

Ancient woodland is important. It is one of our most precious habitats. By definition, ancient woodlands are more than 400 years old, and they have developed over that long time a huge richness in biodiversity, communities and indeed history. They sequester much carbon and will continue to do so into the future. Over the next 100 years, they will double the amount of carbon stocks that they sequester.

The public love these woods. They make them feel good. They are the cathedrals of the natural world, so they are important. They are also irreplaceable. A new wood will not have the richness of an ancient woodland for 400 years at least. I had a bit of a laugh with the Public Bill Office, which challenged the word "irreplaceable" in the Member's explanatory statement as that might be too subjective and campaigning, but before I could object and explain that "irreplaceable" was factual, they came back and said that, yes of course, I was right: ancient woodland is irreplaceable. Well done, Public Bill Office.

Ancient woodlands are important and irreplaceable, yet 800 ancient woodlands in England are under threat right now, mostly from housing and infrastructure development. Over the past 20 years, nearly 1,000 ancient woodlands have been permanently lost or damaged. We are down to the last fragments of what would have been extensive tree cover in England. It is ironic that the Government have a strong and much-welcomed policy to increase tree cover, but the invaluable remains of what we previously had as tree cover do not have any effective level of protection.

[Baroness Young of Old Scone]

The National Planning Policy Framework advises planners and developers not to develop on ancient woodland except in "wholly exceptional" circumstances, but the NPPF is not always observed and does not apply to major infrastructure projects—hence the 800 ancient woodlands currently under threat. I was grateful for the Minister's assurances that the planning reforms that the Government are contemplating will not dilute the modest protection given in the NPPF, but we have not yet seen the planning reforms.

I tabled an amendment in Committee based on giving protection by using the well-trodden SSSI process. I was very grateful to the many noble Lords who agreed that ancient woodland needs enhanced protection, but I recognise that some were uneasy about the SSSI route. My Amendment 100 is much simpler and lays a straightforward requirement on Government to implement an enhanced protection standard for ancient woodland, which would have as its objective the prevention of further loss and damage, and would apply to all developments affecting ancient woodlands in England.

The amendment specifies some simple components of a standard. First, developments should be permitted only in wholly exceptional circumstances and, in those cases, a suitable compensation strategy should be in place. Secondly, there should be a requirement for buffer strips in any development adjacent to an ancient woodland, since much of the damage is caused by adjacent development. Thirdly, any ancient or veteran trees within a development site should be protected, with proper buffering again and with root protection. I hope noble Lords find this simple amendment much more supportable.

In Committee, the Minister helpfully outlined the Government's commitment, through the *England Trees Action Plan 2021-2024*, to additional support for long-established woods, which are defined as woods established before 1840, and to support measures to remove inappropriate conifer overplanting on ancient woodland sites. But these measures will not stop the threat from developments to our existing important, wonderful and irreplaceable ancient woodland sites. These sites need statutory protection, which they currently lack. I hope the Minister accepts my amendment.

Without statutory protection, we will see the remaining fragments diminish, afflicted by continued development and climate change, and being too small to survive. Our children and their children will weep at our neglect. I beg to move.

May I also say a few words about Amendment 101?

Noble Lords: Order!

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): The noble Baroness has moved her amendment.

Lord Randall of Uxbridge (Con): I was delighted to add my name to the noble Baroness's amendment, because I fully support her in this. I enjoy her banging on about ancient woodlands but, for those noble Lords who do not, there is a simple remedy: vote for the amendment.

Baroness Boycott (CB): My Lords, I am pleased to support the noble Baroness in this amendment. It is astonishing that we even have to have this debate and consider this amendment. Trees are astonishing. There is a tree a few miles from where I live in Somerset that was living before Stonehenge was a twinkle in a Stone Age eye. Not far from me is the tallest tree in England, inside a wood that is known as Atlantic rainforest. As the noble Baroness just said, we have 800 ancient woods that are currently under threat. I imagine Historic England would have something to say if that number of its buildings were being threatened with demolition right now.

The noble Baroness, Lady Young, has brought forward a simple proposition that requires the Government to develop and implement an ancient woodland standard of protection on a statutory basis. This would mean that our last remaining fragments of ancient woodland —as she said, the cathedrals of our natural life—are protected. These are not made by man, yet it always seems to me that we favour the buildings that we make ourselves, as though they are somehow better.

It is no excuse to say that to plant trees is a reason to cut down ancient woodland; They will not absorb enough carbon, as it will take them 400 years to become as rich. To my mind, it is like saying that we can replace a building like Blenheim Palace with a Wimpey housing development in its grounds and somehow say that it makes society better. I urge noble Lords to vote for this.

Lord Whitty (Lab): My Lords, I also added my name to the amendment of the noble Baroness, Lady Young. This Bill is all about biodiversity—plants, insects, mammals, worms, butterflies and micro-organisms. It is all about sustainable ecosystems and healthy soil, the look and feel of our countryside, our heritage and people's enjoyment of that countryside.

Ancient woodlands tick just about every box in that list and more, and they constitute only 2.5% of our landmass. Surely we should be able to protect them, yet many are under threat, directly and indirectly. I am fortunate; if I go out of my back gate and look over to the left, I see one of the most magnificent sights—Duncliffe Hill in north Dorset. It is less than three miles away and it is my destination for walking. When you get there, it is a truly magical place, particularly at bluebell time but also at most times of the year. It is home to almost every organism that we have in our natural environment, from lichens to roe deer.

4.45 pm

The fact is that some such woods are under threat. I do not think Duncliffe Hill is under threat—no one is building a road there—but not far away there is a much smaller ancient woodland that, 20 years ago, stood on its own, protected and surrounded only by open fields. But 20 years later it is surrounded by housing developments on three sides. That must have some effect on the viability of the water supply and the ambiance where that ancient woodland has survived. There are both direct and indirect effects.

I find it difficult. I personally support the HS2 project in principle, but why we have not managed to avoid a route that hits ancient woodlands I do not

understand. Similarly, I support housing development in general, but there is plenty of land for it that does not need to impinge on these fantastic survivors. We need to preserve them all. I support the amendment and I hope the House will do the same.

Lord Teverson (LD): My Lords, we on these Benches very much support the amendment, and if the noble Baroness decides to divide the House then we shall support her in that vote. Following on from the comments of the noble Lord, Lord Whitty, as I understand it from the Woodland Trust publication, 97.5% of the rest of the land could be developed in order to avoid ancient woodland. For me, this amendment is so important because of the biodiversity of these woodlands and the species under threat in this 2.5% of our precious land.

There are two amendments in this group. I know the noble Baroness, Lady Jones of Whitchurch, will be speaking to hers later on, but I want to say that a tree strategy is important in how we move forward in the area of woodland forests and trees. I noted in the Conservative manifesto of 2019—the current government programme—a target to plant 75,000 acres of woodland per year by the end of this Parliament. You cannot do that without a sensible strategy that makes sure there is a balance between climate change and biodiversity, and that these plantings last and tie in with nature recovery strategies; you cannot do it with just a huge, broad target. I welcome the scale of the ambition, but we have to have a strategy to go along with it. We on these Benches very much support Amendment 101 and believe it is an excellent way to move forward.

Lord Carrington (CB): My Lords, I declare my interests as set out in the register and confirm that I am the owner of, and actively manage and love, ancient woodland.

I do not support Amendment 100 as I do not believe in the sacrosanct protection that appears to be its purpose. First, not all woodland designated as ancient is of such high environmental value that it requires such protection—particularly PAWS, which are ancient woodland sites where semi-natural woodland has been replaced with a plantation. Secondly, there is also currently an opportunity to negotiate strong mitigation that will offer bigger and better woodland habitat if development is in or adjacent to ancient woodland. This amendment might preclude this.

The standards proposed are very similar to what already exists in the joint standing advice that the Forestry Commission and Natural England have issued, which is a material consideration for planning authorities, as is the *National Planning Policy Framework*, as has been mentioned. It states in paragraph 180(c) that, when determining planning applications, planning authorities should apply the following principle:

"development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists".

The framework also covers infrastructure projects, including

"nationally significant infrastructure projects … where the public benefit would clearly outweigh the loss or deterioration of habitat",

the only difference being the greatly expanded buffer zones.

Definitions are key to preventing well-intentioned legislation constraining legitimate forestry work. For instance, what do the proposers of this amendment mean by, first, "development"? Does it include woodland creation, rides, forest roading, culverting and widening access points on highways? Secondly, does the policy to

"prevent further loss of ancient woodland"

prevent restocking PAWS with conifers and non-native broad-leaves, planting up the edges of ancient woodland sites with non-native species and widening access points? Thirdly, is "ancient woodland" the Forestry Commission category or based on a looser definition of woodland indicators? Fourthly, the amendment mentions "a suitable compensation strategy"—decided by whom and how calibrated?

This amendment should be rejected. I suggest that the best thing the Government can do to help ancient woodland is to fund and unashamedly support the eradication of the grey squirrel and massively reduce deer pressure.

Lord Hylton (CB): My Lords, I am as keen on the environment as anyone else, but I suggest that it is incumbent on the proposers of these two amendments to explain what is supposed to happen when a piece of major national infrastructure, such as High Speed 2, comes into conflict with a small area of ancient woodland.

Secondly, as regards new planting and new planting targets, we all have to bear in mind that, at present, there is an acute shortage of plants available to go into the ground. Therefore, the Government should be extremely cautious about just increasing their targets for new planting.

Lord Hope of Craighead (CB): My Lords, I was very much in sympathy with similar amendments in Committee, but I have a feeling that this amendment presses the argument just a step too far.

Perhaps I can provide an answer to my noble friend Lord Hylton's question. I sat on the committee that looked at the HS2 line to Crewe, and I can say to him that it would be impossible, because of veteran trees along the line, to carry out that development as was proposed.

One remembers that this amendment directs attention not only to ancient trees but to veterans. It also asks us to accept that every single tree

"must be retained within a development site, including a root protection area and appropriate buffer zone."

One can think of development sites of great areas where that might just be possible, but there are many others where it would effectively extinguish the possibility of development. So I feel that this amendment, although very well intentioned—I am so much in sympathy with what the noble Baroness seeks to do—just presses it a little too far, with language that does not allow any latitude at all for exceptional cases.

Baroness Bennett of Manor Castle (GP): My Lords, I have to question the description given by the noble Lord, Lord Hylton, of HS2 as affecting a

"small area of ancient woodland",

[Baroness Bennett of Manor Castle]
given that the Woodland Trust says that 108 areas of ancient woodland are at risk of "loss or damage". However, it will probably please your Lordships' House to know that I will not restart the HS2 debate at this moment.

I will focus on Amendment 100, to which we in the Green Party would have attached one of our names, had there been space. We are talking about something very ancient and precious, and we can make comparisons with cathedrals and indeed with your Lordships' House. I was on the site of what is supposed to be the Norwich western link, standing at the base of an oak tree that was a sapling when Queen Elizabeth I was on the throne. An ancient woodland containing trees like that is comparable to your Lordships' House or a cathedral. Think about the protections we offer to those and all the money we are thinking about putting in to preserving this building; we are in a different place on that.

We often think of ancient woodland as being out in the countryside somewhere. I want to be a little parochial and point out that Sheffield has 80 ancient woodlands within its boundary. I want to think and talk about the benefits to human health and well-being of having these ancient woodlands—indeed, London has some of them, and, when I lived here, I used to walk in them as well. They have enormous human health benefits that we have to take account of.

Returning to the subject of walking through ancient woodland in Sheffield or the threatened woodland in Norwich, we are talking about not just trees here but crucial, utterly irreplaceable habitats for bats and insects. These woodlands would have a chance truly to flourish without air pollution and other factors. Lichens and mosses—crucial, complex organisms that are absolutely foundational to rich, healthy ecosystems—depend on those ancient trees to thrive and indeed survive. So I commend both these amendments to your Lordships' House, and I encourage the noble Baroness to press Amendment 100 in particular to a vote.

Baroness Jones of Whitchurch (Lab): My Lords, I rise to speak in favour Amendment 100, in the name of my noble friend Lady Young of Old Scone, and Amendment 101 in my name and those of the noble Lords, Lord Krebs and Lord Teverson, and the noble Baroness, Lady Bennett. We regard both these amendments as important.

As I said in Committee, the Bill is woefully lacking in any reference to a tree strategy and the need to protect our existing woodland stock as well as to increase the percentage of England under tree cover. The only such reference in the Bill is to felling street trees, and although this is an important issue, the crucial importance of preserving our ancient woodland and the need to deliver the protection and expansion of trees in woodlands in the future is not recognised.

As noble Lords have said, a comprehensive strategy is important not just to enhance biodiversity but in order to play a crucial role in carbon capture and sequestration. This has been emphasised by the Committee on Climate Change, which has pointed out that the UK tree-planting effort has "consistently fallen below" the target needed to achieve net zero by 2050.

Of course, we recognise that the Government have produced a tree action plan, but it is non-statutory and lacks the clarity and targets to deliver the necessary transformation of our landscapes and to tackle climate change. This is why we believe that a tree strategy with statutory and interim targets should be in the Bill. It should include measures to guarantee the preservation of ancient woodland, an emphasis on broad-leaf native woodland and greater powers to protect trees from disease and pests by encouraging domestic nurseries to produce more resilient saplings. It should also recognise the importance of smaller woodlands in creating biodiverse nature corridors and enhancing public enjoyment at a local level—a point made by my noble friend Lord Whitty.

Although we welcome the Government's commitment to planting 30,000 hectares a year by the end of this Parliament, the Minister will know all too well that non-statutory tree-planting targets have come and gone in the past, as the earlier promise to plant 11 million trees demonstrates. So, I hope that, when he responds, the Minister can explain why a statutory tree strategy is missing from the Bill when there are already a number of strategies for other parts of nature development in it.

5 pm

Meanwhile, my noble friend Lady Young has made an expert case for a new duty to protect ancient woodlands. As she said, they are some of our richest and most complex communities of biodiversity, both above and below ground. They are particularly adept at sequestrating carbon and have huge historical significance. As my noble friend said, they are irreplaceable. So I was shocked to hear from my noble friend in Committee, and again today, that at least 800 of these ancient woodlands are currently under threat from development, mostly housing, roads and railways.

While it is true that developers are discouraged from damaging ancient woodland under the National Planning Policy Framework, this has not provided the protection that these sites deserve, particularly in terms of the unique role they play in protecting and enhancing our biodiversity and habitats. I must say to the noble Lord, Lord Carrington, that I feel he has his priorities wrong in this regard. This is not just about another housing development or road build; it is about the historical and unique nature of these woodlands, which we need to protect. As my noble friend Lady Young said, once you take up these ancient woodlands, they will take another 400 years to replace, so it is not a simple task of creating another development elsewhere.

We also agree with my noble friend that ancient woodlands are too precious and valuable to be disregarded. We believe that both these amendments deserve to be in the Bill, which is sadly lacking both a forward strategy for trees and a crucial protection for the unique and much-loved ancient woodlands that we have inherited and must protect for the future. I look forward to the Minister's response and hope that he will be able to address these concerns.

Viscount Ridley (Con): My Lords, I apologise for butting in; I realise that it is not proper procedure to do so after the Front Bench has spoken but I have

somehow got lost in what proper procedure is. I wish to make two quick points before the Minister replies, with the indulgence of the House.

First, with respect to the amendment in the name of the noble Baroness, Lady Young, we need to bear in mind that, in the 20th century, a semi-natural woodland had a far better chance of staying that way if it was in private hands rather than belonging to the Forestry Commission. The Government, as an owner of woodland, need to look to their own house.

Secondly, on the other amendment and the target of 30,000 hectares a year, I would just point out that this policy is being eyed up with relish by the commercial forestry industry. There is a huge amount of momentum behind the planting of alien Sitka spruce trees, particularly in the uplands, which will have a damaging and detrimental effect on the environment. I therefore have some sympathy for the second of these amendments.

Again, I apologise for butting in.

Lord Marlesford (Con): My Lords, I, too, apologise but I wanted to say that I regard this amendment as not just important but essential. These woodlands and trees, whether they be ancient or veteran, are crucial. They are part of the heart of our country. If you remove them, they will be gone for ever. It is similar to removing ancient and important buildings. I well remember when Mr Heath was being pressured to allow the whole of the Treasury and Foreign Office to be swept away so that we could have more efficient offices; we would have had another Marsham Street there. My God, what a thought.

If we do not accept this amendment—perhaps the Minister will accept it, or say that he will do something—we will send completely the wrong signal to the outside world: that we do not mind about something about which we care deeply.

Lord Goldsmith of Richmond Park (Con): Turning to Amendment 101, in the name of the noble Baroness, Lady Jones of Whitchurch, I thank her for her amendment and for her ambition to see more trees planted and protected. It is an ambition that she knows I share. As I mentioned in Committee, we are taking steps to plant more trees and protect woodlands. This was set out in the *England Trees Action Plan* which was published in May. The Government have already committed to at least treble planting rates in England over this Parliament and to increase tree planting across the UK to 30,000 hectares per year by the end of the Parliament, which is broadly in line with the 75,000 hectares that the noble Lord, Lord Teverson, mentioned. In the *England Trees Action Plan*, the Government also took the significant step of committing to consulting on a new, long-term tree target through a public consultation on Environment Bill targets, expected in early next year. In response to the noble Baroness, Lady Jones, such a target would be legally binding, not just aspirational. This amendment is therefore not needed.

I thank the noble Baroness, Lady Young, for her amendment on ancient woodlands. Ancient woodlands are protected under the National Planning Policy Framework. The Government also have standing advice for local authority planners which is to be used as a material consideration when making planning decision proposals affecting ancient woodland, ancient trees and veteran trees. We think that the majority of the proposals suggested in this amendment are already covered under the National Planning Policy Framework and the Forestry Commission and Natural England's ancient woodland standing advice. The Government will keep under review cases where loss or deterioration of ancient woodland has been or is justified on the basis of "wholly exceptional" circumstances and will encourage them to be brought to our attention at Defra at an early stage. That message has gone out. We will also revise guidance to planners making decisions on what is considered wholly exceptional to avoid some of the circumstances that the noble Baroness, Lady Brown, mentioned.

As recently committed to in the *England Trees Action Plan*, we will build on these protections, including by introducing a new category of long-established woodland—they are woodlands that have been around since 1840—and we will consult on the protections they are afforded in the planning system. We also committed within the action plan that the Government will update the ancient woodland inventory to cover the whole of England, including smaller ancient woodland sites of one-quarter of a hectare. As I mentioned in Committee, our *England Trees Action Plan* also includes new steps to protect and restore ancient woodlands through management and restoration. Our new England woodland creation offer will fund landowners to buffer and expand ancient woodland sites by planting native broad-leaf woodland, and the Government will update the *Keepers of Time* policy on the management of ancient woodland, veteran trees and other semi-natural woodland.

In addition, the Secretary of State and I have been in regular discussions with colleagues in MHCLG to explore further measures that can be included in the upcoming planning Bill to build on the protections that are there to avoid the kind of outcome that the noble Baroness, Lady Brown, fears. This will also be high on my list of issues to discuss with the new Secretary of State for MHCLG, Michael Gove, who shares this House's interest in ancient trees and their protection.

I hope I have reassured the noble Baroness, Lady Young, about the action the Government are taking and will take to protect ancient woodland and of the importance of the such precious environments. I beg her to withdraw her amendment.

Baroness Young of Old Scone (Lab): My Lords, I thank all noble Lords who have spoken in this debate for their comments and support, and thank the Minister for his response. I was particularly taken by the points made by the noble Baroness, Lady Boycott, and the noble Lord, Lord Marlesford, who basically said that we would not play as fast and loose with heritage buildings as we do with ancient woodland. I think the anxieties of the noble Lord, Lord Carrington, about how the additional protection would work can be met by saying that the amendment gives considerable leeway to government to design the protection measure, and many of his points could be addressed during that design effort.

[Baroness Young of Old Scone]

As the Minister said, the current protection is enshrined in the National Planning Policy Framework and standing advice, but I am not reassured by that, because, with 800 cases of imminent damage on the books at the moment, it is clear that the NPPF and the standing advice are not working. No amount of revising guidance to planners will bring the level of statutory protection that is required.

I very much welcome all the changes that the Minister said, as he did in Committee, that they are hoping to make to the woodland inventory, management schemes and the *Keepers of Time* policy, but they do not really address the development issues. I would not want to hang my hat on measures in the planning Bill until we see the Bill and the colour of the new Minister's coat, now that he will be running MHCLG.

Having heard considerable support around the House for my amendment, I should like to test the opinion of the House.

5.11 pm

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5.27 pm

Amendments 101 to 105 not moved.

Schedule 17: Use of forest risk commodities in commercial activity

Amendment 106

Moved by ***Lord Randall of Uxbridge***

106: Schedule 17, page 240, line 42, at end insert—

"2A_(1) A regulated person in relation to a forest risk commodity must not use that commodity, or a product derived from that commodity, in their UK commercial activities unless the source organism was not grown, raised, or cultivated on land that was forest at the date this paragraph comes into force, or an earlier date specified in regulations made by the Secretary of State, and has since been degraded or converted to agricultural use.

(2) Without limiting sub-paragraph (1), forest is regarded as degraded if its tree canopy cover (excluding trees planted for the purpose of producing timber or other commodities) has decreased due to human activity.

(3) Sub-paragraph (1) does not apply to source organisms grown, raised or cultivated by indigenous peoples, or other communities with customary land use rights, in accordance with their customary rights and practices.

(4) A regulated person in relation to a forest risk commodity must not use that commodity, or a product derived from that commodity, unless free, prior and informed consent has been obtained in relation to that commodity from indigenous peoples in accordance with their rights under international law, and from other local communities."

Member's explanatory statement

This amendment would require, with exceptions, that a regulated person does not use forest risk commodities or products derived from those commodities in their UK commercial activities if they are derived from land that is deforested after the commencement of Schedule 17 or an earlier date set by regulation.

Lord Randall of Uxbridge (Con): My Lords, I once again reiterate my conservation and wildlife interests as in the register, particularly, in relation to these amendments, as a vice-president of Fauna and Flora International. I shall speak to a number of amendments in this group in my name. I will try to be brief, but they cover three distinct and important issues. In Committee, at the behest of my Whips—as always, I listen to the Whips—I rather gabbled through the arguments and although it read all right in *Hansard*, I am not sure anybody really listened to it. I will try to be a bit slower this time and ask for noble Lords' indulgence.

Amendment 106 relates to the due diligence framework, which was a relatively late addition to the Bill, and is in broad terms very welcome. I congratulate the Government heartily on bringing it forward; indeed, I believe the Government fully understand this and rightly put a global halt to deforestation at the centre of their agenda for the COP summit in Glasgow. These measures are the first of their kind and we

[Lord Randall of Uxbridge]
should be justly proud of our Government. They are the Government's response to the Global Resource Initiative task force's recommendation from March 2020 for a mandatory due diligence obligation on companies that place commodities and derived products that contribute to deforestation, whether legal or illegal under local laws, on the UK market. The GRI made other recommendations which are yet to be embraced in legislation. I hope that these might be returned to at the earliest opportunity, such as the need to ensure that similar principles are applied to the finance industry.

The question that we must ask ourselves is whether the Government's approach is the right one. We know that action to tackle deforestation is not only a political and moral imperative; it is also an economic one, given the vital role that the world's forests play in storing carbon, providing a home for some of our most spectacular and endangered wildlife on this precious planet, sourcing medicines and other valuable products, and in sustaining local livelihoods and cultures. The Government's approach is focused on illegal deforestation. I fully understand the reasons for that, but will it be enough?

5.30 pm

We should also ask ourselves how well the Bill responds to the challenges that will arise from the inevitable weakening or blurring of local laws that will follow it. That is one of the reasons why I propose my Amendments 107 and 108, which I will turn to shortly. It is also why I have tabled Amendment 106, which seeks to introduce a requirement

"that a regulated person does not use forest risk commodities or products derived from those commodities in their UK commercial activities if they are derived from land that is deforested after the commencement of Schedule 17 or an earlier date set by regulation."

It also provides for an exception for forest risk commodities produced

"by indigenous peoples, or other communities with customary land use rights"

according to traditional farming practices.

Under the proposals, large companies will have a legal obligation to carry out due diligence checks to ensure there is no illegal deforestation in their supply chains of so-called forest risk commodities, with the list of products affected likely to include, among others, beef, soya and palm oil. However, there is a loophole: what counts as illegal deforestation will be determined by the laws in the producer country. Products derived from legal deforestation, or rather deforestation deemed legal by a national or regional Government anywhere in the world that UK businesses source their goods, will still be available on the shelves of British supermarkets.

A recent analysis by the World Wide Fund for Nature found that in areas of Brazil that supply soy directly to the UK, more than 2.1 million hectares of natural vegetation, including forest—an area larger than Wales—could be legally converted under current laws. The proposals as they stand also risk creating a perverse incentive for Governments in producer countries actively to lower their standards, to shift the goalposts of what counts as legal deforestation, in order to maintain access to the UK market. Laws can be changed quicky, as we are seeing with several controversial Bills going through the Brazilian Congress which could give an amnesty to land grabbers that have illegally deforested public land and reduced protections for indigenous peoples' land rights. It is precisely the kind of recklessness that the UK's due diligence regime should be working against and not inadvertently incentivising.

A far better approach is available to us. The NGO Forest Coalition, an alliance of leading environmental and human rights groups, has called for the new law to address all deforestation in UK supply chains and not just that deemed illegal. The benefits of such an approach are self-evident in terms of forest protection; they also make more sense for the British businesses that would have to implement the law. Global satellite tools exist that can clearly show whether deforestation has taken place, but no such technology exists that can easily identify whether that deforestation was legal or illegal. Last year, 20 UK businesses, including Sainsbury's and Aldi, wrote to the Government asking them not to limit the due diligence requirements to illegal deforestation, a reflection of the fact that the British consumer is increasingly impatient to see businesses they trust take tougher action to protect the natural world.

How the UK decides to legislate in this area could have a considerable ripple effect. The EU and the US are also weighing up how to combat deforestation in their supply chains. If the UK Government decide to take a clear "no deforestation" approach, I am sure others will take note. There could be no clearer demonstration that this really is a "code red" situation and that half-measures will no longer suffice. I understand the practical difficulties, but I urge Her Majesty's Government to be bold at this crucial time for our planet.

I have a number of questions for my noble friend the Minister, who I know shares my passion for the conservation of forest as well as biodiversity and the environment in general. I hope I may get some answers. If he cannot provide them today, I am very happy for him to write to me.

Given the central role that the Global Resource Initiative taskforce has played in informing and testing government policy, it would be immensely reassuring were my noble friend able to confirm to the House that the GRI will not only be maintained but its remit broadened beyond deforestation, as it itself recommended in its final report.

Amendments 107 and 108 would strengthen the review provision in Schedule 17. It is very welcome that this part of the Bill includes a requirement for the Secretary of State to review the effectiveness of the forest risk commodities framework every two years and to lay before Parliament and publish a report of the conclusions. However, there are no requirements regarding the quality, transparency or independence of the review, nor is there a requirement to address any deficiencies or weaknesses identified by any such review, or to make any needed improvements to the content, implementation or enforcement of the forest risk commodities framework. My amendments would address these omissions and ensure that the rights of indigenous peoples be considered, a consultation be held, and the Secretary of State take steps to eliminate forest risk commodities from UK commercial activities.

The recent report from Global Witness is clear evidence of why the rights of indigenous peoples must be a formal part of this review. We should all be shocked that 227 land and environment defenders were killed in 2020—the highest number of lethal attacks ever recorded. We can be under no illusion that our aims for this measure may not be shared by others in those very places this new law seeks to protect. It is essential therefore that the review consider the rights of indigenous peoples fully and explicitly. I urge my noble friend to confirm that this will be the case.

These amendments would help ensure that the measure is progressively improved over time. They would also enable the due diligence framework to be adjusted to address any deregulation or undermining of protections for forest in producer countries. Finally, let us not forget the public, as it is public pressure to free our supply chains from deforestation that has inspired so much of our progress to date. The Government must consult relevant stakeholders as part of the review, as my Amendment 107 proposes.

