

**Soil in England's Environment Bill**  
***Why it matters and what we learnt from the debate***

On 6th September, England's Environment Bill, a key pillar of the Government's post-Brexit legislative agenda, started its Report Stage in the House of Lords. As originally drafted, the Bill's priority areas were listed as air, water, biodiversity, resource efficiency and waste reduction – but not soil. As Lord Whitty remarked during the Lords' debate, *"it is very odd that soil is not included in this simple subsection"*.

Despite widespread evidence that UK soils are degraded, soil has been neglected as a policy priority for decades. The Environment Bill is the opportunity to address this neglect. It gives the government the power to set legally binding long-term targets on aspects of the natural environment, including one to underpin the goal in the 25 Year Environment Plan to *sustainably manage soils by 2030*.

The Bill therefore represents a potential watershed moment for soils since, historically, the lack of a nationwide target has meant no imperative to report on its changing health, and thus no investment in its long-term monitoring or management.

This is why its absence from the list of priority environmental indicators is such a setback. The need for a target for soils is an environmental emergency, but also a policy emergency. Soils are currently enjoying significant, even unprecedented attention – thanks to their inclusion in the Sustainable Farming Incentive (SFI), the rise of regenerative farming etc. However, it is a nationwide target that will align these initiatives and focus efforts on the management practices that will achieve it.

With that in mind, the SSA collaborated with the Soil Association and the Game and Wildlife Conservation Trust to brief Peers to table and support the following two amendments to elevate soil's importance in the Bill, and put it as a priority alongside other critical environmental indicators:

- [Amendment 2](#): This amendment, tabled by Baroness Bennett of Manor Castle, places *"soil health and quality"* as one of the Bill's priority areas for the setting of long-term environmental targets. On Monday 6th September, Peers voted to pass the amendment, 209-166.
- [Amendment 18](#): Tabled by the Earl of Caithness, this amendment places a duty on the Secretary of State to prepare a soils management strategy for England, reversing the currently fragmented approach to soil policy. Whilst Amendment 2 sets out that there must be a target, Amendment 18 sets out a process to achieve this target. On Thursday 9th September, Amendment 18 was debated and later withdrawn by the Earl of Caithness after Defra Minister Lord Goldsmith committed to publishing details on a Soil Health Action Plan for England by the end of the year.

The debates that took place in the House of Lords on the two soil-related Amendments were described by Baroness Bennet as *“some of your Lordships’ House at its finest”*. The Lords demonstrated a wealth of knowledge and interest in the health of England’s soils, making compelling points as to why they should be better reflected in the Bill.

### **The rationale for including soil as an environmental priority in the Environment Bill, as outlined by Baroness Bennet and supporting peers:**

#### **1. Investment in monitoring is required to establish a soil health target**

- Baroness Parminter made the case that any delay to target-setting should not lead to a lack of investment: *“if we do not set soil as a priority area, there is a real risk that the Government could choose to spend money in other areas... if we do not specify that we have a long-term target for soil health, there is a real fear that future Defra budgets will be under serious constraints to deliver that necessary work”*.
- The point was, reinforced by Baroness Bennet: *“whatever the department might be doing under one Secretary of State, there is no guarantee that it will continue under another Secretary of State”*, issues must be placed in the Bill to ensure long-term continuity and reporting.
- By way of example, Lord Khan of Burnley referred to the [SSA’s freedom of information request](#) revealed that, unlike for water and air, no single policy instrument exists to improve and protect soils and only around 0.4% of England’s environmental monitoring budget is spent on soil. *“The simple truth is that, without a functioning monitoring programme, we are being kept in the dark over the state of our soils”*.
- In response (and to defend the lack of prioritisation), Defra Minister Lord Goldsmith explained that, as it stands, a soil health target is a long way off due to a lack of available data on soil health in England. Efforts to address this are underway, he explained. Defra is currently developing a soil health measuring and monitoring scheme that will provide a baseline assessment of soil health against which change can be measured. This will then inform the future long-term soil target.
- The Earl of Devon questioned whether the lack of information and knowledge about soils was an adequate barrier to the development of a target – since targets can be developed, evolved and finessed over time. He felt the Bill should refer to soil to ensure that soil health is a priority area that is to be monitored in order to establish future targets for it. *“If we do not have all the data, this does not preclude soil being a priority area. Clause 1(2) requires only that the Government “set a long-term target in respect of at least one matter within each priority area”*.