My Amendment 121 is on global footprint, and I am grateful to the noble Baronesses, Lady Bennett of Manor Castle and Lady Boycott, and the noble Lord, Lord Teverson, for supporting it. We discussed this matter in depth in Committee, where there was clear agreement about the importance and urgency of reducing our global footprint. In this year of global action, I hope that my noble friend the Minister will be able to set out more clearly the Government's plans on this. I welcomed his assurance in Committee that the power to set long-term, legally-binding targets in Clause 1 can be used to set targets on any matter relating to the natural environment, including reducing our global footprint. I am also grateful for the very helpful factsheet that I received from the department last night. However, while this is a welcome clarification, there are two matters of significant unfinished business for this Bill. The first is the timescale for setting a global footprint target, which my Amendment 121 would clarify. The second is the process that will be followed to develop any such target, which I hope my noble friend will be able to elucidate.

On timescales, noble Lords will recall that the power in Clause 1 allows the Government to set long-term targets which must last for at least 15 years. While this long-term approach is undoubtedly welcome, as it will extend beyond and between successive Administrations, it means that, with the best will in the world, the earliest the global footprint target might be set is 2023. As such, a target is not to be included in the first tranche of targets that we expect to be published for consultation next year. That means, in effect, that the earliest a target would need to be met is 2038. I fear this is simply too late, given the evidence that the World Wide Fund for Nature and many others have gathered. Its report, published in June, found that we need to reduce our global footprint as a nation by three-quarters by 2030 if we are to live within our planetary means. That 2030 timescale for a global footprint target is not possible within the framework of the Bill. I hope that my noble friend the Minister might look at this carefully to ensure that the Government's commitment to tackle our global footprint will not be kicked into the long grass.

On process, will my noble friend respond to four simple questions? First, will he commit to consult on a target to reduce the UK's global environmental footprint ahead of the conclusion of COP 15, as recommended by the Environmental Audit Committee in its June 2021 report on biodiversity in the UK? Secondly, will he agree to establish an independent expert panel to advise on the global footprint target? Thirdly, will he be able to appraise us of the legislative vehicle by which the Government would set a 2030 global footprint target, if they accept the evidence that this timescale is necessary? Finally, will he, when preparing the Government's response to the independent report on the national food strategy, consider the potential for any legislative response?

I thank noble Lords for their indulgence for this speech, which is considerably longer than my customary contributions, but this is something I feel very strongly about. I beg to move.

Baroness Meacher (CB): My Lords, I will speak to Amendments 108A, 108B and 108C. Before I say anything else, I must say that the noble Lord, Lord Blencathra, had planned to be here to speak in favour of these amendments. Unfortunately he has been pulled away to a meeting and may not be able to get back to the Chamber in time.

The aims of the amendments are to ensure the earliest possible review of the deforestation provisions in Schedule 17 and, in the case of Amendment 108C, to enable Ministers by regulations, without delay—that being the important point—to extend their controls over UK use of forest risk commodities in commercial activity to legally deforested land. As noble Lords know, Schedule 17 currently applies restrictions on UK companies in relation only to commodities produced on illegally deforested land. This very much leaves all the power in the hands of the Government. This is very important when one is trying to gain their support on an issue.

I fully support all the amendments from the noble Lord, Lord Randall. Indeed, I moved a similar amendment to Amendment 106 in Committee. That amendment would immediately extend the Schedule 17 provision to all deforested land, whether it has been done legally or illegally. Of course, this is ideally what should and needs to happen to save the planet. I support the noble Lord's arguments but will not repeat them in view of the time.

According to one estimate, 15 billion trees are cut down each year over a land area equivalent to three and a half times the size of Wales. This is, of course, devastating for climate change and therefore the planet. Any delay in discouraging such deforestation is therefore obviously extremely serious.

In a very useful meeting with the Minister and the noble Lord, Lord Blencathra, for which I thank the Minister very much, the Minister made it clear that he is negotiating with lots of other countries on this issue and explained that he needs to be seen to try limiting our controls to illegally deforested land initially to bring other countries along with us. Obviously, lots of countries working together to discourage deforestation is far preferable to just one country operating alone. However, I pointed out that having lots of countries

[Baroness Meacher]
doing something that actually makes no difference is not that useful, because countries such as Brazil will simply sidestep the policy set out in this Bill, and where are we? Nowhere at all, actually. Nevertheless, I respect the Minister's wish to give this a try, but that underlines the importance of being able to rectify it as soon as we can.

The noble Lord, Lord Randall, explained the importance of a comprehensive law on deforestation from the point of view of our employers. Again, I will not repeat his arguments.

As I said, Schedule 17 as it stands limits the scope of our controls over commercial activity in forest risk commodities to those produced in illegally deforested land. There is no real prospect of this position being changed for years to come, as the Bill stands. That is my great concern, because every year really matters in this field. We would have two or three years before a review and then goodness knows how many years before we could have a piece of primary legislation. As noble Lords know, we really could wait many years for that. How many billions of trees will be lost before the UK takes meaningful action? It does not bear thinking about.

5.45 pm

Hence the importance of the modest Amendments 108A to 108C. They would ensure that there was a review within one to two years after implementation. In many ways more important than even Amendments 108A and 108B is Amendment 108C, which would enable the Government to prepare regulations and implement them immediately following the review. As the Minister said, we will know very quickly whether this limit to illegal deforestation is working. In fact, we will probably know pretty quickly that it is not. Therefore, to give Ministers the power—and in this case to introduce regulations—seems absolutely justified. I say this as a member of the Delegated Powers Committee, which fights week after week against Henry VIII powers. This is a Henry VIII power, but we need it so that Ministers do not have to delay. This is far too important an issue to hang about.

The Minister agreed that we will all know very quickly, as I said, so we really do need to get on with this. We could then finally have a Bill that leads to effective action and, I hope, will bring in other countries behind what we are planning to do. These amendments are desperately needed to ensure that good action is taken. I hope the Minister will be able to accept Amendments 108A to 108C, but if not I will want to test the opinion of the House.

The Earl of Dundee (Con): My Lords, I support my noble friend Lord Randall's amendments, particularly Amendment 121. This would enable global footprint targets to be part of regulations. That in turn can give us much more confidence that we really will manage to stick to these necessary dates and deadlines.

In Committee, my noble friend the Minister pointed out that the Clause 1 power might be used to set a global footprint target. That is certainly helpful. However, the Bill is unclear about timescales. Within its current scope, long-term targets have to be for at least 15 years. As my noble friend Lord Randall just observed, the latter focus already becomes anomalous if, for example, targets cannot apply for a period less than 15 years, such as that until 2030, which is exactly by when we are told as a nation that we should reduce the United Kingdom's global footprint by three-quarters.

Does my noble friend the Minister agree that while the implementation of Amendment 121 guards against slippage, putting these targets into regulations would also give a strong message internationally that, in this matter, the United Kingdom is committed to leading good practice?

Baroness Bennett of Manor Castle (GP): My Lords, it is a great pleasure to follow the three noble Lords who have already spoken on this group. They have given us a comprehensive explanation of why we need all these amendments. I shall speak chiefly to Amendment 121 in the name of the noble Lord, Lord Randall, also signed by the noble Baroness, Lady Boycott, and the noble Lord, Lord Teverson, on the global footprint timetable. It has already been clearly set out why this amendment needs to pass: we need drastic action now.

A large number of amendments in Committee addressed the broader issues here. There was the call to look at not just resource efficiency but cutting total resource use in Part 1. There was the call to move towards the Treasury managing our economy for the purposes of people and planet, not chasing after growth that we cannot have more of on a finite planet. Your Lordships have heard the Government's cries about their desire to progress the Bill quickly, so many of these amendments have not been put. They have been boiled down to some very clear, simple essentials that need to happen. I offer support for all these amendments.

The questions that the noble Lord, Lord Randall, asked were very clear and important, but I will address a direct question to the Minister on Schedule 17. It is crucial that Schedule 17 covers the main commodities driving global deforestation, so can he confirm that it will cover beef and leather, cocoa, palm oil, pulp and paper, rubber and soy? They are not currently defined in the schedule, and there is concern that any limits to the approach would utterly undermine the intentions expressed in this provision and by the Government.

I also want briefly to address Amendment 107 on the rights of indigenous people. We know that many of the parts of the world that still remain relatively pristine rely heavily on indigenous people to protect them, and how often their rights to do so and to live their lives are threatened by mining companies associated with us—often large multinationals with close ties to the UK. When one considers that and our historic legacy, as well as the impact of colonialism on those communities, we have a particular responsibility to ensure, practically and morally, that they are being listened to.

Lord Teverson (LD): My Lords, I start by congratulating the noble Lord, Lord Randall, on his speech and his due diligence on this issue, which is crucial in terms of deforestation. We have the frustration whereby we want extraterritoriality, which we do not normally have in the UK, but we can influence some of these matters only through supply chains and our own British corporates. The United States seems to get away with extraterritoriality in relation to more or less everything. We do not have that privilege.

As regards this approach, I also like the reference to recognising indigenous people. It is clear and obvious that it is so much more effective to keep forests rather than start to regrow them. That is the other side of the coin, as it were, to the previous debate and perhaps is even more important. That is why these Benches are very much in favour of the system proposed—although one of the big challenges that we have faced regarding environmental regulation and the Bill is enforcement and making sure that the regulations that we make can operate and are policed. We have the FSC, the Forest Stewardship Council, which works okay but all of us know of instances of duplicity in the system—not in the work of the FSC itself but among those copying and wrongly branding products. That challenge remains, but that does not mean that we should not move ahead in these areas.

I want also to congratulate the noble Lord, Lord Randall, on his pioneering work on the global footprint. We have mentioned a number of areas but the Dasgupta review, sponsored by the Treasury, again stressed that in terms of natural capital we are extracting far more than we are putting back into the planet. I suspect that the noble Lord is not expecting the Minister to accept the amendment but I hope that the Government will do further work in this area. I agree strongly with a point that the noble Lord made: if we can become the leader of standards in this area, it would be incredibly important.

Lastly, I come to the amendments of the noble Baroness, Lady Meacher, on urgency. That is the word I hear from her and she is absolutely right. We have so little time in so many of these areas and here, through these amendments—which I hope the Government and the Minister will accept—we have an opportunity to wind up that urgency and start to make right what we need to do soon and so urgently.

Baroness Boycott (CB): I have put my name, although only online, to my noble friend Lady Meacher's amendments as well as to Amendment 121 in the name of the noble Lord, Lord Randall.

We outsource so many things in this country that globalisation has destroyed any sense we have of how products get to us or what they are made of. Just look at the list of ingredients that go into a cheap ready meal. They will certainly contain stuff that one's grandmother would not recognise and probably include ingredients such as soy. Manufacturers are keen to keep us ignorant of those chains.

Much of what happens on Amazonian land, in the forests of Brazil and other parts of South America, is the growing of soy and feed crops for cattle, which then go to feed us. From an environmental and energy point of view, that is a travesty. I am not even counting the transport involved. We are colluding—for many people, I am sure, completely unwittingly—in pulling and cutting down ancient rainforests for the simple reason that the loggers and farmers can get away with it. We actually do not know about it. It is time to stop it and for us to stop buying those kinds of products, but we have to know and have transparency.

Amendment 108C also makes it clear that we must be aware not just of illegal deforestation, which varies between countries and often between jurisdictions, but of what might today be considered legal. Brazil's forest laws have changed in the past decade but that does not mean that we should lay off the pressure. The good news is that 81% of the biggest UK companies in the forest risk supply chains have stated that they aim to remove all deforestation from their supply chains, and 22 major UK businesses recently called on the UK Government to develop a legal framework to halt it. Citizens also support such a move. In the Government's own consultation, 99% of all residents supported the introduction of just this kind of legislation. However, in the meantime we continue to see ghastly pictures of the Amazon on fire. Scientists know that decades of human activity and a changing climate have pushed the jungle near to a tipping point; 17% of it is nearly destroyed and the tipping point will soon be reached.

That brings me neatly to Amendment 121 in the name of the noble Lord, Lord Randall, and I congratulate him on his speech and for all his work. The day that the UK overshot our planetary boundaries was 29 July this year—the day that demand for ecological resources and services in any given year exceeded what the earth can generate. It hardly needs to be explained why that matters. I understand that all the measures in the Bill are effectively working to ensure that we live in harmony with the earth and that we do not use more than we can regenerate. However, it is also easy to see that it is not entirely working. We are a long way from that but we are not the first country to take measures. We therefore need to measure the progress, even though it is difficult to do so.

I have just finished reading a chapter from a new edition of Jared Diamond's extraordinary book, *Collapse*, about Easter Island, which was the home of a once-thriving community who drove themselves almost into extinction over a period of about 250 years. They had amazing trees called Chilean pines, from which big canoes could be produced that were capable of going out far into the Pacific Ocean. One can tell from dietary remains that at that point the people ate big fish such as tuna, and porpoises, dolphins and so on, and were very healthy. Indeed, the society was so wealthy and healthy that they could spend their time making the extraordinary heads found on Easter Island. At one point, the people cut down the last Chilean pine. No one thought that it mattered because they then made smaller canoes. Unfortunately, their diet worsened, as did the soil because there were no trees. When travellers visited that society in the middle of the 1850s—not really that long ago—they found a bunch of people in rags who were impoverished and soil that was incapable of producing many crops.

That is a metaphor for our time, because the point is that it happened not with a bang but a whimper. Right now, one could say that the earth was beginning to scream. When we saw Covid coming, that was a bang and we were able to respond, but what we are doing now is slowly grinding down the planet to a point at which one day, we might end up like the people of Easter Island.

Baroness Hayman of Ullock (Lab): My Lords, we have been debating a number of amendments in this group that seek to strengthen Schedule 17. The first is Amendment 106 on forestry commodities, in the name

[Baroness Hayman of Ullock]
of the noble Lord, Lord Randall of Uxbridge. He has clearly explained what his amendment sets out to achieve and, importantly, why it is needed. His speech may have been longer than normal, but it was important to hear his words.

In the 25-year environment plan, the UK Government articulated an ambitious set of goals and actions, including that

"our consumption and impact on natural capital are sustainable, at home and overseas".

Unfortunately, as in a number of other policy areas, the Environment Bill does not adequately deliver on this commitment.

6 pm

The noble Baroness, Lady Bennett of Manor Castle, mentioned the concern that, if the Government do not address the full range of commodities driving global deforestation, this may undermine the purpose of Schedule 17, thereby falling well short of their global leadership aspirations. In Committee, it was discussed that the focus on forests and land conversion was a first step only and that wider environmental and human rights impacts must also be addressed. We must consider industries such as mining—and I thank the London Mining Network for its helpful briefing on this issue. The expansion of the mining frontier into forests is a significant driver of forest loss in some countries, so it is extremely concerning that mining with regard to deforestation has been omitted. Can the Minister explain to your Lordships' House why this is the case?

It is also frustrating that the Bill addresses only illegal deforestation, as we have heard from a number of noble Lords who have spoken today. We know that all deforestation, whether legal or illegal, has the same potential negative ecological, climate, human rights and sustainability impacts. The noble Lord, Lord Randall, mentioned the work of WWF, which proposes the inclusion of a statutory deforestation target. I would be interested to hear the Minister's thoughts on this proposal.

Amendments 107 and 108, also in the name of the noble Lord, Lord Randall of Uxbridge, would, as we have heard, strengthen the review provision to ensure that the rights of indigenous peoples are considered, that a consultation is held and that the Secretary of State takes steps to eliminate forest-risk commodities from UK commercial activities. We strongly support the noble Lord in these aims. He mentioned the report that came out this week from Global Witness about attacks, many of them fatal, on indigenous peoples. Those reports are truly shocking. This aspect of deforestation needs to be taken seriously into account and acted on. Will the Minister make a commitment to ensure that indigenous peoples are consulted as part of any review of the legislation? May I also make a suggestion to the Minister? COP 26 could provide an opportunity to meet with Brazilian indigenous communities to discuss the impact of logging, whether legal or illegal, on their livelihoods, communities and the climate. Is this something that the Minister would consider?

I turn to Amendments 108A, 108B and 108C, which were tabled by the noble Baroness, Lady Meacher, and to which I have added my name. These amendments look to bring forward the timescale for the review so that it takes place after one year, not two. I will not add anything else on this because the noble Baroness has explained passionately and in detail why this is so important.

In Committee, the Minister explained why he could not accept a similar amendment in the name of the noble Baroness, Lady Meacher, to that set down today by the noble Lord, Lord Randall of Uxbridge. On the understanding that this is still the Minister's position, which would be disappointing, and that the Government are not prepared to accept Amendment 106, I hope that the Minister will accept the amendments in the name of the noble Baroness, Lady Meacher, so that the opportunity to extend the scheme to cover both legal and illegal activity can be enacted as soon as possible. As the noble Baroness said, it is far too important for us to hang about.

Finally, I look briefly at Amendment 121, on the duty to produce a global footprint target timetable. This is something that we strongly support. Again, however, the Bill has failed to deliver on a commitment in the 25-year environment plan, in this case to ensure that

"our consumption and impact on natural capital are sustainable, at home and overseas."

This has been a good debate. These are serious issues and I look forward to hearing from the Minister.

Lord Goldsmith of Richmond Park (Con): I thank noble Lords for their contributions to this hugely important debate. The UK has a strong history of supporting supply and demand-side measures to tackle deforestation, including the commissioning of the GRI, which my noble friend Lord Randall mentioned, to provide us with advice on how we could strengthen our efforts to tread more lightly on the environment. We welcome the widespread support that we have received for the Government's work in this area, including our public consultation on due diligence legislation last year. That legislation is a world first and the Government are committed to ensuring that it is effective in addressing illegal deforestation and cleaning up our supply chains.

As I mentioned in Committee, a significant proportion of global deforestation is illegal. At least 69% of tropical deforestation for commercial agriculture between 2013 and 2019 was conducted in violation of national laws—it is closer to 90% in some key areas, including parts of the Amazon. Our due diligence provisions will directly tackle this deforestation. I just say to the noble Baroness, Lady Meacher, that dealing with illegal deforestation—as I said, it amounts to 90% in key parts of the Amazon—does not equal, to quote her, "nothing". Tackling such a vast proportion of the problem that we are addressing cannot simply be described as "nothing". If we can stop illegal deforestation, we can all be pretty happy. Equally, no one is pretending that that is the whole solution.

I want to talk specifically to Amendments 106 and 108C, tabled by my noble friend Lord Randall of Uxbridge and the noble Baroness, Lady Meacher, respectively. I reiterate my strong view that this legislation is the best and most strategic way that we can make a truly global impact and I will try to again explain why.

Our legality-based approach allows us to lead the charge on tackling illegal deforestation, while working in partnership with producer country Governments and communities and respecting their laws. This is critical. The UK is a big market, but we are nowhere near big enough alone to change a global dynamic on deforestation. It will only be through building a coalition of countries—producer and consumer countries—committed to working with us that we will have the capacity to flip the market in favour of forests. That is a major piece of work that we are doing both as part of the run-up to COP 26 but also beyond. We are already seeing real progress in that coalition-building exercise.

While I completely agree with the sentiment of these amendments, all our diplomatic work so far tells us that they would undermine our ability to coalition-build and, therefore, the UK's wider efforts to support sustainable supply chains. The principal reason is that they would alter a core intention of this policy, which aims to respect producer countries' laws and responsibilities. That is not to say that there are no concerns on wider issues surrounding legal deforestation and other drivers of deforestation. There are of course many such concerns.

However, there is no single silver bullet that will tackle all these issues at once, and I do not pretend that our due diligence measures alone will do the job. They are hugely important and will help us to deal with a significant chunk of the problem, but they are not the silver bullet; they are just one part of a wider package of measures to improve the sustainability of our supply chains. For example, I co-chair the Forest, Agriculture and Commodity Trade Dialogue as part of COP 26. Through this, we are working with a growing network of producer and consumer countries to develop a shared road map of actions to protect forests and other ecosystems while promoting sustainable development and trade. My officials and I are also working extremely hard to secure a range of outcomes at COP 26 that, combined, will enable us to turn the corner on deforestation as a matter of urgency. Much work remains to be done in the run-up to COP, but I am optimistic that we will get there.

Our global Forest Governance, Markets and Climate programme promotes inclusive policy-making, working with Governments, local business and NGOs—including indigenous peoples and local communities—and strengthens the rule of law that helps indigenous peoples and local communities to clarify and secure their rights to forest resources that they ought already to have. Additionally, the UK welcomes and has been actively helping to shape the development of the Lowering Emissions by Accelerating Forest Finance—or LEAF—Coalition. LEAF aims to mobilise many hundreds of millions of pounds in financing, kicking off what is expected to—and I believe will—become one of the largest ever public-private efforts to protect tropical forests and support sustainable development. At the heart of the LEAF programme is a recognition of the vital role of indigenous people and the threats that they face.

Turning to Amendments 108A and 108B, tabled by the noble Baroness, Lady Meacher, again I agree that of course it is important we have strong reviews in place to ensure that the legislation works. That is why Schedule 17 contains a provision requiring the Secretary of State to conduct a review of the law's effectiveness every two years once it has come into force and set out any steps needed to be taken as a result of that review. The amendment would limit the Government's ability to conduct an effective and meaningful first review of the legislation. Businesses would have had hardly any experience of the regulations by that point, and there would be hardly any data available for the first review to really understand if they were working. Two years seems to me about the right time for us to be able to assess the efficacy and usefulness of this legislation. I reassure the noble Baroness that, if we do not see progress towards delivering the legislation's very clear objectives that we are looking for, or if we see perverse outcomes of the sort that the noble Baroness and others have cited, we will take whatever action is necessary.

This leads me on to Amendments 107 and 108, tabled by my noble friend Lord Randall of Uxbridge. Schedule 17 sets out what these reviews should consider in particular, but they are not limited to just these factors and we can review other aspects too. As part of the review, we have the ability to monitor the protections of indigenous peoples and groups. Indeed, the Government absolutely recognise the critically important role that indigenous peoples and local communities play in protecting forests. It is not a coincidence that the majority of intact ecosystems today are lived in and looked after by indigenous people. Equally, those same people often face existential threats and appalling violence, as the Global Witness report pointed out.

In response to the noble Baroness, Lady Hayman, in relation to COP 26, I cannot go into all the details now but it is certainly the case that indigenous people, including from Brazil but from other parts of the world as well, will play a very significant role in COP 26 and the run-up to COP 26. Indeed, I have meetings tomorrow with indigenous groups to help to try to put a bit of meat on that particular bone, because we want that participation not to be a box-ticking exercise but something really meaningful. We are also working through the former DfID component of the FCDO to see what more we can do to provide support to indigenous people, particularly around land rights, which as the noble Baroness knows well is the core issue for indigenous people.

As stewards of 80% of the world's remaining biodiversity, indigenous peoples are leaders in how to develop nature-based, resilient and effective solutions to climate change, through their knowledge and innovations, technologies and their cultural and spiritual values. The UK welcomed the new two-year work plan agreed on the Local Communities and Indigenous Peoples Platform at COP 25 and we look forward to further discussions on the next three-year work plan at COP 26. I assure my noble friend that the Secretary of State will seek input from a very wide range of stakeholders when conducting these reviews.

I turn to Amendment 121, also tabled by my noble friend Lord Randall of Uxbridge. As I have stated previously, the Bill gives us the power to set long-term legally binding targets on any matter relating to the natural environment, including contributing towards objectives on reducing our global footprint. Before

[Lord Goldsmith of Richmond Park]
committing to obligations such as this, we have the need to form a better understanding of whether a target is the appropriate mechanism to drive this change. A rushed target or indicator could hinder rather than aid progress towards our environmental objectives. While we are developing a global footprint indicator to further our understanding of the impacts of our consumption overseas, we need to be sure that the data landscape is sufficiently developed to measure any target. We can only develop the data so far unilaterally, as this requires a joined-up approach across the globe. We want to make sure that any interventions to reduce our global footprint are able to be monitored and enforced, and do not create any kind of perverse outcomes. For these reasons, we want to consider the best way to take action, which may or may not involve setting a target.

We are committed to leaving a lighter footprint on the global environment and want to take decisive action to this end. As mentioned a moment ago, our COP 26 nature campaign will catalyse global action to protect and restore forests and other key ecosystems. For example, at COP 26 we will explore actions that can be taken with other nations to support and implement transparency and traceability throughout the supply chain, which will inform progress against climate goals.

In regard to the specific questions from my noble friend Lord Randall—and I hope that I got them all down—the Bill's target framework will allow the Government to set a global footprint target if it is judged to be the best way to deliver long-term environmental outcomes, building on progress towards achieving the vision of the 25-year environment plan. Any target set would need to need to meet the criteria set out in the Bill's framework, so while we could set a target with this proposed scope, we could not do so based on where we are today with a 2030 date attached.

In regard to my noble friend's question about consulting on a target in this space, I can confirm that we will be conducting a public consultation on long-term target proposals. We are engaging key stakeholder groups already, and expect to publish a public consultation in early 2022 on proposed targets. I recognise the enormously important work and role of the GRI in providing us with advice and information on the issues that we are discussing and more. We are looking now at options to enable us to avoid losing that expertise, but I am afraid that I cannot say more about that at this point. I absolutely take my noble friend's point, however.

6.15 pm

I am sorry, but I have forgotten which noble Lord asked the question about which commodities will be in scope, but the answer is that it will be a phased approach, bringing commodities into scope. We recognise the need for this legislation for our approach to look at issues as broad as beef, cocoa, leather, palm oil, rubber, soya and no doubt others as well. We want a comprehensive approach.

This Government are committed to carefully considering the conclusions of the national food strategy and will respond with a White Paper, setting out our priorities for the food system. We will be discussing this in two groups' time, and I look forward to that. In the meantime, I hope that I have reassured some noble Lords and ask that these amendments are not pressed to Divisions.

Lord Randall of Uxbridge (Con): My Lords, I thank all noble Lords who have spoken in this debate and given such strong support.

I was amazed to find myself in this place when I was appointed here, and I must admit to sometimes being concerned about what I am actually doing here. But for me, today is one of those occasions when I am the mouthpiece for hundreds of thousands of people, in this country and elsewhere, who care about these matters deeply. It has been a privilege to be able to put these amendments forward.

My noble friend has given me some very good answers, and I know he cares as deeply as I do. I recall that, in another life, he was appointed by David Cameron as the forestry champion but was relieved of his position because of a mistake, when he voted the wrong way. I am delighted to see that the Whips down this end of the building are much more forgiving.

I would love these amendments to go forward, and I have a certain amount of confidence that, if I pushed them, they might pass in this House. However, I heard what my noble friend said. I am a pragmatist and a realist, and this is not the moment to go further. The Government have to be congratulated on getting this far. We have to continually push on this, to get a coalition of nations around the world to make sure that this issue is addressed, and quickly. But in the light of my noble friend's comments and what I have just said, I beg leave to withdraw my amendment.

Amendment 106 withdrawn.

Amendments 107 and 108 not moved.

Amendment 108A

Moved by ***Baroness Meacher***

108A: Schedule 17, page 246, line 27, leave out "second" and insert "first"

Member's explanatory statement

This amendment aims to ensure a review of the efficacy of the deforestation provisions at the earliest opportunity.

Baroness Meacher (CB): My Lords, I wish to test the opinion of the House.

6.18 pm

Division on Amendment 108A

Contents 183; Not-Contents 177.

Amendment 108A agreed.

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6.31 pm

Amendment 108B

Moved by ***Baroness Meacher***

108B: Schedule 17, page 246, line 29, leave out "third" and insert "second"

Member's explanatory statement

This amendment aims to ensure a review of the efficacy of the deforestation provisions at the earliest opportunity.

Amendment 108B agreed.

Amendment 108C not moved.

Clause 113: Conservation covenant agreements

Amendment 109

Moved by ***The Earl of Devon***

109: Clause 113, page 113, line 25, leave out "appears from" and insert "is stated within"

Member's explanatory statement

This amendment, along with another, adds formality to the process of creating a conservation covenant to reflect the serious, long-term nature of the commitments being made, and to ensure conservation covenants include provisions regarding the duration of the obligation and the consideration due to the landowner in return for the commitments given.

The Earl of Devon (CB): My Lords, this is a groundbreaking Bill in many ways but, from the perspective of English property law, no provisions are more revolutionary than Part 7 and the introduction of conservation covenants. This is a seismic shift, meaning that, for the first time since the Normans introduced common law, owners of land will be able to bind successors in perpetuity to positive obligations to manage land in a particular way. More radical still, and in a departure from the recommendations of the Law Commission, the counterparties to these obligations will now include for-profit companies—private enterprise. As a farmer and a former property barrister now practising at an agricultural law firm with clients in this space, I support this scheme and want it to succeed, but there are glaring imperfections in Part 7, causing major concern to, among others, the NFU, the Bar Council and the RICS. Because of that I have tabled Amendments 109, 110, 112, 113, 114 and 115.