#### **2. Achieving the Government’s commitments in the 25 Year Environment Plan**

- Baroness Young of Old Scone explained how the Bill should reflect the level of priority given to soil in the 25 Year Plan for the Environment. *“In their 25-year environment plan, they mentioned soil quality 17 times, so it does not seem to me to be beyond the wit of man to believe that that looks like a bit of a priority and probably ought to be in this list”*.
- The Government’s 25 Year Environment Plan (a 2019 policy paper setting out the Government’s post-Brexit “Green Vision”) includes the commitment for England’s soils to be sustainably managed by 2030. The Environment Bill will give the power to set legally binding long-term targets on aspects of the natural environment, hence in order to achieve this 2030 goal, soil health must be reflected in the Bill.

### 3. Aligning the Environment Bill with Agriculture Act

- Lord Khan of Burnley highlighted the importance of aligning the two critical pieces of legislation that address soil - the Environment Bill and the 2020 Agriculture Act. *“We are all aware of the firm commitment to improved soil health in the new Agriculture Act, yet, to reverse the degradation of our soils and return them to a healthy state nationally, we need a long-term commitment to monitoring at both the farm and national level”.*

### 4. Soils support vital ecosystems and are under threat

- During the debates, peers referenced a number of statistics that point to soil’s ongoing state of decline:
- The UK loses more than [3 million tonnes](#) of topsoil every year. *“In 2020 a survey showed that 16% of our arable soils were being lost through erosion at such a high rate that they are likely to become unproductive”* (Earl of Caithness).
- As highlighted by Baroness Bennett, almost [4 million hectares](#) are at risk of compaction, and we are only beginning to understand the impacts of microplastics on soils. Their contamination and pollution affects their fertility, biology and structure, and results in negative consequences for the ecosystems they support.
- Approximately [25%](#) of biodiversity is in our soil and *“for too long, in this country and elsewhere, we have ignored the importance of the 1 billion bacteria that should exist in every teaspoonful of our top-soil”* (Lord Cameron of Dillington).
- An estimated [9.8 billion tonnes](#) of carbon are stored in Britain’s soils. Whilst soil carbon sequestration can increase this amount, badly managed soil can be a major source of greenhouse gas emissions and *“if soil is incapable of sequestering and retaining carbon, whatever targets we have on carbon reduction become meaningless”* (Lord Whitty).
- Baroness Brown of Cambridge pointed to the advice given to the Government by the Adaptation Committee of the Committee on climate risks faced by the UK, where three of their eight urgent priorities are to do with the impacts changing climate has on soils.

### 5. Soil management is integral to achieving other environmental objectives

- The debate highlighted how soils’ status will determine the outcomes of other Government objectives, including climate mitigation, flood-risk minimisation, water-quality measures, biodiversity and policies relating to food production.
- Defra Minister Lord Goldsmith emphasised its importance in meeting climate change objectives *“we cannot get to net zero without addressing soil”* and that a 2030 biodiversity target would equally rely on soils.
- A point that was echoed by Lord Curry of Kirkharle *“Soil is our most precious asset, and its status will determine whether or not we achieve net zero by 2050 and whether or not we can feed 10 billion people by 2050”* As explained by Baroness Brown of Cambridge: *“We are expecting them to sequester carbon and support the 30,000 to 50,000 hectares of trees that we need to be planting per annum to meet net zero, and we are expecting them to support increased food productivity to make room for planting those trees. We are expecting a lot from our soils; they need the support of [Amendment 2]”.*
- Baroness Bennett compellingly explained that soils are complex living ecosystems that warrant their own independent priority status, alongside air and water, and that we are in danger of giving soils a permanently second-tier status. *“Without [Amendment 2], we have a Bill that is a two-legged stool...Stools need three legs. What this small, modest, but important amendment does is put that third leg on the stool”.*

## What next?

We are encouraged to see Amendment 2 voted in by the Lords, allowing soil health to be properly recognised as a priority area for environmental improvement in the Bill. Indeed, we agree with Lord Curry of Kirkharle that *“it is illogical not to include soil health and quality as a key environmental indicator”*. Whilst Amendment 18 was withdrawn, the debate did prompt the government to commit to the publication of a Soil Health Action Plan (SHAPE). Defra has since [publicly stated](#) that an announcement regarding the details of the SHAPE will soon be made and that a consultation on its draft outline will be held in Spring 2022.

The next step is for Amendment 2 to be accepted by the House of Commons before achieving Royal Assent. We will continue to lobby the Government to ensure soils are properly reflected in the Bill and will be working with sister NGOs to hold the Government to account on its commitment to a Soil Health Action Plan.

Whilst it had been hoped that Royal Assent would be achieved for the Bill in time for COP26 in November, [delays](#) are expected following the amendments passed in the House of Lords.