Amendments 109 and 110 focus on the formalities by which conservation covenants are created, ensuring that they say what they are and what they do on their face and are created by deed rather than, as currently drafted, by a simple exchange of emails. Amendment 112 ensures that for-profit responsible bodies are conservation-focused, not distracted by other, competing duties, such as making profits for their shareholders at the expense of the environment. Amendments 113 through 115 resolve the untenable position when a responsible body defaults, such that the Secretary of State steps in and, in perpetuity, binds a landowner to a positive obligation without any reciprocal duty to pay the fees covenanted. Since Committee, I am grateful for the support of the noble Baroness, Lady Jones of Whitchurch, the noble Lord, Lord Oates, and the noble Viscount, Lord Ridley, and many others, including the noble Baroness, Lady Jones of Moulsecoomb, indicating a very broad consensus across your Lordships' House for these modest but vital amendments.

I am also grateful to the Ministers in Defra and the Bill team for their engagement, although I remain concerned that there is a failure to grasp the significance of the issues raised. Given the time, I do not propose to restate the hypothetical parade of horribles that I set out in Committee, but I note that no one has argued that those hypotheticals are wrong. The Government erroneously asserted that conservation covenants needed to be executed by deed in order to be registered as local land charges, but they have since accepted that that was inaccurate. That is appreciated; however, this only reinforces the sense that this radical change to property law is being rushed through without due consideration or understanding. It is our duty to build in necessary safeguards to protect farmers, the environment and future generations from the threat of zombie covenants blighting our green and pleasant land in perpetuity.

Key to resolving these concerns is Amendment 110, requiring that conservation covenants be executed by a deed which contains its key terms as to duration and payments on its face. This is the traditional and best way to ensure that advice is taken such that the potentially punitive and perpetual implications of entering a conservation covenant are properly understood at the outset. The Government say that their draft guidance recommends legal advice, and this should be sufficient, but anyone willing to enter a perpetual covenant by a mere exchange of emails is hardly going to sit down and read the guidance first. Defra wants no brake on the uptake of these covenants and, rather unusually, it is farmers seeking greater formality and not the Government. Defra has directed me to other statutory covenants created without necessarily using a deed, but none of these contains positive covenants, perpetual in nature, with a for-profit private counterparty. These are largely restrictive covenants with trusted statutory authorities.

Amendment 111 in the name of the noble Earl, Lord Caithness, sets out at considerable length the full formalities to be considered in executing a conservation covenant, formalities the RICS would no doubt recommend. Such extensive formalities may not be warranted within the legislation, but they are exactly what will be considered by properly advised parties executing such a covenant by deed.

The Government suggest that Amendment 112 is unnecessary because Defra will ensure that responsible bodies are truly responsible, but I have read the draft guidance and nowhere does it state the objective parameters against which responsibility will be judged. Indeed, it appears that foreign entities can be responsible bodies, so long as they have a PO box in the UK, and entities directly connected with the landowner could be responsible bodies too—there is no prohibition.

I was also surprised in Committee that the Minister cited the example of for-profit water companies as the type of body the Government consider to be responsible. Would that include Southern Water, recently fined £90 million for environmental degradation on an industrial scale in the pursuit of shareholder profits?

Amendments 113 to 115 solve the intolerable impact of the responsible body becoming bankrupt or deregistered and passing its role as counterparty to the Secretary of State, who then has no obligation to pay anything to the landowner, whatever the cost of the landowner's conservation commitments. These amendments strictly limit the duration for which the Secretary of State is holder of last resort to 12 months, after which, if no responsible body is willing to take the covenant on, it is simply discharged. This has the effect of killing a zombie covenant and protecting the landowner and the land from the risk of a perpetual obligation with no payments in return. Without this change, the scheme is fatally flawed, as anyone advising on such covenants would have to identify this very real risk and advise against it. Of course, if landowners do not take advice, they will not know of this risk, as I note that no mention is made of it in Defra's draft guidance.

I could go on, but time is short and the arguments are clear. For these reasons and the myriad others I set forth in Committee, I beg to move.

The Earl of Caithness (Con): My Lords, I support the noble Earl, Lord Devon, in his amendments. They are hugely important. I am a great supporter of conservation covenants and I want them to work effectively. As he just said, I have a number of amendments in this group.

I am looking at conservation covenants in something akin to a divorce situation. One can enter into marriage with the very best of intentions and it is all going very well, but then it starts going sour. Divorce can be extremely costly and brutal. A conservation covenant could be entered into with the very best of intentions, but here the situation is complicated because the parties entering it could be different parties when it comes to a conclusion. There could be very different interpretations and a great deal of costs.

The noble Earl, Lord Devon, did not actually mention costs so much today as he did in Committee, but in Clause 126 the final remedy is the Upper Tribunal and that can cost £50,000 to get started. Can farmers really afford that, particularly tenant farmers? The average size of a farm in England is 87 hectares and the cash flows are bare at the most. They might be a little better with the wheat price at the moment but, sure as anything, we have seen wheat prices go up and come down. You cannot expect farmers to have that amount of ready cash to fight in the courts.

I therefore seek to spell out in some detail the sort of things that need to be taken into account. I do not expect many conservation covenants to be undertaken by tenants but, if one is, all the freeholders of the land should be signatories to that agreement. I hope my noble friend will confirm that. It is a very un-Conservative thing to deprive the beneficiary of a reversionary interest of the full value of that interest, which could easily be done if a tenant enters into an agreement which prejudices the farm at the end of the tenancy. Not only does a conservation agreement affect one property, but it could very easily affect the neighbouring properties and surrounding farms if that conservation covenant involves the re-wetting of the land, which can take many years to undo.

I hope we can get a simpler way to modify and change the tenancies. When negotiation has failed, we need a simple system. I suggest in my amendments that there is an alternative dispute resolution which is simple, cheap, and which farmers, tenants and landowners are used to. I am hugely concerned by the impact that outside bodies might have. As the noble Earl, Lord Devon, has just reminded us, all you need is a PO box. You could get foreign investment companies coming in, taking over these conservation covenants and making life extremely difficult for the occupier.

I very much hope that the Government will be sympathetic to the amendments tabled by the noble Earl, Lord Devon. His Amendments 109 and 110 cover all the points I have raised, but I have spelt them out in a different way because they are of extreme concern to farmers.

Baroness Jones of Moulsecoomb (GP): My Lords, I will speak briefly. When I first looked at these amendments, I decided to leave them well alone because I did not know what covenants were. Looking at them a little more closely, my working-class bigotry kicked in and I thought that if three hereditary Peers were dealing with this then I ought to be careful. But, in fact, I am convinced, soothed and reassured, and I will be voting for the amendment.

6.45 pm

Viscount Ridley (Con): Follow that, my Lords. I declare my interest as a landowner. The noble Earl, Lord Devon, has made some very good arguments, both today and in Committee in what is a very good example of the House of Lords at its best. He made a very powerful speech in Committee that made a lot of people think hard about a difficult topic. Like him, I support the scheme for conservation covenants very strongly indeed. I saw how conservation easements work in the United States years ago and have argued for years that we ought to have a similar system here. However, he raised some key questions in Committee, and I do not think they were adequately answered either from the Dispatch Box or in later correspondence.

[Viscount Ridley]
That is why I have added my name to these amendments. I am not looking to cause trouble; I am looking for reassurance from my noble friend the Minister that the Government have listened to his concerns and come up with some important reforms to this legislation.

Conservation covenants are, or should be, formal, solemn, momentous undertakings. That should be reflected in the way they are entered into. They should be done by deed and not by an email. They should be with a focused and specialised partner, not a potential scallywag, as we have heard. I am not a lawyer, but the law that worries me here is the one we cannot repeal: namely, the law of unintended consequences. As the noble Earl, Lord Devon, put it, the prospect of zombie covenants blighting our green and pleasant land is not a pleasant one.

The other key concern is the possibility that the advice on how to conserve a habitat, species or piece of biodiversity may prove wrong over time, and a sort of flexibility needs to be built into this to correct a covenant. I spoke at Second Reading about a real example of this with peewits on the Isle of Sheppey. Essentially, it was discovered that, by providing super-habitats for the peewits to nest but no predator control, you were actually draining the population of birds. They were attracted to the place but could not rear any chicks and died of old age without any grandchildren. There has been another example recently in the media of the fact that the willow tit is declining largely because there are too many bird feeders, benefiting the blue tit, which takes over the willow tit's holes and evicts it.

These are small examples and may seem trivial ones, but the point is that we learn that conservation advice changes over time. We need to be able to reflect that in these very solemn and long-term undertakings. Again and again I have seen practice in one decade that turns out to be wrong in the next. I will listen carefully to my noble friend the Minister and to any response that comes.

Lord Oates (LD): My Lords, I am pleased to give my support to the amendments in the name of the noble Earl, Lord Devon, and he will have the support of these Benches. I must say he has caused me some slight difficulty as, like him, I also have an American spouse, who recently watched the programme about Powderham Castle with Mary Berry and turned to me and said: "How come we don't have a castle? Aren't you a lord too?" I have put that aside in the interest of these amendments and I will not detain the House too long, as the noble Earl has set out the case very compellingly.

Whatever anybody's views about Part 7, we are all agreed that it is significant and the covenant agreements that will be entered into are significant. Therefore, those entering them should do so not simply by email but with advice. That amendment is a basic thing we should be able to agree on.

The other amendments set out by the noble Earl also have compelling resonance. We do not want private companies with no interest in conservation buying up land, and there should be no perpetual obligation on landowners, with no payments. So we support these amendments. They are very reasonable, even modest, and can only improve the Bill and the likelihood that conservation covenant agreements will have a good chance of success. I hope the Government will be willing to move on them but, if they are not, and the noble Earl wishes to divide the House, he will have the support of these Benches.

Baroness Jones of Whitchurch (Lab): My Lords, I do not have an American spouse to declare and I am certainly not a landowner, so maybe I bring more of a working-class approach to this. But I do declare an interest as a member of the South Downs National Park Authority, where conservation covenants are already becoming a live and slightly perturbing issue. I speak in support of Amendments 109, 110, 112, 113, 114 and 115 in the name of the noble Earl, Lord Devon, to which I have added my name. I also thank the noble Earl, Lord Caithness, for his amendments, which echo our concerns about the current wording of Part 7 of the Bill.

As the noble Earl, Lord Devon, said in Committee and again today, conservation covenants are a new and radical concept. They could bring great benefits to our landscape and to improving our biodiversity, but they are long-term agreements with huge implications for the landowners, so it is essential that we make the wording watertight from the start. The noble Earl's Amendments 109 and 110 would require any conservation covenant to be underpinned by a deed. We believe this provision is essential. It would ensure that the landowner received appropriate legal advice before locking in the land to agreements that could last 100 years or more, committing their family for generations.

In the noble Lord the Minister's letter following the debate in Committee, he made it clear that the covenants would not require a dominant and servient tenement. The implication was that this would be an equal agreement between the landowner and the responsible body, but we know this is not necessarily how it will work in practice. We are talking about public bodies or large institutions with huge resources compared to a single landowner, who may be a small farmer. So it is crucial that they get the best legal advice, which a deed would deliver. There would then be clarity for all on what the conservation requirements are.

As I mentioned in Committee, the concept of environmental stacking is also taking hold, where a landowner might have multiple conservation obligations to different bodies, with all the legal complexities that that would ensue. Could the noble Baroness clarify how it would work if a covenant existed for a piece of land? For example, would the landowner also be able to claim additional financial support through the sustainable farming incentive scheme?

We are also concerned about the implications of individual farmers being approached to sign covenants that are at odds with the wider plans for the landscape. How would we ensure that the covenant was in keeping with, for example, the strategic plans for the protected landscapes in the national parks? As I mentioned in Committee, farmers in the South Downs are already being approached to provide carbon offsets for developments elsewhere, and the new biodiversity offsets will complicate matters further. All of this underlines

the need for a land-use framework for England, which my noble friend Lady Young will be debating in the next group.

I also agree with the noble Viscount, Lord Ridley, that the advice on conservation may turn out to be wrong, over a period of time, so we need a simple mechanism to adapt and sign off new amended conservation agreements.

Finally, we agree with the noble Earl that the responsible bodies that determine the basis of the covenant, if they are not public bodies or charities, should be organisations focused solely on conservation —we all had a great deal of sympathy with his example of Southern Water, which did not quite tick the box of being a trustworthy conservator—otherwise, there is a danger of the covenants being traded by for-profit institutions with no interest in the biodiversity outcome and no direct engagement with the landowner. In the worst case, it is possible to imagine all these covenants bundled up into packages and traded internationally, with the UK losing control of its land use. I hope noble Lords see the sense of these amendments and agree to support them, if the Minister is not able to adequately address these concerns.

Baroness Bloomfield of Hinton Waldrist (Con): My Lords, I thank all noble Lords who have contributed to this debate and especially the noble Earls, Lord Devon and Lord Caithness, for their amendments. I also thank the noble Earl, Lord Devon, for taking the time to discuss this important topic with the Secretary of State last night, and with Defra officials and the Law Commission. I start by emphasising that the Law Commission concluded that a regime for statutory conservation covenants is needed because there is currently no simple legal tool that landowners can use to secure conservation or heritage benefits when the land is sold or passed on.

Amendment 111, in the name of the noble Earl, Lord Caithness, risks limiting crucial flexibility in the design of covenants. The Government strongly support the Law Commission's approach of keeping the content and procedural requirements for conservation covenants simple and proportionate. We want to avoid unnecessary complexity and cost—and cost might dissuade landowners from entering into conservation covenants, leading to important conservation opportunities being lost. It is also vital that parties have the flexibility to design conservation covenants to suit their needs, given the wide range of conservation purposes they could be used to secure. We expect to see a range of different covenants created, from preserving small-scale heritage work done on a Tudor house through to securing long-term landscape-scale conservation management.

Amendment 109, in the name of the noble Earl, Lord Devon, seeks to prevent landowners inadvertently signing up to agreements, but I think this scenario is unlikely. The agreement must show that the parties intend to create a conservation covenant. A conservation covenant cannot be validly created unless the agreement clearly shows that the parties intended to create it. The Government have been working closely with stakeholders, including the NFU, CLA and the National Trust, to develop guidance, to be published, that will set out in more detail the process for creating conservation covenants and encourage both parties to take legal advice before entering into such an agreement.

On Amendment 110, I will first clarify something I said to noble Lords during the debate on the eighth day of Committee. To confirm, it is not necessary for a conservation covenant to be executed by deed for it to be registered as a local land charge. I also reassure the noble Earl, Lord Devon, that his concerns were carefully considered by the Law Commission: Clause 113 adheres to its final recommendations. His proposal that the agreement must be created in writing and signed was well received. In practice, those who prefer to execute their agreement as a deed may do so, and of course executing an agreement by deed does not guarantee that the parties will seek legal advice on the terms set out in the agreement—although, as I said, our guidance will encourage parties to take legal advice.

A perpetual agreement might be desirable to some; equally, a fixed-term conservation covenant could be appropriate to others. The proposal for flexibility on duration had the clear support of consultees and the Law Commission saw no sensible alternative. Where consideration forms part of an agreement, the clauses already allow for that to be captured. Requiring agreements to include provisions on duration and consideration risks rendering otherwise helpful agreements invalid if they fail to mention them, as consideration in particular may not be relevant to all agreements.

On Amendment 112, regarding responsible bodies, I agree with the noble Earl, Lord Devon, that for-profit bodies have a role to play in ensuring the success of conservation covenants. The Government's 2019 consultation found broad support for allowing for-profit organisations to apply to be responsible bodies: 58% of respondents agreed, with only 26% against. The Government will closely check approved responsible bodies. Regulations on annual returns may require responsible bodies to provide an update on their eligibility. As part of the application process, we will also require organisations to notify us if conservation is no longer their main purpose or activity.

7 pm

Noble Lords mentioned water companies as potential responsible bodies and were somewhat horrified at the prospect. However, if a water company were to be designated, it might find it helpful to make a covenant so that the land is managed in such a way as to prevent sewage flooding and storm overflows. There are genuine environmental reasons why water companies may wish to enter into a covenant, given how much we have been discussing the environmental impact of water companies in debate on previous days. These proposals are largely in line with the Law Commission's draft Bill.

The most significant change that we made is to allow a wider range of bodies, including for-profits, to apply to be responsible bodies. This approach received broad support from consultees. We will consider a range of organisations with expertise in land management that could deliver long-term conservation outcomes. Applicants will be designated by the Secretary of State if they fulfil the necessary conditions. The noble Earl's amendment aims to restrict for-profit bodies to those whose sole purpose is conservation. Very few bodies, if

[Baroness Bloomfield of Hinton Waldrist]
any, would fulfil this criterion, and this could lead to important conservation opportunities being lost. There are already sufficient safeguards built into the clauses. The Government's responsible-body selection process will be rigorous, and ultimately, the Secretary of State has the power to de-designate responsible bodies which are not fulfilling their role.

Turning to the noble Earl's Amendments 113, 114, and115, while I respect his intention to safeguard landowners' interests if a responsible body should cease to operate, these amendments will not provide any substantive additional safeguards and in fact may have the unintended consequence of undermining the general intention of the custodianship provisions. The custodianship provisions act as an important backstop in the event that a responsible body ceases to be a responsible body, something that we expect will happen only rarely. They ensure that a conservation covenant can continue while a new responsible body is found, something that the Secretary of State will want to do swiftly. Our provisions already enable the Secretary of State to exercise the powers afforded to a responsible body. This will include the power provided under the Bill to bring the covenant to an end through agreement with the landowner, if both parties agree that this is the best course of action. Amendment 115 would set an arbitrary 12-month time limit on custodianship, after which a covenant would automatically be terminated. This could lead to opportunities for conservation being lost on a technicality, which is exactly the eventuality that this clause seeks to avoid.

Finally, I turn to Amendment 116, tabled by my noble friend Lord Caithness, whom I thank for his consideration of the Bill and for his proposed amendments in this group. However, I assure him that this amendment is not needed. If parties wish to convert existing non-statutory agreements into conservation covenants, so that they can take effect as statutory conservation covenants, they are free to do so. There is no need for an additional mechanism for this purpose. Responding to what my noble friend said earlier in his speech, the Government do not believe that it is necessary for this legislation to require a landlord to secure approval from the tenant, or vice versa, before entering into such a covenant.

I hope that I have reassured noble Lords, and I ask the noble Earl to withdraw his amendment.

The Earl of Devon (CB): I thank noble Lords for their thoughtful contributions to this short debate.

I reiterate that we are clearly all supportive of conservation covenants. However, in Committee and on Report there has not been a single dissenting voice against the amendments that I have tabled. I had hoped that the Government would listen to this clear message, but it appears that they may not be able to hear it. I do not understand why the taking of advice would be prohibitive of cost in terms of setting up a perpetual covenant over land; that seems entirely reasonable. The Government say that intention must be shown in order for a covenant to be established. If an intention is to be shown then the covenant should say that it is a covenant. That shows the intention. Otherwise, the only beneficiaries will be lawyers such as myself arguing over whether intention was shown.

Finally, the Minister does not recognise that in the absence of any specificity as to the duration of these covenants, they are perpetual by default. If the parties do not get around to saying how long it will last, it will last for ever. They must be advised of that and they must understand it.

Given that today is "Back British Farming Day" and that these amendments are promoted and supported by the NFU, I really think that your Lordships' House should get behind them. I hope so. However, I beg leave to withdraw Amendment 109.

Amendment 109 withdrawn.

Amendment 110

Moved by ***The Earl of Devon***

110: Clause 113, page 113, line 27, leave out "in writing signed by the parties." and insert "signed as a deed by the parties,

(d) the agreement makes provision for the payment of consideration to the landowner, or states that no consideration is to be provided, and

(e) the agreement includes provision regarding the duration or end date of the agreement."

Member's explanatory statement

This amendment adds formality to the process of creating a conservation covenant to reflect the serious, long-term nature of the commitments being made, and to ensure conservation covenants include provisions regarding the duration of the obligation and the consideration due to the landowner in return for the commitments given.

The Earl of Devon (CB): My Lords, I wish to test the opinion of the House.

7.05 pm

Division on Amendment 110

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Amendment 110 agreed.

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McLoughlin, L.
Mendoza, L.
Meyer, B.
Mobarik, B.
Montrose, D.
Moylan, L.
Moynihan, L.
Naseby, L.
Neville-Jones, B.
Neville-Rolfe, B.
Nicholson of Winterbourne, B.
Noakes, B.
Norton of Louth, L.
O'Shaughnessy, L.
Parkinson of Whitley Bay, L.
Pickles, L.
Pidding, B.
Porter of Spalding, L.
Randall of Uxbridge, L.
Rawlings, B.
Reay, L.
Redfern, B.
Risby, L.
Robathan, L.
Rock, B.
Sanderson of Welton, B.
Sandhurst, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Sharpe of Epsom, L.
Sheikh, L.
Sherbourne of Didsbury, L.
Shinkwin, L.
Smith of Hindhead, L.
Stewart of Dirleton, L.
Stowell of Beeston, B.
Strathclyde, L.
Sugg, B.
Suri, L.
Taylor of Holbeach, L.
Trefgarne, L.
True, L.
Tugendhat, L.
Udny-Lister, L.
Vere of Norbiton, B.
Verma, B.
Wakeham, L.
Wei, L.
Wharton of Yarm, L.
Williams of Trafford, B.
Young of Cookham, L.
Younger of Leckie, V.

7.18 pm

Amendment 111 not moved.

Clause 115: Responsible bodies

Amendment 112 not moved.

Clause 128: Body ceasing to be a responsible body

Amendments 113 to 116 not moved.

Amendment 117

Moved by ***Baroness Young of Old Scone***

117: After Clause 136, insert the following new Clause—

"Land use framework for England

(1) The Secretary of State must, no later than 31 March 2023, lay a land use framework for England before Parliament.

(2) The framework must set out—

(a) the Secretary of State's objectives in relation to integrated land use within a sustainable land use framework;

(b) principles to guide decisions by government and public authorities on the most effective use of land;

(c) proposals and policies for meeting the objectives; and

(d) the timescales over which those proposals and policies are expected to take effect.

(3) The objectives, principles, proposals and policies referred to in subsection (2) must contribute to—

(a) achievement of multifunctional land use, balancing the range of needs for land, including agriculture and food production;

(b) achievement of objectives in relation to mitigation of and adaptation to climate change, including achieving carbon budgets under Part 1 of the Climate Change Act 2008;

(c) sustainable development including the use of land for development and infrastructure;

(d) the achievement of objectives of the 25 Year Environment Plan for halting the decline of biodiversity.

(4) Before laying the framework before Parliament, the Secretary of State must publish a draft framework and consult with—

(a) such bodies as he or she considers appropriate, and

(b) the general public.

(5) The Secretary of State must, no later than—

(a) 5 years after laying a framework before Parliament under subsection (1), and

(b) the end of every subsequent period of 5 years,

lay a revised framework before Parliament under the terms set out in subsections (2) to (4).

(6) The Secretary of State must, no later than 3 years after the laying of a framework before Parliament under this section and at three year intervals thereafter, lay before Parliament a report on the implementation of the framework and progress in achieving the objectives, principles, proposals and policies under subsection (2)."

Member's explanatory statement

This new Clause would provide a land use context to enable the Secretary of State and public authorities to make optimal decisions about the multifunctional uses of land to achieve the targets, plans and policies for improving the natural environment and other purposes.

Baroness Young of Old Scone (Lab): My Lords, my Amendment 117 requires the Secretary of State to create a land-use framework for England. I am conscious of the hour and the fact that this was also raised during debates on the Agriculture Bill and in earlier stages of this Bill. I am also conscious that it is extremely cold in the Chamber and dinner looms, so I will be brief.

I have had considerable support from noble Lords from all parts of your Lordships' House on this issue. I thank the noble Earl, Lord Caithness, and the noble Baronesses, Lady Bennett of Manor Castle and Lady Boycott, who have also put their names to the amendment. It has become even more important since we last discussed it. Pressures on land from all sides continue to grow, and that is reflected in land prices, which are rocketing up. In particular, the pressures that are really growing and coming into focus include the need for more land for carbon sequestration, for food production and increasing our food security, for tree planting and for forestry, to reduce our reliance on imported timber. There is also pressure for land to halt and reverse the decline in biodiversity, provide green open spaces post Covid and help communities and people protect their health and their mental health.

There are other pressures as well: by 2050, we will need land to house 7 million more people in this country, if the population estimates are correct. That will also mean land for development and infrastructure to support the jobs for this population increase. If we add together all of those things, plus other land uses, the calculation shows that, to meet all of society's needs for land over the next two decades, we will need a third more land than we have. We desperately need a framework to allow land to be used in the most effective way, for multiple functions—both public and private—to be met by the same piece of land and for decisions on competing land-use pressures to be made on a rational basis, at national, regional and local levels. The three other nations of the UK have all seen sense and have land-use frameworks—England does not.

In addition to all that, the list of land-use schemes that the Government are introducing is growing. Noble Lords have heard about many of them during the course of the Bill: local nature recovery strategies, Nature4Climate and other carbon schemes, biodiversity net gain, the new range of agricultural support schemes in ELMS, major tree-planting initiatives and whatever designations of development land that will come out of the Government's planning changes, when we see them. There are lots of government schemes. A land-use framework would set all of these in an integrated and logical framework that would act like the glue between them to allow them to operate successfully together, rather than in their current silos. In Committee, the Minister said that local nature recovery strategies would do that job, but they do not include planning and development land uses.

More and more organisations are advocating the need for a land-use framework. I have previously mentioned the Climate Change Committee, the House of Lords Select Committee on the Rural Economy and the Food, Farming and Countryside Commission, on which I should declare an interest as a commissioner. Since we last discussed this topic, another bunch of folk have decided that a land-use framework would be a good idea: the food strategy report that Henry Dimbleby produced for the Government called for such a framework, and the forthcoming Royal Society report will do the same. So I believe that the case for developing and implementing such a framework is undeniable and pressing. For example, it is crucial that the Government's forthcoming planning reforms are informed by such a framework.

What we are faced with is like trying to do one of these awful jigsaws that well-meaning people give you for Christmas. It is a complex land-use jigsaw where there is no picture on the box and you have a third

more pieces than will actually fit into the jigsaw. I do not know about noble Lords', but I hate those offerings —they are impossible to do—and that is what we are trying to do with land use at the moment. I hope that the Minister will hear the rising tide of support for a land-use framework and accept my amendment.

The Earl of Caithness (Con): My Lords, I have put my name to this amendment. I have supported the noble Baroness in her cause of a land-use framework for England for many years. Indeed, if I remember rightly, one of the recommendations of the House of Lords Committee on the Rural Economy was that we needed a land-use framework. That was some years ago and, as the noble Baroness has said, the case is even more pertinent now. The Bill increases the need for one with the conservation covenants. There is no limit to what land these covenants could be on. If they are going to be in perpetuity and they take all the best agricultural land, then we might well be doing ourselves a disservice in the long term when we need that land to grow food for a starving population.

The noble Baroness, Lady Young of Old Scone, has set out all the points. It is desperately important for the Government to integrate all their policies; at the moment, the pieces of the jigsaw are all over the place. Their strategies, including the new soil strategy, would work so much better if there were a structured plan for them to work under. I just cannot understand why the Minister and Defra are so reluctant to do this when the devolved Administrations have seen the logic of it.

Lord Carrington (CB): My Lords, I declare my interests as set out in the register.

I also want to speak about this interesting clause, which I have been scratching my head about for some time. The need for some top-down planning was clearly identified by Henry Dimbleby in the recent national food strategy report. However, top-down planning on its own and on the scale envisaged is not practical, as there is always a need for local factors to be considered at the same time. While there is some merit in the concept of focusing public funding on the right thing in the right place, it is neither realistic nor desirable to micromanage what happens right down to parish level. As food producers and environmental guardians, farmers and land managers should be at the core of any approach to developing a framework. A framework for land use should be about joining up policy on the ground, not dictating what is done on the land in a very prescriptive way. Any land-use framework should be positive and enabling—allowing land managers to deliver more from their land, whether for the environment, food or other economic activity—rather than negative and restrictive.

The most interesting objective of the clause recognises the need to consider agriculture and food production. Farmers and landowners have often asked for a more strategic approach to land use, particularly now that land may be taken out of production for carbon-offsetting purposes, housing or whatever, so a clause along these lines helps to deal with the issue. However, this clause has much wider ambitions that could greatly restrict the progression of farming and the diversification of farm businesses, let alone other rural businesses. Zoning would almost certainly make it harder or more expensive to get planning permission for a new or different enterprise.

A land-use framework can never succeed in circumstances where there are going to be changes in technology, climate conditions, consumer demand and business viability, to name just a few considerations, all of which could happen in very short order. Furthermore, there are also likely to be major, currently unforeseen implications for land values and tax considerations that need much more research. I therefore cannot support the amendment.

Baroness Bennett of Manor Castle (GP): My Lords, in following the noble Lord, Lord Carrington, I have just tossed out more or less everything that I was going to say. I feel the need to respond to what he has just said, which I think is founded on the idea that each patch of land, each farm, is a discrete entity that has no real relationship to the entities around it. As is most obvious when we think about the climate emergency, the fact is that the carbon emitted from or stored on that land has global implications. That is very obvious in relation to flooding. I will not open up that debate, but certain land uses in this country are associated with large amounts of water runoff, and that has literally life-or-death implications for the communities downstream.

The noble Lord also referred to food production. We have to think about the food security of the UK in a world in which food security will become an increasing issue in the coming decades.

We have to think about systems holistically, and indeed we have signed up to do just that. Like all the nations in the world, we are a signatory to the sustainable development goals—a mix of economic, social and environmental goals—although we are not currently on track to deliver any single one of them. The question is: the Government have signed up to these goals, but how will they deliver them? Making sure that land is used well—not in a way that harms other people—surely has to be a foundational measure.

7.30 pm

I pick up on the point about multiple uses that the noble Baroness, Lady Young of Old Scone, made in so ably introducing this amendment. Here we are talking about agroecology and permaculture approaches. I am no believer in central planning, and we are not talking about directing things: "Do this with this acre or hectare of land." We are looking at types of land, patterns of land and areas of land that we need to get certain outcomes from. We need to see multiple uses: a permaculture approach, where you can have several layers on the same piece of land. These are the kind of things we are talking about.

Finally, it is worth noting that it is interesting that this amendment arises before Amendment 118 about food strategy. These two are very much related, of course, and on land use we need to think about whether we are producing the kind of food we need and, particularly, whether we have in place government incentives and policies that lead to us producing the

[Baroness Bennett of Manor Castle]
kind of food that is bad for people and the planet, or whether we are putting in place the right policies and incentives to produce a good outcome for both.

Lord Deben (Con): My Lords, I merely wish to say that I am very worried about this proposal. It seems not to deal with the real issue and to ask Defra to do what it cannot do. What we really need—we know we need it—is a department of land use that takes over the planning, housing and other responsibilities of the Ministry of Housing, Communities and Local Government. There is no way forward until we begin to realise that this is what we need. To ask Defra, which has only a bit of all this, to do this seems to be a mistake. I fear it will end up with a document, if that is what it is, that will have little influence and will not be able to do the job. It will mean that Defra will not be doing the detailed work it is capable of doing.

I know why the noble Baroness has put this forward and have sympathy with what she is trying to do. It just seems to me that this is not a suitable answer. We have to go for a much bigger issue, which is that in this country we do not have an integrated way of looking at land. The noble Baroness referred to the Climate Change Committee. In our view, that was the way we had to look: in a much more general way than this amendment provides. I am unhappy about it and will not find it possible to support it.

Lord Horam (Con): I agree with my noble friend Lord Deben and will just extend what he says. Essentially, his point is that we cannot ask Defra, which has a narrow remit, to take the integrated and across-the-board view that is necessary.

We also need to take into account the pressures on land—population, for example. As the noble Baroness said in her opening remarks, the population projections over the next few years from the Office for National Statistics are very considerable; we are talking about an extra 7 million people over the next 10 or 15 years. These are the sort of pressures we have to take into account when we look at land use. Although I am sympathetic with her point, we have to consider this properly, systematically and rationally.

No one wants the land to be ill-used or underused. None the less, the practicalities of the point made by the noble Lord, Lord Carrington, and my noble friend Lord Deben's view about the wider nature of this issue mean that this amendment is deficient.

Baroness Parminter (LD): My Lords, I rise very briefly to say that we support the intent of this amendment. Given the competing demands on land in our country, we believe it is time for a national framework. If it works in other parts of the continent and in other parts of the United Kingdom, the time has come and we would support it.

I fear the Minister will say that, for a number of reasons, he is not able to accept it. I therefore applaud the noble Baroness for her campaigning on this over many years and the fact that she has put together a proposal for an ad hoc House of Lords Select Committee on this. I certainly support that. I think it is an incredibly important initiative, and I hope other Peers will support that proposal so that this issue can be taken forward in a broader way.

The Duke of Montrose (Con): My Lords, I follow on from the noble Baroness, Lady Parminter. Both the noble Baroness, Lady Young of Old Scone, and my noble friend Lord Caithness mentioned the enthusiasm of the devolved Administrations for this type of approach. It would be hard to find anything more enthusiastic than the way the Scottish Government have approached it. The noble Baroness, Lady Young, must have experienced this with the various organisations she has dealt with across the border. I have no doubt that my noble friend the Minister has looked at some of these other countries. In fact, in spite of all the things the noble Baroness, Lady Young, has incorporated in her amendment, the Scottish Government have gone way further than that. We need to think about how far we want to go in this type of organisation.

My noble friend Lord Carrington mentioned the drawbacks that could occur. The Scottish land use strategy has been in place since 2016. There are a whole raft of policies—a natural resource management policy to tabulate stocks of ecosystem services and use an ecosystem approach. Land-based businesses, including the Crown Estate, have trialled the natural capital protocol. They had a statement on the land use strategy, then found they needed to incorporate a national marine plan as well as a national planning framework. It overlaps into forestry as well.

Baroness Jones of Whitchurch (Lab): My Lords, I am speaking in favour of Amendment 117 in the name of my noble friend Lady Young of Old Scone. I feel she made a very good case for an overarching land use framework to address the acute shortage of land we know we have in the UK and the competing pressures on it. This has been a developing theme that she has very much championed throughout the passage of this Bill and the Agriculture Act before it.

Whether it is setting aside land for habitat renewal and biodiversity, identifying land for planting trees to help with carbon sequestration, providing better public access to green spaces or becoming more self-sufficient in food, all these issues have to compete with the need for more housing, hospitals and schools, and it all needs to happen on the same scarce and expensive pieces of land. As my noble friend says, it has become an impossible jigsaw.

As we pile on the pressure for more and more uses for the land, there is still no accepted understanding of what the priorities are and how all those needs can be addressed. We are virtually operating on a first come, first served basis: those who already own the land decide its future, regardless of the pressures stacking up for other, maybe more pressing, needs.

Which land should be used for growing food and which for nature recovery? We never really resolved that during consideration of the Agriculture Act. Where are the millions of trees in the tree action plan going to be planted? How can we maximise our land use to mitigate the impact of climate change and contribute to net zero? What will be the impact of the new planning laws on our desire for biodiversity net gain?

Are we in danger of locking up land through conservation covenants before we have decided on its ideal use? These are all urgent questions that need to be addressed, and we believe the creation of a land use framework is an excellent way to address them.

However, I am very pleased that, since the earlier debate, my noble friend has received considerable support for her proposal for a Lords special ad hoc inquiry into this issue; I was very pleased to add my name in support. I believe this would be an excellent step forward. Undeniably, as noble Lords have said, this issue is hugely complex and not easily captured in an amendment to a Bill. Whatever the outcome of her bid, I hope she will keep raising this issue, in the planning Bill and beyond, until we can reach a settled view about how to prioritise our land use for the future. I look forward to the Minister's response.

Lord Goldsmith of Richmond Park (Con): I thank the noble Baroness, Lady Young, to whom I apologise for referring to as the noble Baroness, Lady Brown, in my fourth slip-up with names in two sittings.

I thank her for focusing on the significant land use changes required to deliver our environment, food, housing and infrastructure needs. As she set out clearly during Monday's debate, land-use change can be achieved quickly—in the case of wetlands or new housing development, for example—but it can also happen very slowly, for example in the case of new woodlands, peatland restoration and so on. That long view on our natural capital, natural wealth and ecosystems is critical to our strategic approach. The Government are delivering the keystone reforms required to manage that change. For example, our action plans on trees and peat target the most critical changes required to meet our net-zero ambition while also driving environmental recovery. The Bill makes provision for environmental improvement plans and local nature recovery strategies, and both will help to steer the actions of government and public authorities, delivering targeted nature recovery that maximises the economic, social and environmental benefits of land use change. That is the strategic approach recommended by noble Lords.

Henry Dimbleby's recent review of our food system has also made a significant contribution to our work on land-use change and land management. It has brought into sharp focus the importance of a strategic approach to land use that draws out the links between our food systems and our ecosystems. The Government are committed to responding to the review's recommendations in the form of a food strategy White Paper.

I also briefly acknowledge and very much agree with the comments of my noble friend Lord Deben. I cannot deliver the departmental changes he suggested—I certainly cannot create new departments—but the point he makes is important: when dealing with something as profound as land use for the long term, it requires, dare I say, more cross-government collaboration than has historically been the case.

I reassure the noble Baroness, Lady Young, that the Government are already taking a strategic approach to land use and will keep it under review. I therefore do not think that the amendment is needed and beg her to withdraw it.

Baroness Young of Old Scone (Lab): My Lords, I thank all noble Lords who have taken part in this debate for their contributions. Perhaps I can reassure the noble Lord, Lord Carrington, that this is not intended to be a top-down micromanagement to parish level but is about setting broad frameworks that would give local communities, people and landowners more security in making decisions about their land for the future. It is not intended to be prescriptive in any way. The experience in Scotland and Wales, where they have these frameworks, is that it does not cramp farmers' style. You can imagine that farmers in Wales and Scotland are not exactly pushovers, so if they are not complaining, it probably means that there is not too much resistance to it.

I absolutely agree with the noble Lord, Lord Deben, that this needs to be cross-government. Alas, the convention in Bills is that when you say "the Secretary of State", in reality you mean the Government. This is not intended to be a Defra proposal; it is supposed to be a cross-government initiative, because it will need not only land in rural uses but the involvement of the Transport department, housing, the planning system and the Treasury—a whole variety of different government departments. The amendment is very much what the noble Lord is calling for. Indeed, the text I have used is the text that the Scots used in their climate change Act, which is where this provision is enshrined in Scottish law. He will be glad to hear that, as the noble Duke, the Duke of Montrose, suggested, I took out some of the overenthusiasm that Scotland has evinced on certain issues, which I thought probably would not go down a bundle in England.

I absolutely accept that Defra is trying to keep a strategic approach to all the things happening in rural land use, but I am proposing that we need a strategic approach that covers rural and urban development. Both are looking for the same land these days and, unless we get a cross-government approach at strategic level, taking account of all land use pressures, we will continue to see not only potential conflict at a national level but the conflict we have seen on individual planning and other proposals, where there is lack of clarity regarding the comparative priority of housing, infrastructure, agriculture, forestry, nature, et cetera. We all know about them; we are all part of them; we have all fought them on our local patch.

At this stage in the game, I will say simply that I thought a little bird had told me that we were reaching the tipping point whereby the Government would embrace this as something really required. Of course, we now have a new Secretary of State at MHCLG, so my little bird may have been shot and buried somewhere.

We have the opportunity of the planning Bill. I hope that I get my special Select Committee agreed to but, in the meantime, I beg leave to withdraw the amendment.

Amendment 117 withdrawn.

7.46 pm

Sitting suspended. Report to begin again not before 8.46 pm.

Covid-19

Statements

The following Statement was made in the House of Commons on Monday 13 September.

"Mr Speaker, with your permission, I would like to make a Statement on our vaccination programme against Covid-19.

We know that vaccinations are our best defence against the virus. Our jabs have already prevented over 112,000 deaths, more than 143,000 hospitalisations and over 24 million infections. They have built a vast wall of defence for the British people.

Earlier this year, the Medicines and Healthcare products Regulatory Agency approved the Covid-19 vaccines supplied by Pfizer and Moderna for 12 to 17 year-olds. It confirmed that both vaccines are safe and effective for this age group. Following that decision, the Joint Committee on Vaccination and Immunisation recommended vaccination for all 16 and 17 year-olds and for 12 to 15 year-olds with serious underlying health conditions. It next looked at whether we should extend our offer of vaccination to all 12 to 15 year-olds, which would have brought us into line with what is already happening in countries such as France, Spain, Italy, Israel and the United States of America. It concluded that there are health benefits of vaccinating this cohort, although they are finely balanced.

It was never in the JCVI's remit to consider the wider impacts of vaccinations, such as the benefits for children in education or the mental health benefits that come from people knowing that they are protected from this deadly virus. It therefore advised that the Government may wish to seek further views on those wider impacts from the United Kingdom's chief medical officers. The Secretary of State, together with the Health Ministers from the devolved nations, accepted that advice. Our CMOs consulted with clinical experts and public health professionals from across the United Kingdom, such as the Royal College of Paediatrics and Child Health. They have also benefited from having data from the United States of America, Canada and Israel, where vaccines have already been offered to children aged 12 to 15 years old.

Early this morning, we received advice from the chief medical officers, along with our counterparts in Scotland, Wales and Northern Ireland. We have made that advice publicly available and deposited it in the Library at 2 pm today. The unanimous recommendation of the United Kingdom's chief medical officers is to make a universal offer of one dose of the Pfizer vaccine to the 12 to 15 year-old age group, with further JCVI guidance needed before any decision on a second dose. They have been clear that they are making this recommendation on the basis of the benefits to children alone, and not on the benefits to adults or wider society. I can confirm that the Government have accepted the recommendation. We will now move with the same sense of urgency that we have had at every point in our vaccination programme.

As the chief medical officers reminded us today, whatever decision teenagers and parents take, they must be supported and not stigmatised in any way. We must continue to respect individual choice. As a father, the decisions that I take on behalf of my own children give me extra pause for thought. People who would not think twice about getting the jab for themselves will naturally have more questions when it comes to vaccinating their children. I completely understand that, but to those who remain undecided I want to say this: the MHRA is the best medical regulator in the world, and it has rigorously reviewed the safety of our vaccines and concluded that they are safe for 12 to 15 year-olds. We continue to have a comprehensive safety surveillance strategy in place across all age groups to monitor the safety of all the Covid-19 vaccines that are approved for use in the United Kingdom.

It is important to remember that our teenagers have shown great public spirit at every point during this pandemic. They have stuck to the rules so that lives could be saved and people kept safe, and they have been some of the most enthusiastic proponents of vaccines. That is at least in part because they have experienced the damage that comes with outbreaks of Covid-19. More than half of 16 and 17 year-olds across the United Kingdom have had the jab since becoming eligible just last month.

At every point in our vaccination programme, we have been guided by the best clinical advice. The advice that we have received from the four chief medical officers today sets out their view that 12 to 15 year-olds will benefit from vaccination against Covid-19. We will follow that advice and continue on that vital path, which is making more and more people in this country safe. I commend this Statement to the House."

The following Statement was made in the House of Commons on Tuesday 14 September.

"With permission, Mr Speaker, I would like to make a Statement on the pandemic and our autumn and winter plan to manage the risk of Covid-19.

Over the past few months, we have been making progress down the road to recovery, carefully and cautiously moving closer to normal life. As we do this, we have been working hard to strengthen our defences against this deadly virus. We have been continuing the roll-out of our vaccination programme, with 81% of people over the age of 16 having had the protection of both doses. We have expanded our testing capacity yet further, opening a new mega-lab in Leamington Spa, and we have continued supporting research into long Covid, taking our total investment to £50 million.

Thanks to that determined effort, we have made some major steps forward. The link between cases, hospitalisations and death has weakened significantly since the start of the pandemic and deaths from Covid-19 have been mercifully low compared with previous waves. None the less, we must be vigilant as autumn and winter are favourable conditions for Covid-19 and other seasonal viruses. Children have returned to school. More and more people are returning to work. The changing weather means that there will be more people spending time indoors, and there is likely to be a lot of non-Covid demand on the NHS, including flu and norovirus.

Today, keeping our commitment to this House, I would like to provide an update on our review of preparedness for autumn and winter. The plan shows

how we will give this nation the best possible chance of living with Covid without the need for stringent social and economic restrictions.

There are five pillars to this plan. The first is further strengthening our pharmaceutical defences such as vaccines. The latest statistics from the Office for National Statistics show that almost 99% of Covid-19 deaths in the first half of this year were people who had not received both doses of a Covid-19 vaccine. This shows the importance of our vaccination programme, and, by extending the programme further, we can protect even more people. Almost 6 million people over the age of 16 remain unvaccinated in the UK, and the more people there are who are unvaccinated the larger the holes in our collective defences. We will renew our efforts to maximise uptake among those who are eligible but who have not yet, for whatever reason, taken up the offer.

Next, we have been planning our booster doses, too. As with many other vaccines, there is evidence that the protection offered by Covid-19 vaccines reduces over time, particularly for older people who are at greater risk. Booster doses are an important way of keeping the virus under control for the long term.

This morning, we published the advice of the Joint Committee on Vaccination and Immunisation on a booster programme. It recommended that people who were vaccinated in phase 1—priority groups 1 to 9—should be offered a booster vaccine; that this vaccine should be offered no earlier than six months after the completion of the primary vaccine course; and that, as far as possible, the booster programme should be deployed in the same order as phase 1. I can confirm that I have accepted the JCVI's advice and that the NHS is preparing to offer booster doses from next week. The NHS will contact people at the right time and nobody needs to come forward at this point. This booster programme will protect the most vulnerable through the winter months and strengthen our wall of defence even further.

As well as that, we will be extending the offer of a Covid-19 vaccine to even more people, as the Minister for Covid-19 vaccine deployment announced yesterday in the House—thank you, Mr Speaker, for allowing him to make that statement yesterday. All young people aged 16 to 17 in England have already been offered a dose of a Covid-19 vaccine to give them the protection as they return to school. Yesterday, the UK's chief medical officers unanimously recommended making a universal offer of a first dose of a vaccine to people between the ages of 12 and 15. The Government have accepted that recommendation, too, and will move with urgency to put this into action. We are also seeing great advances in the use of antivirals and therapeutics. Several Covid-19 treatments are already available through the NHS and our antivirals taskforce is leading the search for breakthroughs in antivirals, which have so much more potential to offer.

Secondly, testing, tracing and self-isolation have been another vital defence. Over the autumn and winter, PCR testing for those with Covid-19 symptoms and contacts of confirmed cases will continue to be available free of charge. Regular asymptomatic testing, which currently identifies about a quarter of all reported cases, will also continue in the coming months, with a focus on those who are not fully vaccinated: perhaps those in education or other higher-risk settings. Contact tracing will continue through the NHS Test and Trace system. We do not want people to face hardship as they carry out their duty to self-isolate, so we will keep offering practical and financial support for those who are eligible and need assistance who are still required to self-isolate. We will review the regulations and support by the end of March 2022.

The third pillar is that we are supporting the NHS and social care. Last week, I announced a £5.4 billion injection for the NHS to support the Covid-19 response over the next six months, including £1 billion extra to tackle the elective backlog caused by Covid-19. We have also launched a consultation on protecting vulnerable patients by making Covid-19 and flu vaccinations a condition of deployment for frontline healthcare staff and wider social care workers in England. We are already making this a condition of employment in Care Quality Commission-registered adult care homes. Although we are keeping an open mind and will not be making a final decision until we fully consider the results of the consultation, it is highly likely that frontline NHS staff and those working in wider social care settings will also have to be vaccinated to protect those around them, and that this will be an important step in protecting those at greatest risk.

Fourthly, we will keep encouraging people to take steps to keep seasonal illnesses, including flu and Covid-19, at bay. The best step we can all take is to get vaccinations for Covid-19 and flu if we are eligible, so along with our Covid-19 vaccination programme the next few months will see the largest flu vaccination campaign that the country has ever seen. Our plan also sets out a number of changes that we can all make to our daily routines, such as: meeting outdoors where possible; trying to let in fresh air if we need to be indoors; and wearing a face mask in crowded and enclosed spaces where we come into contact with people who we do not normally meet.

Our fifth pillar is how we will look beyond our shores and pursue an international approach. Last week, I attended the G20 Health Ministers' Meeting, where I met counterparts from across the world and talked about the part that we will be playing to lead the global effort to accelerate access to vaccines, therapeutics and diagnostics. As we do this, we will maintain our strong defences at the border, allowing us to identify and respond to variants of concern. It is these defences, and the progress of vaccination campaigns both here and abroad, that have allowed us to manage the risks and to start carefully reopening international travel once again. We have already relaxed the rules for fully vaccinated travellers and I asked the Competition and Markets Authority to review the issue of exploitative behaviour in the private testing market. The review reported last week and I am looking into what further action we can take. On top of those measures, we will be publishing a new framework for international travel. My right honourable friend the Transport Secretary will be announcing more details ahead of the formal review point on 1 October.

Thanks to the defences that we have built, we have been able to remove many of the regulations that have governed our daily lives—rules that were unprecedented

[Baroness Young of Old Scone]
yet necessary. Our plan shows how we will be removing more of these powers while maintaining those that are essential for our response. This includes expiring more of the powers in the Coronavirus Act 2020, such as the powers directing the temporary closure of educational institutions. The remaining provisions will be those that are critical to the Government's response to the pandemic—for example, ensuring that the NHS is properly resourced, and supporting statutory sick pay for those who are self-isolating.

The plan before the House today is our plan A—a comprehensive plan to steer this country through the autumn and winter. But we have seen how quickly this virus can adapt and change, so we have prepared a plan B of contingency measures, which we can call upon only if they are needed and supported by the data, to prevent unsustainable pressure on the NHS. These measures would be: communicating clearly and urgently to the public the need for caution; legally mandating face coverings in certain settings; and, while we are not going ahead with mandatory vaccine-only Covid status certification now, holding that power in reserve. As well as those three steps, we would consider a further measure of asking people to work from home if they can for a limited time if that is supported by the data. Any responsible Government must prepare for all eventualities. Although these measures are not an outcome that anyone wants, it is one that we need to be ready for just in case.

Ever since we published our road map to recovery seven months ago, we have been carefully but cautiously getting this nation closer to normal life. Now we have come so far and achieved so much, we must stay vigilant as we approach this critical chapter, so that we can protect the progress that we have all made together. I commend this Statement to the House."

7.47 pm

Baroness Thornton (Lab): Normally, of course, we would have taken these Statements separately but on this occasion, we can take them together. I hope we are working towards taking Statements on the day they are made in the Commons wherever possible.

I looked back at this week in 2020. This time last year, the Prime Minister introduced the rule of six—and really confused the nation. Covid marshals were introduced and the offence of mingling appeared on the statute book. We had infection rates rising, from the young to the middle-aged, and we were very concerned that that meant that they would move into the older cohort of the population. I of course acknowledge that vaccine and testing regimes have made a huge difference, but the lesson we need to learn from last year, and which is signalled in the recent SAGE report, is the need to take action in a timely fashion—which, I am afraid, the Government failed to do from time to time last year.

On Monday, we had confirmation of the vaccine programme for children, and we on these Benches welcome that and support the decision and recommendation of the CMO. Children may not have been the face of this crisis, but they have certainly been among its biggest victims. Yesterday, the Secretary of State also confirmed a booster jab and again, we on these Benches welcome and support that. The obvious question is: how will all this be done? In addition to the issues of our young people, booster jabs and the flu vaccine, we have areas of the country where vaccine take-up remains relatively low. For example, in Bradford, where I am from, second doses are running at 65%; in Wolverhampton, 65%; in Burnley, 69%; and in Leicester, 61%. The first question has to be: what support will be given to those areas and others so that they can boost their vaccine take-up?

Can the Minister explain to the House what the next stage in the children's vaccination programme will look like and by what date he anticipates that children will be vaccinated? Will it be the responsibility of parents to arrange their children's vaccination, or will the local NHS arrange it with schools, year by year, or class by class? Will the flu vaccine, which is this year being expanded to secondary schoolchildren, be delivered at the same time as the Covid vaccine or separately? Can the Minister explain what steps will be taken to ensure that parents are informed of the benefits and risks of the vaccination? Can he confirm the Government's position in rolling out the vaccine and whether the consent of parents will be necessary, because surely the Gillick principle will come into play here? Can the Minister explain why, 470 days since SAGE warned about the importance of ventilation in schools and colleges, it looks as though not a huge amount of action has been taken?

Yesterday, in Grand Committee, I raised the issue of anti-vaxxers demonstrating outside our secondary schools. Given the creation of safety zones around hospitals to prevent harassment and bullying from anti-vaxxers and ensure the safety of our healthcare workers, patients and their caregivers, what will we do about our schools? Can the Minister confirm that the duty of schools, their leaders and the Government is to protect vulnerable children from any form of intimidation or demonstration at their school gates? What is his view of this matter?

Despite the success of the vaccine rollout, the delta variant continues to pose a considerable threat to people. Those who are sick with the delta Covid variant are twice as likely to need hospital care as those who contract the alpha variant. Of course, the UK has not yet experienced delta in the winter. The Government have acknowledged that there is a "plausible" risk of cases rising to an extent that would place the NHS under "unsustainable pressure". Can the Minister advise the House at what point different measures in the plan will therefore be introduced?

The Government—and, indeed, the scientists—note that

> "the epidemic is entering a period of uncertainty … It will take several weeks to be able to fully understand the impact of any such changes."

In its report, SAGE stressed the "importance of acting early" if cases rise to stop the epidemic growing. It warned:

> "Early, 'low-cost' interventions may forestall need for more disruptive measures and avoid an unacceptable level of hospitalisations … Late action is likely to require harder measures."

Given that deaths are currently five times what they were a year ago, with hospitalisations four times as high, why are the Government not already pursuing light-touch measures, such as mandatory masks? The CSA, Patrick

Vallance, said that the UK is now at a "pivot point" where, if the situation worsens, it could do so rapidly—so would light-touch measures not be prudent?

The *Autumn and Winter Plan* states that the Government want

"to sustain the progress made and prepare the country for future challenges … by … Identifying and isolating positive cases to limit transmission".

Yet the Health Secretary said that no decision has yet been taken as to whether pupils in England will continue to undergo regular testing. Does the Minister share my concern that ending regular testing for pupils is contrary to that key plank in the winter plan?

Although we are still waiting to hear what changes will be made to Covid travel rules, the Health Secretary implied that PCR tests for fully vaccinated travellers will be replaced with lateral flow tests. What will this mean in terms of possible delays in identifying cases involving variants of interest or concern to the UK?

The Health Secretary also confirmed that, although the plans for mandatory vaccine-only Covid-status certification have been shelved for now, the Government may well pursue them in future under the plan B scenario. Can the Minister provide further details about which settings and scenarios will be involved? Can he confirm whether this will require primary legislation?

Baroness Brinton (LD) [V]: My Lords, the publication of the 33-page Covid *Autumn and Winter Plan*, including plans A and B, rightly talks about the need to resume life as normally as is possible while Covid is still around, but to move into restrictions faster if cases surge and the NHS is pressured. The World Health Organization's special envoy on Covid, Dr David Nabarro, has said that the UK is right to find a way to live with the virus. However, he added:

"Speed is of the essence. We've been through this before and we know, as a result of past experience, that acting quickly and acting quite robustly is the way you get on top of this virus, then life can go on. Whereas if you're a bit slower, then it can build up and become very heavy and hospitals fill up, and then you have to take all sorts of emergency action."

Why does the Statement talk about the vital importance of mitigations, such as meeting outdoors where possible, ensuring ventilation if inside and wearing face coverings? Why are there no clearer, repeated messages for the general public about all these vital interventions, especially what we can all do now to slow down the increase in cases and hospital admissions?

At the No. 10 press conference on Monday, Professor Chris Whitty said:

"Anybody who believes that the big risk of Covid is all in the past and it's too late to make a difference has not understood where we are going to head as we go into autumn and winter."

He is right to be concerned. The seven-day rolling figure for daily hospital admissions is now around 1,000, with an average of 8,400 Covid patients in hospital beds. These numbers are considerably greater than they were this time last year. SAGE is very concerned that, as rules are further relaxed and people start coming back into work, the number of Covid patients going into hospital is set to increase substantially. This would put the NHS under real pressure, with perhaps as many as 7,000 admissions a day in six or so weeks, so it says.

The Statement announces the final decision on the booster scheme for those aged over 50, healthcare staff and the clinically extremely vulnerable, following the third dose for the half a million people who are severely clinically vulnerable. We welcome this. However, the World Health Organization reminded us that we should also be providing doses for low-income countries, but I see that the Government are planning only 100 million doses over the next few months. That is a drop in the ocean given that only 2% of the populations of low-income countries have been vaccinated. Will the Government agree to review and increase this number?

We on these Benches welcome the news on 12 to 15 year-olds getting vaccines. We accept that this was a difficult and complex decision, but we are pleased that there finally is one. There was an excellent slot on the "Today" programme this morning, with a group of 12 year-olds asking a paediatrician some questions; he had to look one answer up on Google. I hope that all parents and children will be able to access this sort of information because we know that it makes all the difference in coming to a decision.

However, as the noble Baroness, Lady Thornton, said, anti-vaxxers are causing serious problems. Good on Chris Whitty for what he said about one celebrity who attacked the idea of 12 to 15 year-olds having vaccines. However, today, yet another celebrity attacked him on social media, saying that he should be hanged. That is disgraceful. What are the Government doing about public servants like Professor Whitty being threatened in this way? As importantly, what will the Government do about the disinformation that people are now spreading at school gates, including leaflets with the NHS logo on them?

Ten days ago, Dr Jenny Harries announced that all clinically extremely vulnerable children in England—even those still on chemotherapy—would be removed from the CEV list and expected to return to school as term was starting, regardless of their underlying condition or the fact that there are no masks, bubbles or even, in many schools, proper ventilation. Although it is really important to have all children back in school, this cohort of children is at particular risk. Their consultants and GPs are as bemused as their parents, so why is Jenny Harries's letter to the parents of these children, explaining why they are being removed from the CEV list, not on either the NHS or UKHSA website? Will the Minister write to me to explain this decision? We are hearing confusion from parents and medics alike.

Finally, last week, I commented on the continuing farce of Ministers U-turning daily on the use of vaccine passports for clubs. It is confusing to keep up with the U-turns on U-turns; I note that the Statement is trying to have it both ways. I suspect that Ministers could do with some new flip-flops.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): I thank the noble Baronesses, Lady Thornton and Lady Brinton, for such thoughtful questions. I am very pleased to be here to answer questions on both these Statements, and I thank the noble Baroness, Lady Thornton, for her kind remarks earlier.

[Lord Bethell]

I too welcome the decision to bring forward the vaccination of children. I reassure the noble Baroness, Lady Thornton, that it will be done in the same way that a large number of other vaccinations are run through the school process. As I am sure she knows, vaccinations for things such as HPV and flu have been done at primary school for some time and there are extremely well-established and thoughtful protocols for handling them. They are handled not by school nurses but by nurses employed by the local authority or on contract by the local CCG to deliver the vaccinations, and the consent forms are handled directly with the parents. There is an extremely well-established process for the very rare occasions where there is a difference of opinion between the child and the parents. It is important that we get that right. I reassure the Chamber that this process for vaccinations has been handled for years. The professionals who deal with such disagreements are extremely well trained and the Gillick principles, which are extremely well known, will be applied to the Covid vaccination. I think all noble Lords agree that that is entirely right. Children aged between 12 and 15 will be provided with information, usually in the form of a leaflet, for their use. The school-age immunisation provider will, prior to vaccination, seek consent for all the vaccination programmes.

The noble Baroness, Lady Thornton, quite rightly raised the question of children being pressured into taking or not taking the vaccine. I reassure her that the school-age vaccination programme and the clinicians involved are very well equipped and are well versed in dealing with vaccines in schools; this will not be a new thing for the schools or professionals involved. Their ability to gain consent and to communicate exactly why the Chief Medical Officer has gone ahead is an important element of the decision to accept the recommendation from the CMO on the back of the JCVI recommendation. The four CMOs have said that it is essential that children and young people aged 12 to 15 and their parents are supported in their decisions, whatever decisions they take, and are not stigmatised for accepting or not accepting the vaccination offer. Individual choice will be respected.

The rollout is starting immediately, at the beginning of next week, and we expect that it will end in schools by the end of November. The advice from Dr June Raine of the MHRA is that the flu and Covid vaccinations can happen contemporaneously—studies have supported that—but that will not necessarily happen in every case. The practicalities of the supply of Covid and flu vaccines are, as noble Lords know, extremely complex, and we do not want to make a complicated situation any worse by trying to force a combination if it is not possible.

The noble Baroness, Lady Thornton, asked about our arrangements for the current winter period and particularly about mandatory masks. I completely understand the concern of noble Lords in the Chamber about making masks mandatory. The noble Baroness, Lady Thornton, referred to it as "light touch", but our feeling is that it is not light touch to mandate the wearing of masks; in fact, it is an intrusion into people's life in the most intimate way. That is not to say that it should not happen at all, but we are at a stage of the pandemic where we are trying to move the responsibility for individual choices, such as wearing masks, on to people to take it for themselves. Of course, if the worst happens and we have to move into plan B, we have the legal and influential role to be able to mandate masks, but at this stage it feels proportionate to try to use persuasion rather than mandation.

I remind noble Lords that the messaging around the pandemic is not the only thing we are trying to do right now. In response to the remarks of the noble Baroness, Lady Brinton, about public messaging, I reassure her that I am the Minister who signs off the marketing around Covid and other health messaging. We are currently spending a substantial sum communicating our messages on Covid. The fact that she thinks they do not exist is an example of the public exhaustion that is an inevitable result of 18 months of relentless campaigning on Covid. We have to recognise that the public can hear us only so many times before they start tuning out the message.

There are other very important messages that we have to get through to the public, the most important of which is for those who show symptoms of other diseases to step forward to get their tests, so that we can catch people who are ill with non-Covid diseases. We have a massive backlog of diagnostics; the NHS figure on the expected numbers of people who have diseases such as cancer, and need to be seen by GPs and specialists, is huge. We need to get those messages across to people as well and, while it is not a zero-sum game, to be aware that these messages compete with each other. We are using this moment where there is a pause in the Covid epidemic to try to get people back into the GP surgeries and the diagnostic hubs—back into hospital—to try to catch diseases and reduce the lists. That fightback is extremely important and is one of the reasons why we are focused on the "Help us to help you" messaging.

The noble Baroness, Lady Thornton, asked about testing in schools. I reassure her that we have not only put a huge effort into the double supervised testing which, as she knows, kicked off the school term but are sustaining the support for school testing. There will be a review at the end of September but there are no current plans to end regular testing in schools. We have to ensure that there is value for money and that the testing is effective, but it is extremely well supported by schools. I believe it has made a serious impact on the spread of disease within schools and pay tribute to teachers, headmasters, parents and pupils for the high rates of uptake in schools. Around one-third of all positive cases are tracked down through asymptomatic testing, which is a really good indication of how effective it is at breaking the chains of transmission.

There is a review of our border arrangements in play, and I believe the Secretary of State for Transport will be making a Statement tomorrow. However, I reassure the noble Baroness that we take border control extremely seriously. We are very conscious of the threat from variants of concern. At the same time, however, we have to recognise that vaccination makes a big difference and be proportionate in our border arrangements. We are conscious that although travel is regarded as a voluntary matter, people may have strong

family roots or good business reasons. Being able to travel is one of the great joys and loves of people's lives, so we are seeking to be proportionate and reasonable in our travel arrangements. The Secretary of State will make further announcements on that tomorrow.

On the point made by the noble Baroness, Lady Brinton, on public servants, I could not agree more. The rhetoric that has been directed at public servants such as Chris Whitty and JVT sometimes leaves one feeling quite cold and disappointed at the British public. As she probably knows, we have made arrangements to put a big arm around those people who have been threatened and improve the security arrangements for them. I call on everyone to express support for our public servants, who have a very tough job. They are often communicating unpalatable, difficult truths to the public and challenging some of the assumptions and preconceptions of those who would like life to be slightly different from what it really is.

In particular, I noted the physical attack on the MHRA headquarters in Canary Wharf 10 days ago. Videos of that attack really disturbed me; it was brutal, nasty and ferocious. I pay tribute to the Metropolitan Police, who responded extremely quickly and emphatically, and to professionals at the MHRA who had steady nerves on that Friday afternoon. We cannot operate in a society where differences of opinion about public health policy lead to physical violence on the streets of London. I absolutely condemn those who participate in physical attacks of that nature, along with the kind of violent extremism that calls for people to be hanged. This is no time for that kind of extremism. Those who participate in it are trying to divide society. They really need to move on and find something else to do.

I am extremely pleased to hear what I think was the implicit support of the noble Baroness, Lady Brinton, for the principle of vaccine passports. It is right that we hold such an intimate and strong measure in reserve in case we need it for plan B. The technical and regulatory arrangements for the measures have been put in place but we have held off the implementation because it is not felt that it is needed right now. However, should it be needed either to break the chains of infection and restrain the spread of the virus or to encourage vaccine uptake, which is one of the benefits of such a measure, we will turn to it as part of our plan B measures. That is a proportionate treatment of that potent but very heavy state intervention.

8.10 pm

Baroness Watkins of Tavistock (CB): My Lords, I join other noble Lords in congratulating the Government on the last two Statements and the decision to encourage vaccination in 12 to 16 year-olds. However, some teachers who have been very involved in assisting pupils with swabbing are concerned that there might be an expectation that they do inoculations. Can the Minister confirm that that will not be expected of teaching staff? I think he implied that it will not be in his discussion of nurses.

Will the Government seriously consider alternatives to quarantining in hotels by giving individuals the choice to be tagged and remain in one centre if they travel back to the UK? This is particularly important for British citizens working abroad who have been doubly vaccinated.

Lord Bethell (Con): My Lords, I absolutely reassure the noble Baroness that teachers will not be involved in the vaccination programme. I pay tribute to the work that teachers have done in organising pupils and, on occasion, administering the swabs themselves. It has been an impactful programme and we are enormously grateful. There is an established vaccination programme that, as I mentioned, makes use of professional nurses. That is the route we will take in this instance.

When it comes to the MQS programme, the bottom line is that hotel quarantine is extremely effective. It really does stop the spread of the disease as it comes into the country. That is absolutely relevant when we have the threat of variants of concern. We keep the question of tagging in sight. It is a very intrusive measure and we are not convinced that it will necessarily be, in current terms, as effective as hotels, but I take the point the noble Baroness made and will continue to look into it further.

Lord Faulkner of Worcester (Lab): My Lords, there is a great deal in the Minister's answers and the initial Statements with which I totally agree, particularly his statement about the threats to leading medical figures and leaders of the vaccine movement. Anti-vaxxers are a vile section of our community and I hope everything can be done to stop their activities. I also strongly welcome, as the grandfather of a teenage girl, the decision to vaccinate schoolchildren. She is delighted by that. It means she can go on holiday properly with her parents. It will make a great deal of difference to her and I know she will support it.

However, the aspect of the Minister's answer with which I was not happy—he will know what I am going to say because I have raised this before, although not for a while in the Chamber—is the wearing of face coverings. The message is confused and the advice being given to the public is not clear. It is not made easier by photographs appearing in the press of the Cabinet sitting around a table close together with not a single face covering in sight, and pictures of at least half the Chamber in the House of Commons where virtually all the Members are unmasked. It is not the same in this House: face coverings are being worn by the great majority on all sides of the Chamber when we are not speaking. We do this not just for our own benefit and that of our immediate neighbours but for the benefit of the staff who work here. That perhaps deserves rather higher consideration in the House of Commons.

The advice being given to travellers is very difficult. Again, I would have liked earlier, much stronger advice. At present, it is mandatory if you are travelling on a Transport for London conveyance—a Tube, tram or bus—to wear a mask, but on other forms of transport, it is advisory. There is great confusion, and it gives rise to resentment among people following what they think is government advice to wear a face covering. Can we have from the Government a bit more clarity on when they believe face coverings should be worn, because I think the public are not clear about it at all?

Lord Bethell (Con): My Lords, I hear the noble Lord's points loud and clear. We are seeking to balance the epidemiological, public health practicalities of trying to limit the spread of the disease through mask wearing with accepting the benefits of the vaccine and the limit that puts on hospitalisations and death and trying to restore confidence in the public that we live in a safe environment.

We will be debating in months to come the challenge of trying to get the country back to work and back to economic activity, to get people back into society and back into their communities. It is not that stage right now—we are going into the winter, so naturally our concerns are about hospitalisations and a possible rise in pressure on the NHS—but we must have sight of the exit from this disease. If we have a society where the Government mandate very intimate parts of people's everyday life and where the impression given to the entire population is that a deadly disease is an imminent threat to them, I am afraid we will run into a problem in trying to get the economy moving and to get society back again.

What we are seeking to do right now is to get that balance right, and it is proportionate. I acknowledge that mask wearing is down, but people are broadly responsible, as the noble Lord rightly pointed out. Central government cannot make every decision in all of society for all time. We need transport providers to make their own decisions, which does mean that it is complicated and that TfL and overground are different. However, it feels like the right approach for right now.

Baroness Tyler of Enfield (LD): My Lords, I make no apology for pursuing the issue of wearing masks and face coverings, because I feel so strongly about it. My personal experience this morning when coming in on the Tube was that more than 50% of people were not wearing a mask; they were close to me. One man actually took his mask off and sneezed over me. The whole experience made me feel very uncomfortable and very anxious.

I contrast this experience with a recent train journey to Scotland. As soon as we crossed the border, there was an announcement making it quite clear that wearing masks was compulsory on the train. Absolutely every person was wearing a mask, and I felt so much more confident.

I do not really understand the explanation that the Minister has given; I listened to it very carefully. I think he said that it is not a light-touch measure, but, to me, it seems extremely light-touch. It costs very little; it protects others; it does not harm the economy, and ultimately it can save lives, so I genuinely do not understand what the problem is. I think it is about being considerate to others and, frankly and bluntly, not being selfish.

I would certainly add my voice to the comments of the noble Lord, Lord Faulkner. By not wearing masks in the Commons Chamber yesterday, many MPs were sending mixed messages and setting an appalling example to the country.

I want to end by asking the Minister a question asked also by my noble friend Lady Brinton about children who are clinically extremely vulnerable being taken out of that category. Can he explain why that is and what is going to happen to those children, and perhaps write to me and my noble friend on it?

Lord Bethell (Con): My Lords, I absolutely applaud the sentiments that the noble Baroness articulated: her sense of responsibility and commitment to the community are generally exactly what we are trying to inculcate in a lot of people. But I just do not agree with her or with the noble Lord, Lord Faulkner, that having a state-mandated direction—accompanied, presumably, by fines and, therefore, court appearances for some—could possibly be described as light touch. It is the most intrusive and intimate of measures. If the circumstances require it, we are prepared to do it. We have done it, and, if necessary, we will do it again. But noble Lords really are missing the mood of the nation if they think that the vast majority of the country is in the same place.

I am afraid to say that this is a question of personal choice at the end of the day. The public health judgment—these decisions were made in participation with public health officials—does not support mandatory mask-wearing for the entire country. I agree that visiting Scotland is a completely different experience; there, policymakers have made a different decision, as they have in some other countries. But when we lifted mandatory mask-wearing on 19 July we saw a very large change in the public's habit. Why? Because some people find it extremely intrusive and not comfortable at all, and they do not like it or are not prepared to do it. Therefore, at this stage of the pandemic it feels proportionate and right to rely on guidance and inspiration and on the leadership of both our national and civic leaders. If necessary, in plan B we will come back to the mandating of those kinds of measures. At this stage it really does not feel proportionate.

Baroness Andrews (Lab): My Lords, if I may pursue this with the noble Lord, he has used the term "proportionate" on several occasions and has now said that the Government will be prepared to come back to this if they feel that the circumstances require it. It is worth reminding the House that the term "light touch" was not used by my noble friend Lady Thornton but by Sir Patrick Vallance.

I have several questions for the Minister. First, when will the circumstances be such that the Government will agree that "proportionate" is no longer the key and that action will need to be taken to require masks to be mandatory and people to stay at home? That is what the SAGE advice is suggesting. Secondly, exactly why have the Government not taken the advice of their own advisers in this respect, given the circumstances, which have been well described across the Chamber, of increases in the number of hospitalisations and the number of infections? Thirdly, what does the Minister think is likely to be the worst-case scenario this winter and the key risks, given that the Government have, on two or three occasions over the last 18 months, not followed the advice to act swiftly and urgently and according to the advice that they have been given? Why is it so difficult to take that advice and act on it now? It appears that we have not learned the lessons about the necessity for early intervention to stop things getting worse.

Lord Bethell (Con): I am very grateful for the questions and I will take them one at a time. I am enormously grateful for the advice of SAGE; the work it does is invaluable. However, it is not regarded as the key medical adviser to the Government—that is the role of the CMO, who advises the Government on medical matters.

On the circumstances for moving to plan B, that is a reasonable question. We do not have a specific formula or algorithm, because it is extremely uncertain how things will play out. Undoubtedly, pressure on the NHS is one of the biggest drivers of that decision, and if we were to see a spike in hospitalisations, severe disease and deaths, and beds being used up and capacity being drawn down to an extreme level, that would be one of the key drivers. But we have to also look at variants of concern, other diseases and the state of the NHS in the fightback, as well as at the flu epidemic that may or may not come. Therefore, I cannot give an easy and simple answer to that question—there is not a "four tests" type of answer to it—but we are looking at it extremely carefully.

On the criticism on speed, I remind the noble Baroness that, at the beginning of this year, the Government laid out a very clear steps process, whereby we left the last round of regulations. That was extremely well considered; there were at least five weeks between each step, and it was done in a proportionate and empirically based manner, and I think noble Lords would recognise that it was a thoughtful and reasonable way of doing things. To characterise the Government's approach this year as being behind the curve is not reasonable. As I said, we are trying to accept the risks that we have in front of us, and Covid is only one of them: there are other pressures on the NHS, including the huge catch-up that we need to do, and the possibility of flu and other epidemics on the horizon. We cannot just focus entirely on this.

Viscount Waverley (CB): My Lords, quite rightly the Minister is in popular demand this evening. This is nothing against Boots the Chemists, which by the by does an excellent job, but with not shy of 2,000 eligible candidates on the parliamentary estate, could not the testing facilities on the estate be designated as official testing areas for flying purposes and for any other reason that tests are required? Furthermore, notwithstanding the announcement to which the Minister referred, which may or may not address this point, why, oh why, do we need day 2 testing, having had a valid test 48 hours prior to arrival in the UK from, for example, the continent?

If the Minister is minded, given that I do not think that another noble Lord is going to ask a question, could he possibly also say a word about the issue of mixing and matching booster vaccination types? Can the flu jab, to which the Minister referred, be taken at booster stage?

Lord Bethell (Con): Like the noble Viscount, I pay tribute not just to Boots—an excellent chemist—but all the other pharmacies, which have contributed so much in this epidemic in looking after the communities that they serve, not only in trying to provide essential services during lockdown but in their contribution to the vaccine rollout programme. It really has been a demonstration of the enormous amount of value in big and small chains and community pharmacists across the board.

As for the testing provisions here on the estate, those are of course LFD asymptomatic testing provisions, and for flying purposes you need a PCR test, so I am not quite sure whether it would necessarily read across directly.

Viscount Waverley (CB): My Lords, just from first-hand experience— Sorry, I apologise for intervening.

Lord Bethell (Con): It is an interesting and creative idea, and certainly one that would be worth looking at.

On day 2 testing, I recognise that it is inconvenient to do the follow-up testing if you are travelling but, for the protection of this country, it is an important part of our border public health measures.

The pre-flight testing regime is helpful; it catches some disease, but in no way could it be thought of as a reliable barrier to infection into the country. I am afraid that there is simply, as I am sure noble Lords know, too much variance in the quality of that testing regime, to put it politely. Our estimate is that it catches between 10% and 20% of disease, but we know from our own testing in this country that it certainly does not catch all of it. In fact, most people will not travel if they are blazingly ill, so almost all travel infection is asymptomatic. That is why we look to day 2 testing, because it has the benefit of catching those people who might either have asymptomatic disease or are incubating the disease and would not be caught even by a PCR test.

The day 2 test is an effective way of catching those with the disease; it is an essential part of our surveillance. We would not know how much disease was coming into the country, what VOCs were coming into the country or which countries had disease, because so few have sophisticated testing, let alone genomic sequencing. It is literally the only way we know what is coming into this country and where the threats are from around the world. That is why it has played such an important part in our testing regime to date. The Secretary of State for Transport will be making announcements tomorrow and I look forward to his update on that.

On mixing and matching, one of a great many surprising medical outcomes from this disease is the idea that you might have one vaccine one day and another one three months later. When that was first posited to me, and when I first made that suggestion in this House, it was greeted with surprise and with some concern, but actually they somehow provoke different parts of the immune system, they somehow complement each other and there is strong and growing evidence that this is a very effective and complementary way of administering programmes. They work for different types of people in different ways, and different mixes and matches complement each other in a strange Rubik's cube of complicated arithmetic. I would have to leave it to JVT, the deputy CMO, to explain it in more detail if noble Lords would like more information on that.

8.31 pm

Sitting suspended.

Environment Bill

Report (4th Day) (Continued)

8.47 pm

Amendment 118

Moved by ***Baroness Boycott***

118: After Clause 136, insert the following new Clause—

"National Food Strategy

(1) Within two months of the day on which this Act is passed, the Secretary of State must review the National Food Strategy (the "Strategy") in the light of this Act, in particular the Strategy's approach to addressing the effect of food production and agriculture on—

(a) biodiversity, and

(b) greenhouse gas emissions.

(2) In conducting the review the Secretary of State must consider—

(a) the implications of this Act for the Strategy and any changes that should be made to the Strategy as a result,

(b) how the provisions of this Act, including functions given to the Secretary of State by virtue of it, should be implemented to give effect to the Strategy, and

(c) any related matters.

(3) The Secretary of State must publish the review and lay it before Parliament."

Baroness Boycott (CB): I thank the noble Earl, Lord Caithness, and the noble Baronesses, Lady McIntosh of Pickering and Lady Hayman of Ullock, for supporting this amendment. I also need to declare my various food interests, in particular in this instance that I was an adviser on the food strategy—although I have to confess that it really was all done by Henry and the people in Defra.

I have tabled this amendment because the role and significance of food in its own right is lacking in this Bill. During the passage of the Agriculture Bill, food was, again, never considered as a whole—from what we eat to how we grow it and how we sell it. It was never appreciated, it seems to me, as a system of high complexity, and it is not appreciated here in the Environment Bill either. The only way I know of trying to address what I see as alarming oversights is in encouraging the Government to take the Dimbleby review very seriously. I will try to explain why—and will try not to take too long, as it is late.

The elevator pitch, if you will, is that we cannot make it to net zero without changing the food system. The key word here is "system": food is integrated into all parts of lives, our trade and our commerce. It is the primary cause of deforestation, damage to oceans, overfishing, plastic waste, methane emissions—the list is incredibly long. The system as a whole, whether it is agriculture, food production or distribution, releases more greenhouse gases than any other sector apart from energy. It is responsible for 25% to 30% of global emissions; that is overwhelming when compared with the 3.5% accounted for by all aeroplanes. Here in the UK, the food system accounts for a fifth of domestic emissions, but that rises to around 30% if we start to count our emissions honestly, namely by including all the food we import. I might eat a blueberry from Chile one morning, but the emissions are accounted to Chile, not to me.

There are four ways in which food specifically contributes to climate change: the damage to wild areas when they are converted to farmland or deforested; the release of carbon from farmed land that is deep ploughed; the use of fossil fuels throughout the food system, from pesticides to plastics; and the release of methane and nitrous oxide, the two most potent greenhouse gases.

Then there is the question of biodiversity. Ecologically, the food system is a disaster. Many noble Lords have expressed deep concern about biodiversity during these debates. As we know, it is crucial to our societies worldwide. Biodiversity enables carbon to be stored directly in soil and maintains its fertility. Through pollinators it provides the food we eat and supports the production of all our food through pest control and soil health. Biodiversity also provides crucial cultural benefits and well-being. We should no longer argue about the benefits to mental health that accrue from spending time outdoors. That is now abundantly clear.

Despite that undeniable and fundamental importance, thousands of species have gone extinct in this century and the primary cause of that is the production of ever more food through industrial methods. Habitats are lost, freshwater rivers are first abated and then contaminated by run-off from chicken farms and other agricultural chemicals that flood the water and destroy aquatic species. However, the biggest driver has been the conversion of natural ecosystems into crop production or pastures. Currently, land for food production accounts for 40% of the whole world's land that is not desert and uses a staggering 70% of our available fresh water. Instead of wild animals, farmed animals now dominate—mostly cows and pigs, which now constitute 60% of the global biomass of all mammals. Humans—us lot—account for 36%, with wild animals a woeful 4%. For birds, the figures are 29% wild but 57% chickens. More than three-quarters of all agricultural land is now used to feed those animals directly or by growing stuff for them to eat. Overall, agriculture is an identified threat to 24,000 of the 28,000 terrestrial species under threat of extinction.

While current food systems threaten our biodiversity, a sustainably managed food production system can support and enhance it. At a global level, according to the recent report by Food Tank, we produce more food than we need per capita—approximately 40%. That brings us to another axis where the food system crosses environmental problems. Food waste, as all noble Lords agree and have talked about, is a scandal, and a preventable one, but single-use plastic and plastic waste in general is so much the responsibility of the food system. Food wrapping and production accounts for 8.2 billion kilos of the 20 billion kilos of plastic that comes to Europe, so much of which ends up in our seas and on our land.

Plastics are not just a problem when they are thrown away. They are a problem when manufactured, as it takes petroleum, chemicals, minerals, water and energy to make them. UK households use over 500,000 tonnes of plastic per year to wrap up or preserve food. A scrap of that is recycled. But if we change our farming system, shop more locally, buy vegetables individually and take them home in paper bags or, better yet, in reusable containers, and use less ready-made and fast food, we can crack down on this too

As someone who has worked in this field for many years, I know that tweaking bits and pieces of the food system does not really work. Yes, we have amendments in the Bill that, to achieve demands, will ask for changes to the food system such as banning plastic spoons, forks and cups. That is all great but, faced with this mountain, it is a bit like using a fork to plough a field.

Food is a system. It covers many Ministries and crosses many boundaries. As was the case when we debated the need for land reform and a land use strategy, it is not just the responsibility of Defra but should be considered in education, culture and the Treasury.

Henry Dimbleby's report is the first such strategy that attempts—and, in my book, succeeds—in looking across this complex system of dynamics. It ranges across health, trade and inequality. I have not mentioned health today, but we all know what the food system is doing to it. The system overlooks the impact that food has on nature, climate and carbon emissions. We must take this issue seriously. It would be such a waste, literally, of an opportunity if the proposed strategy ends up gathering dust on a Ministry shelf.

When food came up during the Agriculture Bill, one of the solutions offered was the establishment of the Trade and Agriculture Commission, so I have communicated with Tim Smith, who is the head of it, who gave me permission to read some of his email in reply. He said the key issue is that

"months after we delivered the report we've had no response from ministers despite them being briefed throughout our working between July 2020 and February 2021."

He further said that the Government's response to its recommendations has not been bad, but very slow, specifically on

"animal welfare … environment … balancing consumer protections with trade liberalisation"

and

"establishing the statutory TAC to scrutinise".

Tim also said:

"I'd add my concern at the response to Henry's report – the industry gets it even if ministers don't."

Tonight, I would like to say that we can do this. The good news is that, if we take the plunge and start transforming this system, through land policies, nature-based solutions to capture carbon and so on, the results would be a win-win. It would certainly be a lose-lose if this fine report ends up going nowhere.

Baroness McIntosh of Pickering (Con): My Lords, I was delighted to add my name to the amendment tabled by the noble Baroness, Lady Boycott. I congratulate her on moving it so eloquently. Given this opportunity, I just ask my noble friend when the Government will respond to both parts 1 and 2 of the national food strategy. When does he expect the Government to publish the food strategy plan and what will the timetable for its adoption be? That will be the conclusion of a fantastic debate, started by the Dimbleby report, both parts 1 and 2, on the national food strategy.

I say in passing that farming wishes to play an active role in reducing emissions and achieving net zero. There are additional ways to those outlined by the noble Baroness, Lady Boycott, such as seeking to substitute food imports with home produce. Closest to home, Shepherds Purse cheese is benefiting from this, with Mrs Bell's Blue and other of its blue cheeses competing favourably with Roquefort. That is not to say anything is wrong with Roquefort, but the food miles are less if we buy cheese closer to where it is produced, and it contributes to the local economy and provides jobs, as well.

I also echo earlier disappointment. I congratulate the new incoming International Trade Secretary, and hope this is something she runs with, but I hope the Government pay more than lip service to maintaining high standards of animal welfare in imported food and ensuring food standards of any imports into this country match the very high standards that our farmers meet. I believe this is a timely amendment, and I hope my noble friend uses this opportunity to tell us more about the Government's thinking about the food strategy plan.

The Earl of Caithness (Con): My Lords, I have my name on this amendment. I congratulate the noble Baroness, Lady Boycott, on the way she introduced it and am grateful to my noble friend Lady McIntosh of Pickering for what she just said. The timing of this amendment today is particularly appropriate. It is Back British Farming Day, and I am glad that the Minister supports that. I hope that he, like me, will congratulate all the farmers in this country, who have done so much to produce good food, as well as to maintain and try to improve our biodiversity and nature. They have had severe difficulties because of what we politicians have asked them to do in the past. That is why biodiversity has been declining in some areas, but a lot of farmers have bucked that trend and, with the help of organisations such as the Game & Wildlife Conservation Trust, have increased biodiversity on their farms and farmed profitably.

It must be galling for a farmer to produce first-class food, only for it to be turned into processed rubbish that is fed to the processed food capital of the western world—the UK. That processing of food has undoubtedly affected the way farmers farm and if we, with the help of the national food strategy, can change our diets, it will help to change the farming system, as well. That can only be to the benefit of this country and farmers. We must never again go down the route of nature being separated from farming. I know that my noble friend is particularly keen that we get back to a more united and comprehensive approach to farming, and I thoroughly support him on that.

9 pm

The noble Baroness, Lady Boycott, was absolutely right to mention the disappointment that so many of us feel that the Government have not responded before now to the Trade and Agriculture Commission's report. It is so unfair on the commission and breaks many of the good words that were said to us during the Agriculture Bill. Given the concessions that we had to make on the trade deal with Australia, it is even more important that we recognise the importance of the national food strategy and that the Government take it seriously.

Given these two examples, I have my doubts that the Government will take this seriously, but I hope that my noble friend can reassure me.

Baroness Bennett of Manor Castle (GP): My Lords, I rise briefly to offer the Green group's support for this amendment—there not being enough space, given the cross-party and non-party signatures already on it. I particularly compliment the noble Baroness, Lady Boycott, on her comprehensive introduction, and the following two speakers on their excellent additions to it.

The noble Earl, Lord Caithness, made a point about processed food, particularly ultra-processed food, a definition which the Government unfortunately still have not accepted, despite it being widely accepted around the world in terms of nutrition. Ultra-processed food accounts for 68% of the calories in the British diet. That is so-called food that bears no relationship to what started out on the farm. We know what we need for public health and for the state of our natural environment: far more production of vegetables and fruit, ideally produced here in the UK, meaning real changes in our farming systems.

I note the reference by the noble Baroness, Lady Young of Old Scone, to the Climate Change Committee's land use report. That said that we need to see a 20% reduction in food waste and a 20% reduction per-person in the consumption of beef, lamb, and dairy. Essentially, we need to see a massive reduction in factory farming, in methods of production that are causing enormous environmental damage, and we must stop food waste. Feeding perfectly good food to animals to produce a small amount of protein is food waste.

It was very disappointing that, in response to the Dimbleby report, we heard, though not in this place and perhaps not even within Parliament, some very dismissive comments from Ministers, yet we went right through the Agriculture Bill, the Trade Bill, and this Bill, being told: "Wait for the Dimbleby report, wait for the Dimbleby report." That was supposed to be providing the direction. If the Government do not adopt that, we need to see this on the face of the Bill.

Baroness Parminter (LD): My Lords, sadly, I was too slow to get my name on to this amendment, but I think that it has complete support around the House. I have just one point, which is that this is something that we must be focused on not only in the UK but globally. As the noble Earl, Lord Caithness, said, we must have farming that is absolutely hand in glove with nature. When the Select Committee on Environment and Climate Change looked at COP 15 and some of the essential issues that must be tackled, this whole issue of addressing the global food chain was absolutely critical. Therefore, we commend the noble Baroness for all her campaigning on this issue and hope that the Government take the food strategy seriously as all of us in this House know that they should.

Baroness Hayman of Ullock (Lab): My Lords, I am very pleased to support Amendment 118, tabled by the noble Baroness, Lady Boycott, to which I have added my name. I commend her for the way she so ably introduced it—her knowledge is far greater than mine.

We have strongly welcomed the *National Food Strategy* and its recommendations that aim to deliver "healthy, affordable food" and build a sustainable agriculture sector in an efficient and cost-effective way. However, we support the noble Baroness's amendment because it draws government attention to critical aspects of the impact of the ways in which we farm and produce our food, which, as she quite rightly says, are absent from the Environment Bill.

Amendment 118 first looks at the effect on biodiversity. There is no doubt that the precious biodiversity that sustains our food systems is in decline. The first ever global report on the state of biodiversity for food and agriculture, launched two years ago by the UN Food and Agriculture Organization, confirms this. The *National Food Strategy* rightly observes:

> "The global food system is the single biggest contributor to biodiversity loss, deforestation, drought, freshwater pollution and the collapse of aquatic wildlife. It is the second-biggest contributor to climate change, after the energy industry."

The noble Baroness, Lady Boycott, explained that, in the UK, agriculture contributes to, and is affected by, climate change. Every stage in the food production cycle—from preparing, growing and harvesting, through to production, storage, processing, packaging, transporting and cooking—releases greenhouse gases into the atmosphere. Methane produced by livestock during digestion has received a lot of media coverage, while nitrous oxide emissions from mineral nitrogen fertilisers are also a problem. The Government have demonstrated that they are working to tackle this through the new ELM schemes, for example, but, as the strategy confirms, this will not be enough on its own.

The noble Earl, Lord Caithness, spoke up for our farmers and, very importantly, said that never again should nature be separated from farming. The *National Food Strategy* also contains recommendations to address the major issues facing the food system, including climate change, biodiversity loss, land use, diet-related disease, health inequality, food security and trade. So it makes absolute sense to me that the approach should be reviewed, as proposed in this amendment, to ensure that it is making progress and continues to do so.

Amendment 118 also looks at the effect of greenhouse gas emissions and asks for a review in this area. If you read it, the *National Food Strategy* has an awful lot to say on emissions. For example, it says:

> "Agriculture alone produces 10% of UK greenhouse gas emissions"

and that our

> "food system accounts for a fifth of domestic emissions—but that figure rises to around 30% if we factor in the emissions produced by all the food we import."

So there is no point in making UK farmers do all the hard work necessary to reduce carbon emissions and restore biodiversity, only to open up the market to cheap food produced to lower standards abroad. The noble Baroness, Lady McIntosh of Pickering, talked about trade and referred to the impact of food miles. If we export all the environmental harms that we wish to avoid, while undercutting and potentially bankrupting our own farmers, we achieve nothing.

It is not a simple task to dramatically reduce emissions from food production or to monitor and review progress. This all needs to be an integral part of the process. So I commend the noble Baroness's amendments to the Minister and look forward to a positive response.

The Minister of State, Department for the Environment, Food and Rural Affairs and Foreign, Commonwealth and Development Office (Lord Goldsmith of Richmond Park) (Con): I thank noble Lords for their contributions during this debate, and I also offer my thanks, in addition to those already given by the Secretary of State, to Henry Dimbleby and his team for their comprehensive review of our food system. I also thank the noble Baroness, Lady Boycott, not just for tabling this amendment but for her erudite and thoughtful speech, the contents of which I very much agreed with. Although the amendment here largely relates to domestic policy, all of the arguments that she raises are driving the policies and campaigns in the run-up to COP 26.

In the last debate I mentioned breaking the link between commodity production and deforestation. Even more important, perhaps, is the campaign to try to build an alliance of countries committed to identifying and then shifting those subsidies that often drive destruction. It is an extraordinary thing that the top 50 food-producing countries spend $700 billion a year subsidising often the very destruction that we are debating here today. That is four times the world's aid agency budgets combined. It is also the same amount that scientists believe we will need to spend if we are going to get out of the hole that we are in from a biodiversity point of view. That is a really important campaign and one that I very much hope we will see some success with.

The Government have committed to carefully considering the review that Henry Dimbleby put together and responding in full with the government food strategy White Paper. This will cover the entire food system, from farm to fork. That White Paper is an opportunity to achieve our net-zero, nature recovery and biodiversity commitments, building on work already under way in the Environment Bill, as well as docking into wider government priorities, including net zero and the 25-year environment plan.

This is one of the Government's top priorities, as we have said. Defra is working with the relevant departments across the whole of government to explore options to reduce carbon emissions from food production, to incentivise land-use change, to sequester more carbon and to restore nature at the same time, as well as preserving natural systems and natural resources. The White Paper that we produce will consider the food system in its entirety, as I said, along with its impact on the natural environment, the nation's health and our exceptional British food producers. I echo the remarks of my noble friend Lord Caithness in his tribute to our farmers.

The White Paper will be published shortly after the passing of the Bill. I cannot provide an exact date, I am afraid, but it will be imminent—assuming that the Bill gets Royal Assent, which we all very much hope it does. It will also reflect and build upon the work of the Bill to address the impact of agriculture and food production on greenhouse gas emissions and biodiversity.

We are committed to listening to opinions from stakeholders across the entirety of the food system. We are actively engaging with internal and external stakeholders on the development of the White Paper, and we will factor the helpful views of your Lordships' House from this and previous debates during the passage of the Bill into the White Paper, and we will continue to engage following its publication. So while the noble Baroness, Lady Boycott, is right to seek assurances as to its progress, I hope she agrees that there is no real need for the amendment.

Baroness Boycott (CB): I thank the Minister and all noble Lords who have spoken in support of the amendment. Many interesting points have been made. I definitely agree with the noble Baroness, Lady Bennett, about ultra-processed food. In fact, I was chairing something this morning where someone put up a slide pointing out that if you spend £1 in a British supermarket at the moment, you can get three peppers, six apples or a very large packet of biscuits. Obviously, if you have really hungry children at home who are craving food, you are going to end up with the biscuits. There is huge distortion within our food system, which is why the response has to be systemic change.

It was really good to hear from the noble Earl, Lord Caithness. I am sorry that I forgot Back British Farming Day—many noble Lords here today are wearing ears of corn—but I know that farmers want to get this right. It is important that we must never separate nature from farming; they go hand in glove with each other. The noble Baroness, Lady Parminter, echoed the same point, as did the noble Baroness, Lady Hayman, in her excellent speech, from which I learned a lot. She is absolutely right to say that we must not open up the market to cheap food.

The noble Baroness, Lady McIntosh, said that farming wants to play a role. I absolutely believe that; I do not think any farmer wants to grow something that they do not think will end up providing nice, nutritious food. I was also glad to hear what she said about cheese. I come from the West Country. Last night, I had a lot of people to dinner, and I had seven different West Country cheeses, all of which were eaten by the dog just before everyone arrived. The dog was quite ill.

I thank the Minister very much for his response. I know he means everything he says. I am pleased that, in the run-up to COP 26, we are going to be looking at many of these issues and that, most importantly, the food strategy is going to be considered across government. This issue does not just belong to Defra, and that is the most important thing.

On the strength of what the Minister has said—and I think he understands the commitment of everyone in the House to trying to make this work—I am happy to beg leave to withdraw the amendment.

Amendment 118 withdrawn.

9.15 pm

Amendment 119

Moved by ***Lord Lea of Crondall***

119: After Clause 136, insert the following new Clause—

"Economic and environmental goals

Within six months of the day on which this Act is passed the Secretary of State must publish plans to incorporate a metric for reducing greenhouse gas emissions as a coefficient of GDP growth."

Member's explanatory statement

This amendment would require the Secretary of State to publish plans on a metric for greenhouse gas emissions as a coefficient of GDP growth (i.e. the degree to which greenhouse gas emissions are growing more or less than GDP). The metric could be published alongside regular GDP updates with the intention that the coefficient should, over time, reduce.

Lord Lea of Crondall (Non-Afl): My Lords, it is obvious that in the international system there is a bit of a crisis in knowing how to take the world consensus forward. We are looking forward to Britain making an active contribution leading up to Glasgow. I say this because the international system has at some point got to agree specific concrete parameters so that we do not have an endless debate about China, India, Indonesia, Russia or Brazil, as it were, not playing by the same rules as other people. There has to be an understanding, which I think is to be supported, and an acknowledgement that the third world will have different rules from the second and first world. You can imagine the difficulty of agreeing internationally how to define those ideas.

I have great sympathy with the Government for trying to put together a leadership role for the meeting in a month or so in Glasgow, but this is very relevant to what is in this amendment. In practice, it is narrowing down to the question of how we in this country decide how to set targets for greenhouse gas emissions. One very important way of doing it is to define those targets or metrics in relation to the growth of national income. Everybody knows that there is some connection between the growth of national income and the growth of greenhouse gases. If people say that it is not possible to have a reduction in greenhouse gases without doing something to reduce the growth of national income, I say that the fact is that one can do that. We are doing it in this country already, partly because of the accelerated reduction in emissions arising from the use of coal to generate electricity.

We have to come to some conclusions about what exactly it is that we are concretely proposing. In this amendment, we have an idea that a 1% increase in the national income should be associated with a 1% reduction in emissions of greenhouse gases. That is a very crude example, but it is impossible to make progress on the short-term link to the long-term aspiration of zero emissions without trying to find some way in which people can go forward—ideally with international agreement—on how we are going to change this coefficient. That is what is in this amendment.

I am very pleased to have had the chance of an initial talk with the Minister of State last week about how these propositions can be taken forward. I look forward to hearing what he has to say. I am encouraged that some constructive thinking is emerging from the proposition in this amendment.

This also means that there has to be quite a big change in how Whitehall and government generally set targets. We do not have short-term targets at the moment. We have excellent reports from the Committee on Climate Change and associated budget work, but we have reached the point where we have to bite the bullet and look seriously at trying to acknowledge that we have to reduce the coefficient around the world, where climate change is a risk because carbon and greenhouse gas emissions are growing at greater speed than national income. We have to reverse that.

I hope the Minister will accept that work should be taken forward on the idea of these metrics to reduce that coefficient and give a positive response to the principle involved. I look forward to his response. I beg to move.

Lord Whitty (Lab): My Lords, I added my name to my noble friend's amendment. When he first proposed it to me I was not quite clear what the intention was, but it is quite clear what it requires. It gives us a metric —a figure—to display to the public what is a central matter of political dispute in this and many other countries, namely the claim that to achieve green growth and a reduction of greenhouse gases is in direct conflict with the ability to grow and become more prosperous. This country is one of the few countries that has managed to resolve that over the past 20-odd years. In most years we have grown the economy and reduced our greenhouse gases. That will be more difficult in the future and it is more difficult around the world.

All the amendment is asking is that the Government, the Treasury and the Bank of England in particular adopt some metric as an objective of economic policy and turn the ratio between growth and the reduction in greenhouse gases into a forward-looking metric that reduces our dependency on fossil fuels while assuring the public that we are still increasing prosperity. It is possible that the econometricians, statisticians and everybody else can work out a more complex or a simpler figure, but we need one figure that on a rolling basis measures the past and gives us a target and a tool for the future, so that we can counter a very insidious position where the climate pessimists say it cannot be done.

Of course, the polemicists in this argument on social media and more broadly not only emphasise that position in this country; it is making life difficult in many other countries. It defined Trump's America and to a degree still hamstrings the American Government. It means that, however sophisticated their regimes, the oil producers still trot out the conflict as an excuse for not doing anything that will lead to a meaningful delivery of either the Kyoto or the Paris commitments. Of course, the conflict and the political argument are at their most acute in the poorest countries, where constraints on fossil fuel-based energy are seen as a barrier to raising the living standards of the poorest and most wretched on the earth.

That is why having a clear metric might help us in international negotiations as well. At present, the post-Paris commitments of each signatory are expressed in different terms. Most of them are absolute reductions in greenhouse gases, some are reductions in what they call energy intensity, and others are just lists of particular measures. It is quite difficult to determine the relativity between these different commitments and impossible to compare the level of their commitment with what are supposedly the Paris objectives.

If we started here and the Government committed to getting the Office for National Statistics and the other relevant bodies to address this issue and to come up with a single, clear measure—one that carries at

least the broad range of political opinions in this country—we could then move on to convince the OECD and the rest of the world. We can start here. Whether in this Bill or in some other context, the Government really need to commit themselves to having a clear metric here, and I hope the Minister can give some encouragement to that view tonight.

Baroness Bennett of Manor Castle (GP): My Lords, I rise briefly, in a slightly curious position, to speak on Amendment 119 in the name of the noble Lord, Lord Lea of Crondall, and signed by the noble Lord, Lord Whitty. I continue to support this amendment while disagreeing with most of what they just said.

I will start with the comments of the noble Lord, Lord Whitty, on prosperity and GDP growth. If we define prosperity as a good quality of life and a healthy life, GDP growth is profoundly not coupled to what I would call prosperity. In both these contexts I point noble Lords to an excellent, if now slightly old, book, Tim Jackson's *Prosperity Without Growth*, which started out life as a government report. Professor Jackson continues to work with the APPG on Limits to Growth to produce excellent further reports on that.

However, I am sure noble Lords will be pleased to hear that I will not reprise the whole growth debate at this stage of the evening. What I will point out is that we have people coming from different sides saying that we need a decent measure. Further, on the comments of the noble Lord, Lord Lea of Crondall, the figures we have for our reduced carbon emissions exclude emissions produced offshore and used by us. As the noble Baroness, Lady Boycott, said earlier, we are not counting the emissions associated with the blueberries we consume from overseas. We need to have counting. This is one measure of having true accounting of the actual cost.

Finally, on GDP, it is appropriate in the Environment Bill to look at how faulty GDP is as a measure. If you cut down a forest, you count the cost of selling the timber in GDP figures but not the cost of the lost forest. That really is a demonstration of how utterly faulty GDP is as a measure.

Lord Khan of Burnley (Lab): My Lords, I first thank the noble Lord, Lord Lea of Crondall, for his Amendment 119; I will speak very briefly. He talked about having an international system of climate parameters, a uniform approach and targets ahead of COP 26. I listened very carefully, as I always do, to my noble friend Lord Whitty on the importance of having a metric that measures performance, past and future. The noble Baroness, Lady Bennett of Manor Castle, put across a really interesting point about GDP growth, prosperity and making sure we do not lose that prosperity in economic figures. A lot of interesting points were made in this very important debate, and I hope to hear the answers from the Minister.

9.30 pm

Lord Goldsmith of Richmond Park (Con): I will address Amendment 119, which was tabled by the noble Lord, Lord Lea of Crondall. I thank him for his time last week and also briefly earlier today. There is a lot of crossover in this debate between what we are discussing now and the debate led by the noble Baroness, Lady Bennett, in Committee, where we talked about GDP and its uses, weaknesses and shortcomings.

We agree that domestic accountability is important. As the noble Lord knows, the Climate Change Act 2008 already commits us to reaching net zero by 2050 and the forthcoming net-zero strategy will set out our plans for transitioning to a net-zero economy across all departments of government. We are considering the most appropriate way to monitor the delivery of the decarbonisation measures set out in the strategy. We are also encouraging private firms to disclose their climate impacts to investors and the public and to set out how they will achieve net zero by 2050 or before. It is at a much earlier stage, but we are doing what we can to accelerate moves by the private sector to identify, with a view to disclosing and then minimising, the risk to environmental harm generally, not just carbon.

Bringing other countries with us is obviously vital. In 2019, the Prime Minister committed to doubling our international climate finance to £11.6 billion until 2025. That will help developing countries to make the transition to low-carbon and climate-resilient development and more nature-positive economies.

The proposed statistic in the amendment can, I am told, already be computed using publicly available ONS data and OBR forecasts of economic activity, together with the data published in the Government's greenhouse gas inventory. The noble Lord made the point very well that a simple relationship between economic growth and emissions is, in itself, insufficient to assess progress towards emissions targets and is not necessarily the best metric by which to compare every nation's progress towards decarbonisation. Ultimately, we need to break the link between GDP and emissions, the use of scarce resources and extraction generally. To some extent the UK's record in recent years demonstrates that that is possible, as the noble Lord, Lord Whitty, pointed out, but in a narrow sense relating purely to emissions. We have not yet demonstrated that in relation to use of natural resources and our wider impacts on the natural environment, but we must.

I assure noble Lords that we are carefully considering the links between economic growth and the environment. The independent Dasgupta review highlights how economic growth and activity has damaged nature and will continue to do so unless there is a substantial change, one that involves ensuring that we learn properly to value essential things such as natural systems—nature—and those things we depend on, and attach a cost to waste, pollution and plunder. The Government agree with the Dasgupta review's central conclusion: nature and the biodiversity that underpins it is profoundly important to all of us and sustains our economies, livelihoods and well-being. We are actively supporting and developing tools to drive sustainability in the finance sector, including as part of our response to the Dasgupta review. Over the past three decades, we have driven down emissions by 44%, which is the fastest reduction of any G7 country—I am not sure that the noble Lord, Lord Whitty, provided the figure, but he was hinting at it. At the same time, we saw economic growth and set some of the most ambitious targets in the world for the future, while driving forward net zero

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globally through our COP 26 presidency and associated diplomacy. We have an enormous amount more to do. The noble Lord makes an important point: we need to be able to measure and understand. I hope he accepts that that work is under way and I ask him to withdraw his amendment.

Lord Lea of Crondall (Non-Afl): My Lords, I thank the Minister in particular for acknowledging the importance of understanding how we can set targets. It is very easy to accept the case for saying that GDP or some other measure should not be mentioned, but we live in a world where international agreements have to be made using consistent units. The OECD or the UN is not the place to argue that we can suddenly revisit the national income accounting methods created by John Maynard Keynes and others in Cambridge in, I think, 1944-45. There has to be some international agreement about how you measure the economy.

Some people say, "Let us measure the value of forests", and I have very great sympathy with that, or the destruction of habitats and the elimination of species—the lion, the tiger and so on. We need a practical way to see how far—and this leads up to the Glasgow debate—there can be any agreed view around the world on how we break the link that we all know exists between economic growth and emissions, which are becoming a very dangerous trend in relation to extreme temperatures, to mention only one point.

In light what the Minister has said, there should be something more specific for people in the next few years. It has not been mentioned but it is important that the people of the country as a whole understand the answer to a widely stated nostrum that we cannot do anything about climate change or we will get poorer. We have to have a narrative, with the Government behind it, so that we can actually do something about it. Changing the coefficient is a technical way of saying it, but we must get to a position where the people of this country can ask, "How are we doing on this?" and the answer is that we are doing something here and now and helping it to become part of the standard world metric. However, I beg leave to withdraw the amendment.

Amendment 119 withdrawn.

Amendment 120

Moved by ***Baroness McIntosh of Pickering***

120: After Clause 136, insert the following new Clause—

"Assessment of cumulative impact of offshore windfarms

(1) The Secretary of State may by regulations provide that, before planning permission is granted for the construction of an offshore windfarm, an independent assessment must have been undertaken on the cumulative impact of the construction of such windfarms on—

(a) the environment,

(b) marine life, and

(c) the countryside,

both onshore and offshore.

(2) Regulations under this section are subject to the affirmative procedure."

Member's explanatory statement

An assessment of the cumulative impact is intended to ensure that any potential damage to the environment will be strictly controlled and limited.

Baroness McIntosh of Pickering (Con): My Lords, I am grateful for the opportunity to bring forward on Report a revised amendment to that which I moved in Committee. I am grateful for the opportunity to debate it and look forward to my noble friend's reply. I am asking that the department provides regulations before planning permission is granted for the construction of an offshore wind farm, and that an independent assessment must have been undertaken on the cumulative impact of the construction of such wind farms on the environment, marine life and countryside, both onshore and offshore.

Since we debated this in Committee, there have been a number of developments. I pay tribute to the Government for the research they have commissioned, in the form of a new database aiming to avoid an economic impact assessment for offshore wind. I hope there might still be an opportunity for doing such an environmental impact assessment where necessary, but I understand that Defra is working with the Joint Nature Conservation Committee, alongside BEIS and other interested parties, with the aim of supporting the knowledge base for the sustainable development of new offshore wind farms. The remit is quite limited at the moment, and I understand that they will be looking mostly at establishing the impact of noise generated from disposal of unexploded ordnance and on applying biodiversity net gain offshore.

Will this research be extended to cover areas, for example, that have been identified by the recent report of the Fisheries Committee in the European Parliament? This said about the construction of offshore wind turbines:

"Underwater sound has been shown to have an effect, mainly on fish and marine mammals and mainly during the construction phase."

The report also states:

"Impacts from permanent, continuous electromagnetic fields could change the behaviour of electro sensitive species".

I have no doubt that the reason a number of sea mammals, such as whales, are banking on our shores is because of the impact not just of the construction phase but of the perpetual noise of the operation of these wind turbines. I hope that the Government will extend the research to approach that.

The point was backed up by the evidence that we heard in the EU Environment Sub-Committee under the chairmanship of the noble Lord, Lord Teverson. One of the witnesses, Helen Quayle, who is the policy officer of the RSPB, stated that

"we urgently need a new approach to offshore wind, how we deploy this technology".

While I welcome the research, it is very limited at the moment, and I urge my noble friend and his department to extend its basis.

I was delighted that my noble friend acknowledged, in response to an Oral Question in June, that there is a tension between different uses such as fishing and shipping in the same marine environment in which these now extensive wind farms are operating. I invite

him to set out how he and the department expect to resolve that tension before we see even more wind farms being introduced. For example, is my noble friend aware that the US Government have looked into an estimate that offshore wind projects could displace some of their commercial fisheries by as much as 25%? I understand that the US Administration are studying plans to pay and compensate the fishing industry for losses incurred from the planned expansion of offshore wind developments. Given the importance of the fisheries industry to Scotland and other parts of the UK such as Yorkshire and the south-west of England, to what extent will the Government consider compensation to be justified? My noble friend has accepted that, particularly as regards inshore fisheries and wind farms, there is a notable tension already.

I would like to ask my noble friend about pylons, which is why I inserted the words "onshore and offshore" into the amendment. Pylons will have to be constructed, as I understand, to transmit the electricity generated by offshore wind farms into the national grid. I had some experience of this as the MP for the Vale of York, when we had one line of pylons. That did not have anything to do with offshore wind farms; it was just for generating electricity in the north-east and introducing it via Yorkshire into the national grid. There was a big campaign entitled REVOLT, rebelling against extra overheard pylons. We were told that, if the second line of pylons was introduced, the first would be dismantled, but a second line was introduced that sat alongside and a few metres away from the first, so people in north Yorkshire were understandably not best pleased. Will my noble friend consider whether the wires transmitting electricity to the national grid could be sent underground, rather than by overhead line transmission? It would also mean that less electricity was lost through transmission, which would make economic and environmental sense.

I would like to ask my noble friend, as I have not had the opportunity to do so to date, what the Government's plan is for dismantling and decommissioning wind turbines. I am not aware that any information on this is in the public domain. Given the large numbers of offshore wind farms and the difficulty of placing them and embedding them in the seabed, it is potentially a problem that will escalate. Will my noble friend be able to share that information on the costs of decommissioning with us this evening, or, if not, will he write to me?

I very much look forward to hearing my noble friend's response to these genuine concerns. I am delighted to have the opportunity to raise much of the work that was done in the EU Environment Sub-Committee at that time and update it.

9.45 pm

Lord Khan of Burnley (Lab): My Lords, I will speak briefly to the amendment in the name of the noble Baroness, Lady McIntosh of Pickering. This amendment discusses the control and limiting of any potential damage to the environment by the construction of wind farms.

The UK is a global leader in offshore wind, with that energy source powering millions of homes across the country. It is also an area that the Government have identified for growth, with the world's largest wind farm under construction off the north-east coast. Wind farms form an important part of our energy mix. We have heard concerns voiced about their impacts on the environment, including the potential disruption to ecosystems. The noble Baroness, Lady McIntosh, mentioned an important point: that the construction of offshore wind farms has meant a loss of 25% of fisheries. I look forward to hearing the Minister's response to that point as well.

However, one can only assume that the construction of offshore wind farms must have had an impact assessment, and that it must have been done with some diligence—obviously, before the big announcement made by the Prime Minister when he launched the UK's huge wind farm venture initiative and compared the UK's wind farms to Saudi Arabian oil. I hope that the Minister is able to explain the work being undertaken by the department and reassure the noble Baroness on the construction of offshore wind farms.

Lord Goldsmith of Richmond Park (Con): I thank noble Lords for their contributions to the debate. This is an extremely important issue and the noble Baroness, Lady McIntosh, is right to raise it. In delivering net zero, it is crucial that environmental protections are maintained. I can assure her that existing planning processes are designed to ensure thorough consideration of cumulative effects prior to consenting. The need to consider cumulative effects in planning and decision-making is already set out in planning policy, in particular in the energy national policy statement, the marine policy statement, the habitats regulations assessment process and the infrastructure planning regulations of 2017, which cover the environmental impact assessment.

The regulatory framework also includes independent scrutiny by statutory nature conservation bodies—for example, Natural England. These regulatory frameworks ensure comprehensive identification and assessment of all significant environmental impacts, including the cumulative effects of the project, whether these be to the marine or terrestrial environment.

We have also brought forward amendments to the biodiversity net gain provisions in the Bill, extending the policy to terrestrial nationally significant infrastructure projects. As the noble Baroness will know, we have included provisions within the amendments to extend net gain to the marine environment once we have established the appropriate approach.

The noble Baroness asked a number of specific questions. The first was again in relation to the tension between inshore fisheries and offshore wind farms. Defra is working closely with Natural England, Cefas and the Marine Management Organisation to try to better understand the tensions and then consider the appropriate solutions. We have recently commissioned work looking at opportunities for co-location and are considering examples of good practice, such as the work done in Grimsby that enables fisheries and offshore wind farm operators to work well together. This also pays dividends for the marine environment, reducing the cumulative impacts of both.

The noble Baroness mentioned the example of the US Administration, who are currently considering a compensation scheme for the fishing industry as a result of losses incurred from the expansion of offshore

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wind developments. In the UK, offshore wind farm developers already pay disruption compensation to fishers temporarily displaced from their grounds by offshore wind construction. Members of the Defra programmes on offshore wind-enabling actions and marine planning are meeting US Administration officials and BEIS on Monday 20 September to discuss approaches to managing the deployment of offshore wind to minimise disturbance to the marine environment and other sea users.

The noble Baroness is right that onshore pylons are unsightly and, no doubt, not environmentally friendly. Electricity from offshore wind farms is transmitted to land, as she knows, via subsea cables. The offshore transmission network review, which was led by BEIS and Ofgem, is working to increase the co-ordination of offshore transmission to reduce the overall amount of new onshore infrastructure needed to meet the Government's offshore wind targets.

Finally, the noble Baroness asked about decommissioning. Decommissioning is considered in the consenting process for offshore wind. In addition, Defra is discussing future options for decommissioning with developers who have programmes currently going through the consenting process. Some arrays may be repowered; however, other legacy infrastructure has been colonised and now provides important biodiversity benefits. We are working with the industry to understand how decommissioning can be delivered to maximise the gains while removing any unnecessary and avoidable pressures from the marine environment.

I hope that answers the questions that the noble Baroness asked and she feels sufficiently reassured to withdraw her amendment.

Baroness McIntosh of Pickering (Con): I am grateful to the noble Lord, Lord Khan, for his remarks, and I am especially grateful to my noble friend the Minister for his reassurance on these points. He certainly put my mind at rest on many of them. I am not sure that the idea of colonising wind turbines on wind farms sounds very appealing, but he has satisfied me. It is helpful to know of the meeting on 20 September. I would be grateful if my noble friend could update us in that regard. At this stage, I beg leave to withdraw my amendment.

Amendment 120 withdrawn.

Amendment 121 not moved.

Amendment 122

Moved by ***Lord Faulkner of Worcester***

122: After Clause 136, insert the following new Clause—

"Non-application to smoke emissions from heritage vehicles or historic buildings

(1) For the avoidance of doubt, this Act has no application to the emission of smoke from—

(a) the chimney of a railway locomotive, the chimney of a road vehicle or portable or stationary engine, or the funnel of a vessel in respect of which the emission of the smoke is an intrinsic feature of the functioning of the motive power concerned and in respect of which such motive power has been preserved, restored or recreated for heritage purposes;

(b) the chimney of an historic building or the chimney or other outlet of a museum intended to portray the means of internal heating of the rooms in such building or museum or facilities for the cooking of food or the provision of other services therein.

(2) In this section—

"heritage purposes" means a state of affairs intended to display a transport mode or machinery in a past setting for educational, recreational or tourist purposes;

"smoke" includes grit, dust or other matter derived from the burning of solid, liquid or gaseous substances."

Lord Faulkner of Worcester (Lab): My Lords, in moving Amendment 122, tabled in my name and those of noble Lords across the Chamber, including the noble Lord, Lord Forsyth of Drumlean—whom I am pleased to see in his place—I shall speak also to Amendment 127, which is in my name and supported by the same noble Lords. I declare my interest as president of the Heritage Railway Association.

The Heritage Fuels Alliance, which encompasses heritage railways and locomotives, steam road vehicles, steamboats and ships, engineering museums and historic houses, has worked hard to win the argument that to ban coal burning by its members would be disproportionate and absurd. It has demonstrated that it would inflict untold damage on a sector which, in the case of heritage railways alone, brings so much pleasure to 13 million visitors a year, engages 22,000 active volunteers, provides 4,000 jobs and contributes £400 million to the national and regional economies.

The vast majority of heritage railways, road steam events and steamboat operations are located in rural areas. This means the economic benefit is all the greater, especially where some heritage railways are the leading visitor attractions in their area, while any environmental impact is well away from clean air zones. Indeed, three national parks—the North York Moors, Snowdonia and Exmoor—all welcome and actively encourage their heritage railways. As an indicator of how much they matter to the country, and to the Government too, those in England and Wales received around £25 million from the Government's Culture Recovery Fund to help them survive the Covid pandemic.

Turning to coal burning, the latest available figures, from 2018, show that emissions from coal boilers were 0.023% of total carbon dioxide emissions. The total heritage coal use is around 35,000 tonnes, compared with total UK coal consumption of 8.2 million tonnes. The sector has accepted with reasonably good grace that, in future, the coal it burns will not be mined in Britain, despite enormous untouched reserves, but imported. It is also working hard to reduce emissions and to trial the use of biocoal.

The heritage steam sector has received assurances from Ministers, particularly the noble Lord, Lord Goldsmith of Richmond Park, and the noble Baroness, Lady Bloomfield of Hinton Waldrist, that the Environment Bill and particularly its clean air provisions will not apply to them, but they have so far resisted suggestions that they should put these assurances in the Bill and make it clear that primary legislation would be required if this were ever to change.

An identical amendment to Amendment 122 was debated in Committee on 5 July and supported by all

noble Lords who spoke to it, including the noble Baroness, Lady Neville-Rolfe—in her place this evening—who warned in a memorable phrase that

"this Bill could bring about the death of Thomas the Tank Engine and his or her nautical steamboat equivalent."—[*Official Report*, 5/7/21; col. 1106.]

The noble Lord, Lord Forsyth of Drumlean, posed a question which I put again this evening. He said:

"It is important that people have the assurance of primary legislation, especially when we see so much legislation that contains powers for Ministers under Henry VIII clauses, pretty well to do as they like, and which this House can do nothing about by tradition because we do not vote against secondary legislation. Will the Minister say why the Government are resistant to putting a clear commitment in the Bill that heritage vehicles not only are not within the scope of the Bill but are protected from the whims of any Minister?"

I hope we will get an answer to that this evening too. I cannot resist just quoting one memorable phrase earlier in his speech when he described Ministers as being

"here one day and gone the next—indeed, they can be here one afternoon and gone by evening."

He said:

"It is not enough, despite Pepper v Hart, just to have an assurance from the Dispatch Box."—[*Official Report*, 5/7/21; cols. 1111-12.]

Amendment 127 includes a reference to other subordinate legislation to include, for example, by-laws brought in by local authorities or other public authorities to ban coal burning by heritage organisations in their localities. I hope that the Government have reflected on these amendments and agree that not only would their Bill be strengthened by incorporating them on the face of the Bill but that they would also send a message of encouragement to a much-loved sector which gives so much pleasure to millions of people, contributes enormously to the national and regional economies, and which they, the Government, have supported financially through recent difficult times. I beg to move.

Lord Forsyth of Drumlean (Con): My Lords, I will not repeat the eloquent arguments that the noble Lord, Lord Faulkner, made; I pay tribute to him for the wonderful work which he does in support of the heritage steam and other sectors.

I should declare an interest as president of the Steamboat Association of Great Britain, a post which I obtained unopposed, rather like the chairmanship of the Association of Conservative Peers today. It is not very onerous. It simply involves, from time to time, as we did on Lake Windermere to celebrate its 50th anniversary, turning up with one's little steamboat and 37 others and bringing enormous pleasure to many people in our country. As I said at an earlier stage in the consideration of this matter, it is extraordinary how people will crowd to see a steam train or a steamboat passing and how it brings smiles and pleasure to their face.

I am very grateful to the noble Lord for having repeated the arguments so that I do not need to repeat them again today. I understand that my noble friend Lord Goldsmith has a problem with how to respond to this amendment in terms of putting something on the face of the Bill. However, if we had an undertaking from my noble friend, who has been very helpful, that the Government normally have no intention of preventing the use of coal for heritage steam purposes, that would be helpful. It would be even more helpful if she would give an undertaking that it would require primary legislation to do so, so that the interests of others were met.

I will make just one point. I am not a sceptic on these matters—I have an electric car and do everything I can to help the environment. However, I find it quite difficult that, although we were on Windermere with our steamboats, the proposition is that, in future, we cannot possibly dig the coal out of the ground from Cumbria, the county where we were, but that we have to import it from Russia in order to save the planet. I do not know whether "bonkers" is a parliamentary expression, but this strikes me as absolute bonkers. It is also counterproductive, in that it makes people whom we should have on side on these matters sceptical about the application of common sense.

I am not an expert on these matters, but it is striking that these vehicles require a high calorific content of coal which is less polluting. It seems extraordinary that we have ended up in this position. Fortunately, I am not in the Government and my noble friend will be able to explain why this makes sense in the course of a reply to this debate. However, I am most grateful to the noble Lord, and I am very happy to support his amendments on both occasions. At this late hour, I do not think the House probably wants to spend a lot of time talking about steam.

10 pm

Baroness Jones of Moulsecoomb (GP): My Lords, it seems ridiculous that anyone could object to railway enthusiasts restoring old locomotives and preserving our heritage. Although old train engines and boats do contribute to air pollution, they will be fairly localised and minimal compared with other emissions being pumped out by, for example, the Government building new roads or opening new coal mines—or indeed allowing the growth of incinerators all over the country that operate without proper regulations. Those incinerators pump out unmeasured quantities of PM2.5; I say "unmeasured" because there is no daily monitoring of particulates to see if they exceed the Government's annual guidance, nor of fine particulates—counted separately—despite those being the most deadly of particulates. We should allow this amendment on the basis that the Government will stop building new incinerators, stop building new roads and understand that they have a duty to fight the climate emergency which, at the moment, they are simply not doing.

Baroness Neville-Rolfe (Con): My Lords, the recognition that coal is polluting is true, but we need to judge every proposal on its merits, as I think the noble Baroness, Lady Jones of Moulsecoomb, has said in a roundabout sort of way. As in all things, we need balance and we need to avoid perverse effects. I do not resile from my comment that the Bill could bring about the death of Thomas the Tank Engine.

By making it impossible to use British coal for heritage trains, boats and steam engines, we could be consigning these, in time, to the slag heaps of history. Either they will use coal imported from Russia, adding the damage of travel emissions, or these activities will

[Baroness Neville-Rolfe]
die out, with the loss of valuable employment, as the noble Lord, Lord Faulkner, has explained. The vehicles, engines and boats concerned will create their own waste pile and diminish the tourism industry inspired by Thomas the Tank Engine and the Fat Controller. I would like to press this amendment, but I look forward instead to the assurances that I believe the Government are prepared to give the noble Lord, Lord Faulkner, on this important occasion.

Lord Berkeley (Lab): My Lords, I rise to support this amendment. I congratulate my noble friend Lord Faulkner of Worcester on the work that he has done over so many years as the HRA president. He has kept this issue at the forefront of everybody's concern and, of course, the latest idea that you cannot have the right coal in this country and you have to import it from Russia just demonstrates what a stupid situation we have got ourselves into, I suppose.

Heritage railways are loved by millions. They do not operate very fast or very frequently and, as other noble Lords have said, the issue has to be proportionate. It is not just trains; it is road vehicles—road tractors, I think most people call them—and boats, as the noble Lord, Lord Forsyth, has mentioned. Of course, fixed engines are also used to pump water supply; there is a very good one at Kew Bridge, which works very well. All these things have something in common, which is their Victorian engineering. It is amazing that these enormous great bits of steel, beautifully machined and very accurately made, work really well—when they do work, which is not very frequently.

I hope that the Minister will support and accept this amendment, but I have to remind my noble friend that he and I have a track record of causing trouble. About 10 years ago—the House was much emptier than it is tonight; there were probably about 25 Members here, which was below the limit—we got very angry about something. I cannot even remember what it was now, but we decided to divide the House. However, unfortunately, because there was not a quorum, it did not count. Noble Lords can imagine the kind of talking to that we got from our then Chief Whip in the morning, but it was absolutely worth it. I do not know whether my noble friend will do that tonight—he has probably got saner with age—but I hope that the Minister will look at this and say that it is a really good idea and accept it.

Baroness Morgan of Cotes (Con): My Lords, I rise to support the amendment in the name of the noble Lord, Lord Faulkner, and I draw the House's attention to my role as a non-executive director of the Great Central Railway in Leicestershire. The arguments have been well rehearsed, and, at this late hour, I do not want to detain the House, but I reassure the noble Lord, Lord Berkeley, that the noble Lord, Lord Faulkner, has not got any less enthusiastic in his support for steam and heritage railways in the time I have known him, since we together set up the All-Party Parliamentary Group on Heritage Rail.

As we have heard, heritage railways across the country provide huge enjoyment, but they are also major catalysts for local economies in terms of tourism, jobs, apprenticeships and investment. All I say to the Minister, whose remarks I very much look forward to, is that I cannot believe that the Government intend to ban the burning of coal by steam railways or any other steam vehicles. I understand why the Government do not want to put this in the Bill, but I hope that the Minister is able to provide sufficient and very strong assurances. I know that noble Lords will listen very carefully to what she has to say.

Baroness McIntosh of Pickering (Con): I also add my congratulations to the noble Lord, Lord Faulkner of Worcester. I draw the House's attention to my honorary presidency of the North Yorkshire Moors Railway, which is the most visited tourist attraction in North Yorkshire, year after year. I am full of admiration for the mostly volunteer drivers and engineers who man it.

I was not going to speak, other than to support the work of the noble Lord, Lord Faulkner, both in tabling the amendment today and on the heritage railway generally. However, I beg to differ with the noble Baroness, Lady Jones of Moulsecoomb: in my experience, incinerators are heavily regulated and will continue to be so. I commend the work done in Denmark, Sweden, Austria and Germany on using incineration—or waste from energy, as it is now called—to get rid of both household and other waste and reintroduce electricity into the national grid.

If the Minister cannot write this into the Bill, I hope that she will give a verbal commitment that accords with the wishes expressed by the House this evening. That would be most welcome indeed.

Baroness Parminter (LD): My Lords, I have no expertise in this area and no interest to declare, but some of the happiest memories with my two young girls were taking them to see Santa on the steam train at the rural life centre in Tilford every Christmas.

However, tonight, I speak at the request of my colleague, the noble Lord, Lord Bradshaw, who cannot be with us because he has had a fall. I make it clear to the Minister that there is still cross-party support for the intentions of this amendment. As the noble Lord, Lord Forsyth, said, this will affect the enjoyment of many thousands of people. I would not wish people to think that environmentalists are killjoys—we are not. We want to go forward on the environment in a positive way, but there are certain initiatives that, for heritage and educational purposes, need to be considered so that we can see where we have been and where we are.

Therefore, I hope that there are the strongest reassurances, and I commend the four Peers who have done so much, under the leadership of the noble Lord, Lord Faulkner of Worcester, to bring this issue repeatedly to the attention of the House.

Lord Khan of Burnley (Lab): My Lords, I rise to speak briefly to the amendment introduced so eloquently and passionately by my noble friend Lord Faulkner of Worcester. I, too, congratulate him on his work on heritage rail.

Some interesting points have been made across the House today. If I understood right, the noble Lord, Lord Forsyth, the noble Baroness, Lady Jones, and others questioned the true pollution levels of steam

engines and railways. Perhaps the Minister can give us some facts. Is it true that heritage steam engines may have a negligible impact on the environment? I invite noble Lords across the House to visit my home town, Burnley. We have the Queen Street Mill and, in it, the heritage steam engine that powered the biggest cotton mill in the town. It would be great to see noble Lords there. As the noble Baroness, Lady Parminter, said, heritage steam railways are a huge part of our culture, especially for young children. They are a massive tourist attraction. We must make sure that we get the balance right. I understand that discussions are ongoing—indeed, I have had discussions with experts and researchers—about the true impact of heritage steam engines.

Finally, for my sake and that of the noble Baroness, Lady Neville-Rolfe, please do not kill off Thomas the Tank Engine. It will destroy my childhood memories.

Baroness Bloomfield of Hinton Waldrist (Con): The noble Lord can come and see Thomas the Tank Engine, who lives in Didcot, at any time.

I understand the concerns raised by noble Lords. As I said in Committee, the Government are very much aware of the important contribution that the heritage sector makes to the culture of this country, particularly the rural economy. We engaged with heritage bodies during the inquiries of the All-Party Parliamentary Group on Heritage Rail, and we listened to their concerns during consultation. As I made clear in Committee—I am pleased to confirm it again today—there will be no direct impact on the heritage steam sector as a result of this Bill and the Government are not looking to introduce policy that would have a direct impact on it. I reiterate that nothing in the Environment Bill covers the heritage steam sector and putting it in scope would require a vote in both Houses of Parliament.

Clause 73 of and Schedule 12 to this Bill will make it easier for local authorities to enforce the Clean Air Act 1993, which, among other things, regulates smoke emissions from the chimneys of buildings. The smoke control area provisions in the Act, and the amendments to them in this Bill, do not and will not apply to smoke from steam trains. Indeed, Section 43 of the Act clearly indicates that the smoke control area provisions do not apply to any railway locomotive engine. I reiterate that this will not change. Nothing in the Bill will have an impact on the burning of coal for steam traction. Any powers that exist in other Acts of Parliament would require a vote in both Houses, but I can confirm that the Government do not intend to bring forward any restrictions on these uses. As noble Lords have set out, steam trains are a tiny source of pollution and carbon, and we have much larger sources of pollution to be worrying about. I hope this reassures noble Lords that the Bill will not have an impact on the heritage rail sector and that an exemption from the Bill is therefore not required. We cannot exempt from the Bill a sector that is already exempt.

On historic buildings, I can confirm that local authorities already have the power to exempt specific buildings, or classes of buildings, when declaring a smoke control area under Section 18 of the Clean Air Act. This means that they could exempt specific historic houses, or historic houses in general, from the requirements applying to the smoke control area. That will not change under this Bill. I want to clarify something I said to noble Lords on the fifth day in Committee. To confirm, I am aware that there may be a potential impact on canal boats in the heritage sector, as the Bill will enable local authorities to bring moored inland waterway vessels into the scope of smoke control areas should they have a specific issue in their area. However, we will consider the practicalities of implementation and will set out further detail in statutory guidance, which will be published next year.

Once again, I thank the noble Lord, Lord Faulkner, for the discussion on this issue that he and others, including my noble friend Lord Forsyth, had with my noble friend the Minister earlier this year. I can reassure noble Lords that we are all very much still here. I, for one, am relieved because, had the Minister been called out during the course of this afternoon, I would have had to deal with all the groups of amendments on day 4 of Report.

I should like also to reiterate that my noble friend the Minister and his officials are happy to continue to engage with noble Lords as guidance is developed, and I hope that I have been able to reassure the noble Lord, Lord Faulkner, that the Government share his views about the importance of the heritage sector and that nothing in the Bill will impact on historic houses or the heritage rail sector. Thomas the Tank Engine is truly safe. I hope that with those assurances, the noble Lord will feel able to withdraw his amendment.

10.15 pm

Lord Forsyth of Drumlean (Con): Perhaps I may ask my noble friend about her reference to canal boats. I should declare an interest as I spent the weekend on a canal boat in Wales. She implied that they might be at risk. Can she be absolutely clear that they will not be at risk because they are also an important part of our tourism industry and are very important to a number of rural areas?

Baroness Bloomfield of Hinton Waldrist (Con): I brought up canal boats because, if they are moored in an inland waterway, they may be caught by the scope of smoke control areas brought in by local authorities in an urban area. That is why I particularly mentioned that they might be brought into scope, with reduced capacity to burn coal, if the canal boats are on an inland waterway in the smoke control area of a local authority.

Lord Berkeley (Lab): Can I ask a question of the Minister again before she sits down? There are at least two types of canal boat. There are those that run on diesel engines, which may or may not pollute and be subject to some sort of regulation in the future. But then, of course, there is the odd steam canal boat. They are as much part of our heritage as steam trains, fixed steam engines or my noble friend's big steam engines in Burnley. Just because a canal boat is moving on water rather than on rails or road, perhaps the Minister could look at that matter and perhaps help us.

Baroness Bloomfield of Hinton Waldrist (Con): Perhaps I may clarify that the measure relates only to coal, not diesel, and only when moored up—not when moving.

Lord Forsyth of Drumlean (Con): I know that we are on Report, but this matter is important. The Government at a previous stage of the legislation indicated that heritage steam vehicles and, indeed, the amendment as broadly drafted would not be affected. As the noble Lord, Lord Berkeley, said, on canals there are steam boats that have an important heritage. The assurance that I thought my noble friend had given was that they would not be covered. Given the assurances, if there is a loophole that would enable local authorities to include steam boats, it needs to be closed.

Baroness Bloomfield of Hinton Waldrist (Con): This is not about propulsion but the heating system in a boat.

Lord Faulkner of Worcester (Lab): The House is a little confused by that exchange. I have to say that if my Amendment 127 were to be agreed to, there would be no question of local authorities being able to bring in by-laws or other restrictions on heritage organisations from burning coal, whether on canal boats, steam boats, railway engines or historic houses. It would be a lot easier for the Minister if she were willing to accept these amendments so there would be no doubt at all that the assurances she has given can be fulfilled.

However, the hour is late and there is still a number of groups to go. I do not intend to delay the House further. I should, however, like to thank all noble Lords who have spoken—particularly those who have done so from their own experiences with heritage railways or steam boats. I thank the Minister, too, for her attempt to get us to somewhere where we certainly were not when we started on the Bill. We are close to the sort of assurances that I was looking for, which is a guarantee that the introduction of a ban would require primary legislation. If she were able to say exactly that, it would help considerably. Perhaps I may give her the opportunity to do so before I ask the House to allow me to withdraw the amendment.

Baroness Bloomfield of Hinton Waldrist (Con): I am afraid that I am unable to make that commitment at the Dispatch Box.

Lord Faulkner of Worcester (Lab): My Lords, I am disappointed by that. I will seek an opportunity to discuss this matter further with the Minister before we finish the Bill. However, as far as this evening is concerned, I beg leave to withdraw the amendment.

Amendment 122 withdrawn.

Amendment 123 not moved.

Amendment 124

Moved by ***Baroness Neville-Rolfe***

124: After Clause 136, insert the following new Clause—

"Encouraging the use of reusable nappies

(1) The relevant national authority must work with industry and retailers to develop a strategy for the reduction of single-use nappy waste with measurable targets and deadlines.

(2) The relevant national authority must work with industry and retailers to adopt a single, coordinated national reusable nappy financial incentive scheme in every local authority in England to improve accessibility of reusable nappies and to promote the environmental and financial benefits to families.

(3) The relevant national authority must encourage local authorities to complement this national scheme with local education and support for parents, caregivers and nursery settings, including support for nappy libraries, or through hiring dedicated local nappy education providers."

Baroness Neville-Rolfe (Con): My Lords, I rise to move Amendment 124, which is exploratory in character, on encouraging the use of reusable nappies. I am grateful for the support of the noble Baroness, Lady Bennett, and I have been working with the Nappy Alliance to try to inject some momentum and common sense into a subject that affects every one of us at some point in our lives. Disposable nappies comprise around 8% of residual waste in England, costing local authorities £140 million a year and making the waste pretty awful for the bin brigade.

Rebecca Pow, the responsible Minister, was kind enough to write to me to confirm that we have wide powers in the Bill to do whatever might be needed in terms of labelling or standards. If we go down that road, I would share the desire of the noble Lord, Lord Teverson, for consistency in labelling products that go into the waste stream. Ideally, this should apply across the UK to make it easier for manufacturers of nappies to comply. I add that reusable nappies are much more convenient and easier to handle these days than the terry nappies and pins that I used with my four boys.

I think there is also a need for some seed corn funding. There is a big saving from using reusable nappies—£420 for three years of nappies, compared to £2,250 for disposables, according to the Money Advice Service—but it is a bit more work, especially in the early stages, and you have to find cash up front. A number of nappy libraries are helping with this, but we need a source of funding for mothers who cannot afford the outlay.

Society will also save. We spend at least £70 million a year on landfill for nappies and, in London alone, 47,000 tonnes of nappy waste is generated annually. Could we use the landfill tax or some other source of funding for green purposes to prime and promote a national scheme, as the Nappy Alliance would like?

Finally, the Minister explained at a very useful meeting that Defra is awaiting the imminent results of the independent environmental assessment being undertaken on the detailed costs. Can she tell me who is doing this work and when it will report? Will she undertake to write to me and the Nappy Alliance, as soon as the results are available, with a plan to support the use of reusable nappies in a way that is friendly to our hard-pressed parents, so is voluntary and easy? I beg to move.

Baroness Bennett of Manor Castle (GP): My Lords, I offer my support, as I attached my signature to the amendment in the name of the noble Baroness, Lady Neville-Rolfe. It may come as a surprise to the House to see both of us on the same amendment, but that shows its breadth of support. Given the hour, some people may feel like they have started to dream; for the Minister, it is possibly a nightmare. But I am not going

to speak at length, because we have canvassed on this, both in Committee and on an earlier amendment that appeared in my name on the labelling of single-use nappies.

As the noble Baroness, Lady Neville-Rolfe, just outlined, there are real reasons in savings for families. The figures that she gave translate to a saving of £11 a week over the average time that a baby or toddler is in nappies. This is where we perhaps part company, because I will point out that that would almost make up for half the cut in universal credit that is approaching.

It is interesting that, overnight, we saw significant investment in a UK maker of reusable nappies. This is a chance for the Government to be promoting a good, positive, green industry—something they often talk about. There are huge environmental, social and economic benefits to this amendment. It is common sense and has support from across the House, so I hope we hear something positive from the Minister.

Baroness Jones of Whitchurch (Lab): My Lords, I will not repeat what I said in our previous debates on this, but I very much support the noble Baroness's amendment. We agree that the Government should take action to encourage reusable nappies, including, where necessary, incentives for the low paid to be able to access them in the first place. The sooner we use innovation to encourage alternatives to single-use nappies and that whole industry, the better. On that basis, as the late hour is descending on us, I look forward to hearing what the Minister says.

Baroness Bloomfield of Hinton Waldrist (Con): My Lords, I know the hour is late, but this is a very important subject, just because of the quantity that goes into landfill. I thank noble Lords for their contributions to this debate and my noble friend Lady Neville-Rolfe for a very informative meeting yesterday. I know that she is passionate about this issue and is keen to see progress, but it is also important to ensure that our policy-making is evidence-based. That is why the department has commissioned an independent environmental assessment of the relative impact of washable and disposable nappies, the most recent study having been done some time ago. This research is being carried out by Giraffe Innovation Ltd and will cover the waste and energy impacts of washable and disposable products, disposal to landfill and incineration, and recycling options. We expect to publish the final report later this year, following peer review, and I am very happy to write to my noble friend Lady Neville-Rolfe and the Nappy Alliance about our plans once we have the results of the research.

We will use an evidence-based process to consider what, if any, action is appropriate. This could include backing voluntary initiatives or introducing measures such as standards and consumer information and labelling. I also confirm that existing powers in the Bill, in the schedules on resource efficiency and information, will allow us to, among other things, set standards for nappies and introduce labelling requirements.

We are delighted that some local authorities currently operate reusable nappy schemes as part of a local decision on how to prioritise funding, which may be available from a number of sources. However, we do not need primary legislation to develop a strategy or support a scheme on reusable nappies. In relation to the landfill tax specifically, reducing the number of nappies sent to landfill through reusable nappy schemes should save local authorities money over time by reducing their landfill tax bill. The amount of money saved can be spent according to local priorities. I know that certain charitable funds are available from landfill taxes. I cannot comment specifically on those, but, as we discussed yesterday, that is an avenue well worth exploring by local authorities.

Once we have the results of the independent assessment, expected later this year, we will be well placed to prioritise and develop a plan if appropriate, so I beg that this amendment be withdrawn.

Baroness Neville-Rolfe (Con): I thank my noble friend for her words and beg leave to withdraw my amendment.

Amendment 124 withdrawn.

Amendment 125 not moved.

Amendment 126

Moved by ***Baroness Bennett of Manor Castle***

126: After Clause 136, insert the following new Clause—

"Ecocide

(1) It is an objective of Her Majesty's Government to support the negotiation of an amendment to the Statute of the International Criminal Court, done at Rome on 17th July 1998, to establish a crime of ecocide.

(2) In pursuance of subsection (1), a relevant Minister of the Crown must promote discussion of such an amendment, either independently or jointly with other sovereign states, within the Working Group on Amendments of the International Criminal Court within 12 months of this Act being passed.

(3) In this section "ecocide" refers to unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts."

Baroness Bennett of Manor Castle: My Lords, I thank the noble Baronesses, Lady Boycott, Lady Whitaker, and Lady Ritchie of Downpatrick, for offering their support to Amendment 126, on ecocide. A number of other Members of your Lordships' House would have brought extra cross-party support to this amendment if there had been space.

I have been asked by the noble Baroness, Lady Chakrabarti, one of your Lordships' House's foremost advocates of human rights, to share, with your Lordships' permission, a few words from her. She wished to say: "Criminal offences are not to be created lightly, and I have resisted so many, but the repercussions of ecocide go way beyond those of most criminal acts. The emergency demands this measure, as should our grandchildren."

10.30 pm

Returning to the discussion in Committee, noble Lords will remember that I moved two amendments, one of which called on the Government explicitly to

[Baroness Bennett of Manor Castle]
back the creation of ecocide as an offence under the Rome statute, to join other crimes against humanity. The other called for the creation of a domestic offence of ecocide. Noble Lords will have noted that what has come before us on Report is a very much softer amendment. Proposed new subsection (2) of the amendment calls on the relevant Minister of the Crown to

"promote discussion of such an amendment, either independently or jointly with other sovereign states, within the Working Group on Amendments of the International Criminal Court within 12 months of this Act being passed."

This is a call for the Government to make it a commitment to promote debate—a very moderate step forward into something where many other nations are already leading. If the UK wishes to be world leading, as it so often claims to be, it surely should be in this debate, particularly given the UK's long-term heritage of involvement in leading on human rights issues through many decades.

I hope the Minister will agree that international law has a key role to play in transforming our relationship with the natural world by shifting it from one of harm to harmony. Despite significant progress, the clear inadequacies of environmental governance at a global scale are widely acknowledged. There are laws that are supposed to protect our natural systems, but they are clearly inadequate and failing.

I referred to the international discussion already ongoing. Thirteen member states of the ICC are having discussions at a parliamentary or government level. Two states, Vanuatu and the Maldives, have officially called on member states of the ICC to consider amending the Rome statute. As we discussed in Committee, a consensus on the definition of ecocide was reached in June. This is the definition referred to in proposed subsection (3) of the amendment.

It really is a great pity that the nature of the arrangements in your Lordships' House make it impossible for me to test the opinion of the House tonight. I formally give notice that I am not planning to do that. I also think it is a great pity that that is clearly restricting our debate tonight, and I have restricted what I was planning to say in the interests of the hour. I hope we will hear from the Minister the strongest possible words acknowledging that this is a crucial issue. This is absolutely foundational for the future of our world. It should be a fundamental part of the Bill. With those words, I beg to move.

Baroness Boycott (CB): My Lords, I am very pleased to support this amendment. It is very late so I want to say that this would become the fifth offence that the ICC would prosecute. I will quote the words of my friend Philippe Sands, who has co-chaired the panel. He says:

"The four other crimes all focus exclusively on the wellbeing of human beings. This one of course does that but it introduces a new non-anthropocentric approach, namely putting the environment at the heart of international law, and so that is original and innovative.

For me the single most important thing about this initiative is that it's part of that broader process of changing public consciousness, recognising that we are in a relationship with our environment, we are dependent for our wellbeing on the wellbeing of the environment and that we have to use various instruments, political, diplomatic but also legal to achieve the protection of the environment."

I certainly believe that it sits alongside the other four crimes because the environment takes life, takes livelihoods and takes away our future.

Baroness Whitaker (Lab): My Lords, it is late and I have little to add to the excellent introduction to Amendment 126 from the noble Baroness, Lady Bennett of Manor Castle, and the important perceptions of the noble Baroness, Lady Boycott. The noble Lord, Lord Goldsmith, did not give the impression of having any substantive objection to the proposal when it was mooted in Committee, just that there was no international consensus for it when it was last discussed, when the ICC was created. First, the world has moved on since then, and we are all more aware of the immense importance of biodiversity in averting the worst effects of climate change.

Secondly, we have very good diplomats, whose job is to build consensus. They should be tasked to make a start on this case. We need to make a good showing at Glasgow, do we not? A start on the process of securing agreement to this provision would give us a leading position.

Lastly, I see from the very good briefing provided by Peers for the Planet that my late husband is credited with supporting this idea, in 1985. I am not sure that he confided this to me at the time, but it is a poignant and happy reminder of how much we agreed on. I am proud to continue in the family tradition.

Lord Thomas of Gresford (LD): My Lords, I am very grateful to the noble Baroness, Lady Bennett, and other noble Lords who signed this amendment, for bringing forward the interesting concept of ecocide. I am sorry that I missed the debate in Committee.

It was the use by the United States of Agent Orange as a means of destroying the Viet Cong's forest cover in northern Vietnam, Cambodia and Laos which brought to the attention of the international community the devastating environmental harm that it causes and the ensuing refugee crisis. When Saddam Hussein burned 600 Kuwaiti oil wells, the resultant atmospheric pollution spread as far as the Himalayas and caused a severe threat to the surrounding fragile desert ecosystem. There have been many other examples of armed conflict causing environmental destruction.

The Rome Statute of the International Criminal Court deals with the four core crimes: genocide, crimes against humanity, war crimes and the crime of aggression. Article 8(2)(b)(iv) of the statute specifies that, within the scope of international armed conflict, the following actions could constitute a war crime:

"Intentionally launching an attack in the knowledge that such attack will cause … widespread, long-term and severe damage to the … environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated".

As part of the review of the genocide convention in 1973, a draft international convention on the crime of ecocide was prepared for UN consideration by Professor Richard Falk. He outlined an offence, including the use of chemical herbicides to defoliate and deforest natural forests for military purposes and the use of

bulldozing equipment to destroy large tracts of forest or crop-land. This was all within the concept of military conflict. Of course, it is a precondition of a war crime that there is a war, or at least armed conflict, and that there is a commander who can be made responsible for his conduct. This amendment might be appropriately considered as a military offence in the Armed Forces Bill currently before the House. But I suspect that the noble Baroness is more ambitious and would wish to include in her definition of ecocide deliberate destruction of the environment outside a war setting.

The problem then becomes twofold. What is the actus reus and what is the mens rea? If President Bolsonaro were to decide, as a matter of policy, to destroy the rainforest to increase open grazing land for cattle, he does not do so merely out of a malign desire to destroy but with the intention of increasing the economic prosperity of his country. He may be right, or he may be completely mistaken, but has he caused widespread, long-term and severe damage to the environment which is clearly excessive in relation to the economic advantage anticipated? Would a court question his political decision?

To bring the matter nearer to home, if Prime Minister Boris Johnson or Nicola Sturgeon were to agree to the exploitation of the new Shetland oil field, many would argue, including me, that it would do immense damage to the environment and contribute significantly to climate change. Even if the members of the International Criminal Court agreed with that assessment, they are hardly likely to lock up the Prime Minister or the First Minister of Scotland.

Rachel Killean, of Queen's University Belfast, has thoughtfully gone in a different direction. She seeks to develop the concept of a separate chamber of the ICC with a jurisdiction to deal with environmental destruction. She believes in "'greening' the Rome Statute" and argues that

"the reparation framework adopted by the International Criminal Court"

for war crimes—the payment of compensation—

"offers an opportunity to … respond to environmental destruction".

She postulates that the court could have jurisdiction in respect of states as well as individual politicians, and could award

"reparations that explicitly recognise the harm caused by environmental destruction".

It would be difficult to expand the jurisdiction of the court from its existing concern with genocide and war crimes—

Baroness Bloomfield of Hinton Waldrist (Con): My Lords, forgive me for interrupting, but I fear the noble Lord is making a Second Reading speech. He was not here for earlier stages of the Bill, and the hour is late. Perhaps he could bring his arguments to a close.

Lord Thomas of Gresford (LD): I have one sentence further.

The pressure of climate change and its effect on world populations will give the concept much more resonance. Ecocide may lead to genocide. Wanton destruction of habitat, as in Myanmar, causes a flood of refugees, and that is a crime against humanity. I look forward to further developments in the future.

Lord Thomas of Cwmgiedd (CB): My Lords, I will make a few points, which can be very briefly made. The first is to commend the Minister on his acceptance of the two base problems: first, that ecocide is a serious crime; and, secondly, that it is not dealt with effectively.

There are, in turn, two solutions. The first is a model law; we are not on that tonight, so I need say nothing about it. The second is the ICC, and on the ICC there are again two points. First, the Minister said on the last occasion that reform of procedure is needed. I agree, but reform of procedure can go hand in hand with a reform of substantive law. We do it in this country all the time, as they do in almost every other country. If you left procedural reform as a precondition of moving forward substantive law, no country would ever reform its law.

The second point relates to whether it is worth the effort. On the last occasion, the Minister cast doubt on whether there was sufficient wind behind this for it to be worth investing in. From my experience of what is happening on the continent of Europe, I say there is a very significant movement in favour of doing something about ecocide. I very much hope that the Foreign Office will now show a bit more leadership on that count.

That takes me to my last two points, on leadership. First, this must be an opportunity for global Britain to show leadership on one of the most serious criminal offences of our time. We can do it, and we should not fail. Secondly, on the last occasion the Minister kindly agreed to refer these technical legal points to the Law Commission. I will not go into one single technical legal point at this hour of the night; I know it would be greatly welcomed by some but, I am sure, entirely deprecated by almost everyone else. I therefore wish to say that we in this country have always shown leadership in the law. The Law Commission is an outstanding body, and I hope it can be given the opportunity, by what the Minister said on the last occasion, to show leadership by dealing with the technical difficulties and showing that we can come up with a solution both to procedure and substantive law that would be broadly accepted across the world. If I may say so, I commend the Minister on the huge work he has done on this. It just needs a little push more, and we will be back in the leadership on such a vital point.

10.45 pm

Baroness Hayman of Ullock (Lab): My Lords, I thank the noble Baroness, Lady Bennett of Manor Castle, for tabling this amendment and for her very comprehensive introduction. We had an interesting discussion on ecocide in Committee following the amendment then tabled by the noble Baroness, Lady Bennett, and we have done so again today. As the noble Baroness and others have clearly laid out the arguments on this issue, I do not intend to give a lengthy speech; the hour is late.

In her amendment today, the noble Baroness asks the Government to set an objective

"to support the negotiation of an amendment to the Statute of the International Criminal Court … to establish a crime of ecocide."

[Baroness Hayman of Ullock]

In Committee, the Minister said that he strongly agreed "with the premise" of the noble Baroness's argument. My noble friend Lady Whitaker has noted that he did not seem to really have any strong objections to the proposals. This was then caveated when the Minister said that pursuing this course of action

"would require an enormous amount of heavy lifting diplomatically, with little prospect at this stage of succeeding."—[*Official Report*, 14/7/21; col. 1905.]

The noble and learned Lord, Lord Thomas of Cwmgiedd, stressed the importance of leadership in this aspect, and I hope that the Minister would agree with him and, as he says, push it a little further. My noble friend Lord Khan, in his response in Committee, called for a "constructive role" for the UK in negotiation and this would be a positive first step.

As the noble Baroness explained in the introduction to her amendment, unlike her amendment in Committee, she is calling for the Government to promote discussion of this. This seems to me to be a thoroughly reasonable request and so, with COP 26 on the horizon and the opportunity it presents the UK for global leadership on the climate and ecological crisis, I ask the Minister—who we know understands the reality of ecocide—to end this debate on a positive note and give the noble Baroness, Lady Bennett, some hope in this matter.

Lord Goldsmith of Richmond Park (Con): I thank the noble Baroness, Lady Bennett of Manor Castle, and Stop Ecocide International for agreeing to a meeting following Committee stage of the Bill. I found the debate we had in Committee and the subsequent engagement hugely insightful. As the noble Baroness knows and as I have made clear in my contribution during that debate, I very strongly agree with the premise of her argument.

As she knows, ecocide is not a crime recognised under international law and there is currently no consensus on a legal definition. Before the ICC and the crimes it has jurisdiction over could be established by the Rome statute adopted in 1998, ecocide had to be removed in the drafting stages because of the lack of agreement among states parties to the court. The Rome statute provides some protections to the natural environment in armed conflict. It designates international attacks that knowingly and excessively cause widespread, long term, and severe damage to the natural environment as a war crime. But ecocide in the broader sense, in the manner in which the noble Baroness, Lady Bennett, described it, as an internationally punishable crime, has not yet been recognised by the United Nations.

The UK's current priority regarding the International Criminal Court, as I said in Committee, is to reform it so that it functions better and can deliver successful prosecutions of genocide, crimes against humanity and war crimes. I know noble Lords on all sides of the House share that ambition. As I understand it, if an amendment to the statute was adopted, it would only bind states parties which have ratified it. If not ratified, the court has no jurisdiction over those states. It is likely, and certainly possible, therefore, that the biggest culprits in relation to ecocide and egregious environmental damage would be exempt.

However, reform of the court is a long and complicated process. The independent expert review of the court made over 300 recommendations to improve the workings of the court, some of them fundamental. It will take time to implement these recommendations and that is a priority not just for the UK but many other states parties to the Rome statute. A significant amendment such as that proposed is currently unlikely to achieve the support of two-thirds of the states parties necessary to amend the Rome statute to make ecocide an international crime. As I said in Committee, pursuing it would require enormous heavy lifting on our part, with—at this stage—little prospect of success. There is a concern it could detract from the goal of improving the court's effectiveness, which in any case would be a prerequisite for a meaningful application of ecocide.

Although I am afraid that I cannot commit here and now to promoting this campaign or concept internationally, I very much share the noble Baroness's interest in this area, as she knows. I cannot take action as part of this Environment Bill but I am keen to continue discussions with the noble Baroness on how she and others believe the UK, through these international channels, can better lead in recognising and tackling egregious environmental crimes. In the meantime, I very much hope she will feel able to withdraw her amendment.

Baroness Bennett of Manor Castle (GP): My Lords, I thank all noble Lords who have taken part in this debate and I thank the Minister for his response. It is probably rare that we have seen such quality and intensity of debate on an amendment at this time of the evening, and I sincerely thank everyone who has contributed to that. I particularly thank the noble Baronesses, Lady Boycott and Lady Whitaker, who have been my stalwart supporters throughout this debate. It was wonderful to hear from the noble Baroness, Lady Whitaker, about her long family connection to this campaign.

That ties in with the points made by the noble Lord, Lord Thomas of Gresford, who outlined the long-term history of the development of this concept. I am not going fully to engage in the legal issues and the questions that he raised, given the hour, but I will point out that the definition of ecocide in subsection (3) of the amendment was developed after a long process involving a distinguished panel of jurists, of whom Philippe Sands—a name well-known to many Members of your Lordships' House—was co-chair. The interesting approach of holding states responsible is something I will certainly look into further.

I thank the noble and learned Lord, Lord Thomas of Cwmgiedd, who also engaged on this issue in Committee. The point that he made—that reform of procedure can go hand in hand with legal reform—very much answers one of the points made by the Minister. The noble and learned Lord pointed out that there is significant momentum in continental Europe. I would also point out that there is significant momentum within the UK, in Scotland. Indeed, a briefing was held there in the last few days with wide parliamentary engagement, so I come back to the point about this Parliament really needing to catch up.

The point made by the noble Baroness, Lady Hayman, was significant. The Minister, in Committee and again tonight, repeated the suggestion that this would involve enormous heavy lifting and would require lots of resources from the UK Government in order to make progress. The amendment does not ask the Government to pursue a drive for the creation of the crime; it asks them to promote a continuation of the discussion. I do not believe the phrase "enormous heavy lifting" is an appropriate label for the promotion of discussion.

Before I conclude, I want to pick up on what the noble and learned Lord, Lord Thomas, said about the Law Commission. That issue was also raised in Committee and I do not think we have had an answer from the Minister in either of those discussions. There was a commitment to refer to the Law Commission. Can the Minister inform me now of progress on that, or at least commit to writing to me as progress is made on reference to the Law Commission?

Lord Goldsmith of Richmond Park (Con): With the noble Baroness's permission, I will make a commitment to the second of her suggestions. I will write to her and continue this discussion.

Baroness Bennett of Manor Castle (GP): I thank the Minister for his response. It is with regret, and a feeling that we really are delaying while the planet burns, that I beg leave to withdraw the amendment.

Amendment 126 withdrawn.

Amendment 126A

Moved by ***Baroness Bennett of Manor Castle***

126A: After Clause 136, insert the following new Clause—

"Right of access to land

(1) Within two years of the day on which this Act is passed, the Secretary of State must publish a draft Bill to provide for a statutory right to access land for recreational purposes and educational activities, including building of understanding of natural or cultural heritage, provided that the land is accessed responsibly in accordance with a code of practice, with landowners having the responsibility to take reasonable action to ensure the right can be exercised.

(2) The Bill must provide that the right to access land must extend to rivers and other waterways.

(3) The Bill must provide that the right to access land does not extend to land on which a building or other structure, plant or machinery, or a caravan or other structure stands, and the curtilage of such, a sports field or land planted with a crop."

Baroness Bennett of Manor Castle (GP): Yes, my Lords, me again. I have been begged to keep this brief, given the hour, and I am going to do my best, but this is also an important amendment. Looking back to the debate on day one of Committee on 21 June, I have not calculated how many hours of debate ago that was but "a lot" will probably suffice. We have had extensive debates about the need for people to be able to get out into the natural world, to spend time in it, to engage with it, to develop their understanding and love of it and to deliver positive benefits for it with their time and attention.

I shall just mention Amendment 8, creating targets for public access, in the name of the noble Baroness, Lady Scott of Needham Market; Amendment 9, connecting people with nature, in the name of the noble Lord, Lord Lucas; and Amendment 56, making a change to the current provision in the Bill to say that the Government must take steps to connect people with nature, also proposed by the noble Baroness, Lady Scott of Needham Market. There was also Amendment 284 in my name, calling for a report on these issues. There were, I think, others, and I apologise for not making a complete list. I was surprised and a little disappointed to find that none of those amendments reappeared at Report, given the importance of the issue, and that the Bill already states that the Government may include steps to

"improve people's enjoyment of the natural environment"

in its environmental improvement plans.

We all know that many NGOs, campaigners and members of the public have been engaged in this debate all the way through, in ways that might not always be visible to the public but certainly have impact in the House. It is important, as it was on Monday night, to give due weight and hearing to their efforts, however inconvenient the hour that our procedures have forced the debate into. I have shared with a number of noble Lords, and would be delighted to do so with anyone else I might have missed, an extensive briefing on this amendment from the Right to Roam campaign, which calls for an extension to the Countryside and Rights of Way Act in England, so that millions more people can have easy access to open space and the physical and mental benefits it has been proven to bring, as well as enabling them to bring benefits to nature from their presence.

The amendment that I present here is modest. It calls for the start of a debate in the form of a publication within two years of a draft Bill. I sincerely thank the Bill Office for assisting me in its preparation; its relatively late arrival at this stage is entirely my own fault. The draft Bill would provide for statutory right to access to land for recreational purposes and educational activities, including building understanding of our natural and cultural heritage, provided that the land is accessed responsibly in accordance with a code of practice, with landowners having responsibility to take reasonable action to ensure that the right can be exercised. That is an outline based on the Scottish legislation.

In looking back to the Committee debate, I have to thank the noble Viscount, Lord Trenchard, for doing some very useful research for me. He noted that the population density of England is 279 people per square kilometre, which is more than four times that of Scotland, at 67 people per square kilometre, and nearly twice that of Wales, at 151 people per square kilometre. The noble Viscount used that figure to suggest that we could not have the right to roam in England, but I would turn it around and suggest instead that those figures are a powerful argument for opening up as much of the countryside of England as possible to give those people space to breathe and roam. The argument is even stronger for England than it is for Scotland and Wales.

[Baroness Bennett of Manor Castle]

Just 1% of the population own half the land in England—a rather significant number of them in your Lordships' House—with the other 99% having the right to roam on just 8% of the remainder. Open access land under the Countryside and Rights of Way Act is only mountains, moorland, downland, heaths and commons and, more recently, the English coastal path. There are also rights in Forestry Commission forests. However, by their nature, these are spaces largely remote from where people live. As many noble Lords agreed in Committee, the noble Lord, Lord Randall of Uxbridge, among them, we need far more public transport into these areas—but that is an issue for another day.

Looking back over the debate in Committee, I think that we extensively canvassed the benefits for the public of access to nature, so I shall not go over the same ground. However, I want to raise one additional point that was not really discussed in Committee. We know so little about the fast-changing natural world, subject to the pressure of exotic animals and diseases and, of course, our fast-changing climate.

There are significant benefits to the landscape, to the environment, to nature, of having many more people in that environment. Citizen science has a growing place in growing our understanding. The RSPB's Big Garden Birdwatch is billed as the world's largest wildlife survey—how much larger and more wide-ranging it could be with the right to roam. The British Trust for Ornithology monitors the population changes of 117 breeding bird species across the UK, thanks to the dedication of almost 3,000 volunteers who survey randomly selected 1 square kilometre spaces each spring, spaces to which they are given access.

11 pm

On this Bill and others, the House has widely canvassed the issue of litter in the countryside, but people can, of course, pick litter up as well as deposit it, and with significant parts of countryside litter being blown or washed from other places, they can help ensure the protection of wildlife and a more pleasant landscape by doing that. The specific issue of fly tipping has also been widely canvassed in our debate. More pairs of eyes in the countryside will be a deterrent to the fly tippers and increase the opportunity for them to be caught in the act on the handy mobile devices roamers are almost certain to be carrying.

I suspect the Minister may respond that the Government are reviewing public access to nature in the Agnew review. I have been able to uncover very little about this in the public domain and would be delighted if the Minister could tell us more, or indeed inform us later. It was commissioned by the Treasury earlier this year and the Chief Secretary to the Treasury, Stephen Barclay, has reportedly told Whitehall departments that he wants to see a quantum shift in public access to the outdoors.

For the reasons given on the earlier amendment, it is not my intention to push this to a vote. I regret that our debate will inevitably be very much truncated by the hour, but this is an issue I will be returning to. In the meantime, I beg to move.

Baroness Jones of Whitchurch (Lab): My Lords, I thank the noble Baroness, Lady Bennett, for her amendment. She has indeed raised important issues about the limitations of the current right to roam legislation. As a member of the Ramblers for many years, I am hugely committed to improving public access to land for recreational and educational purposes and, as the noble Baroness said, our experience during Covid brought home the huge public enthusiasm for greater access to the countryside, with all the mental and physical health benefits that derive from it. But our recent experience also highlighted the constraints, with public roads blocked, car parks full and footpaths overrun as access was limited to the established, well-trodden paths.

I do not believe that the new-found love of the countryside will subside once the pandemic is over, so we need a new contract with landowners to make sure that everyone can benefit from the peace and tranquillity of nature. This is why we welcomed the provisions in the Agriculture Act which will reward landowners for opening up new routes of access across their land, but I am disappointed that greater public access is not one of the first sustainable farming initiative pilots. Perhaps the Minister will update us on when we might see those pilots introduced. I agree with the noble Baroness that we need greater right to roam, but we need more time to consider her proposals for a draft Bill. As her amendment stands, the provision for such a Bill is rather prescriptive. We know the limitations of the current *Countryside Code*, but I would have liked more time to explore what is meant by "a code of practice" in her Bill, and how it would be applied.

The new clause's proposed subsection (3) provides a very limited group of exemptions and raises questions about such things as access to SSSI sites and other precious landscapes where we would want to prioritise habitat and species recovery. I hope the noble Baroness recognises that the proposal needs to be refined before becoming a draft Bill; nevertheless, we support the general principle and hope that the noble Lord will feel able to do so as well.

Lord Goldsmith of Richmond Park (Con): I thank the noble Baroness, Lady Bennett of Manor Castle, for her amendment. Without going into the arguments, everything she said about the benefits of access to nature, I and colleagues fully support and agree with. The Countryside and Rights of Way Act 2000 allows the establishment, recording and appeal of rights of way to agreed standards and sets out people's rights and responsibilities.

The refreshed *Countryside Code* helps the public enjoy the countryside in a safe and respectful way, and we are supporting and enhancing access to the countryside in a number of different ways, including laying legislation to streamline the process of recording and changing rights of way. We are completing the England coastal path and creating a new northern national trail. Our agricultural plans set out examples of the types of actions that we envisage paying for under schemes which include engagement with the environment. We are incentivising access via our new England woodland creation offer. There is already extensive access to rivers and other waterways which are managed by navigation authorities, with licences available for recreation

and leisure use. The Government's position remains that public access to nature is a fundamentally good thing. However, the Government's view is also that access to waterways which are not managed by navigation authorities should be determined through voluntary agreements between interested parties.

I hope that what I have said demonstrates to the noble Baroness that the Government very much share her concerns and aspirations in relation to access to nature and that she will be willing to withdraw her amendment.

Baroness Bennett of Manor Castle (GP): My Lords, I thank the Minister for his response and the noble Baroness, Lady Jones of Whitchurch, for her positive and cheering contribution. I very much echo the point she made about how disappointing it is that the sustainable farming initiative pilots do not contain such provisions and that it would be nice to see progress on that. I also thank her for highlighting the way Covid has brought about a sea change in many people's relationship with the natural world.

On the questions the noble Baroness raised about the prescriptive nature of the amendment, it is very much based on Scottish law, which is already in place and has worked through exactly what the code might look like. It has been very well worked through in Scotland—so the model is very much there.

On the Minister's response, I am pleased to hear his acknowledgement of the benefits of having people out in the countryside. That is something I will certainly be taking up with him in future. I also point out that he raised the issue of rivers. It is perhaps not very well understood outside certain communities that 90% of our rivers are off limits to wild swimmers, paddle-boarders and kayakers. Of course, wild swimming is a very fast-growing, popular and healthy pastime, and this is something that people are increasingly discovering for themselves and are very disappointed by, and it is something that very much needs to be raised.

None the less, given the hour—I hope we will have a more extensive debate on this at a more reasonable hour very soon—I beg leave to withdraw the amendment.

Amendment 126A withdrawn.

Amendment 127 not moved.

Clause 142: Extent

Amendment 128

Moved by ***Lord Goldsmith of Richmond Park***

128: Clause 142, page 129, line 4, at end insert—

"( ) section (Report on elimination of discharges from storm overflows) (report on elimination of discharges from storm overflows) extends to England and Wales;"

Member's explanatory statement

This amendment provides for the duty of the Secretary of State to prepare a report on the elimination of discharges from storm overflows to extend to England and Wales.

Amendment 128 agreed.

Clause 143: Commencement

Amendments 129 and 130

Moved by ***Lord Goldsmith of Richmond Park***

129: Clause 143, page 130, line 4, at end insert "and section (Report on elimination of discharges from storm overflows) (report on elimination of discharges from storm overflows);"

Member's explanatory statement

This amendment provides for the duty of the Secretary of State to prepare a report on the elimination of discharges from storm overflows to come into force two months after Royal Assent.

130: Clause 143, page 130, line 29, at end insert—

"(la) sections (Reporting on discharges from storm overflows) and (Monitoring quality of water potentially affected by discharges) (reporting and monitoring duties relating to discharges from storm overflows etc);"

Member's explanatory statement

This amendment provides for the proposed new duties of sewerage undertakers relating to reporting and monitoring to come into force by commencement regulations.

Amendments 129 and 130 agreed.

House adjourned at 11.08 pm.