

UK Environment Policy Post-Brexit

uk2020



UK ENVIRONMENT POLICY POST-BREXIT

By The Rt Hon Owen Paterson MP
All Souls College, Oxford

27th January 2017

Published by UK 2020 Limited
Copyright 2017 © UK 2020 Limited
UK 2020
55 Tufton Street

London SW1P 3QL
www.uk2020.org.uk
info@uk2020.org.uk
UK 2020 Limited is a company limited

by guarantee registered at
America House, Rumford Court
Rumford Place, Liverpool L3 9dd
Company No. 09245454

Introduction

Environmentalism works best at a local level. People care most for their surroundings when they belong to them, when they have a stake in their future, and when they are free to conserve them for their children and for posterity.

The latest report of the House of Commons Environmental Audit Committee, *The Future of the Natural Environment after the EU Referendum*, asserts that “The UK’s membership of the EU has been a key factor in shaping environmental policy over the past 40 years” and points to the “strong legislative protections to the UK environment” which it has implemented. Whilst it is true that the EU has issued a myriad of directives, it has never been a leader in the environmental field. The environment was not mentioned in the Treaty of Rome, and such matters remained largely a matter for member states. Instead, it has imposed upon its member states a catalogue of policies with the aim of bureaucratic uniformity, which have been at best unsuitable, and at worst disastrous, for the environments which they are supposed to serve.

Democracies have a far better historical record for preserving the natural environment than do unelected governments of whatever shape. Indeed, only last year, the UK created the largest contiguous ocean reserve in the world around the Pitcairn Islands and remains an ambitious, optimistic leader on environmental matters. It is foolish to suggest that a country with such an outlook, and with a centuries-long pioneering record, will now neglect our commitments and duties to the environment simply as a result of leaving the political arrangements of the EU.

Outside the centralising arrangements of the EU, elected representatives will once again have the power to react effectively to the urgent and changing demands of our environment. The UK’s priorities must now be to:

- Take up our seat on world bodies which determine global regulation, and reassert the UK’s reputation for leadership
- Ensure that international conventions are interpreted so as to suit the needs of the local environment
- Retake control of our borders and implement measures to control the spread of pests and disease
- Strengthen our biosecurity and take the urgent action required against the risks of invasive species
- Introduce a programme of biodiversity offsetting in order to improve the environment for the long term whilst not impeding rural development.
- Continue to lead in combating global wildlife crime.

Local activists, with their knowledge, enthusiasm, and experience, must form the bedrock of this movement. In the finest traditions of British volunteering, we must empower them to care for their environment as they wish, and to conserve it in its, and their, best interests.

In so doing, we can return the UK to the fundamental principle of environmentalism: thinking globally, acting locally.

A long history of leadership

The United Kingdom has long been a global leader in environmental protection, and has been passing green laws since before two thirds of EU members existed as countries. Indeed, our earliest legislation – The Public Health Act 1848, which introduced statutory controls on pollution – even predates the formation of Germany and Italy as nation states, with further Acts following in 1866, 1875, 1936, and 1961. 1907 saw the creation of the National Trust by Act of Parliament, and in 1949 – the year before the Schuman Declaration on the European Coal and Steel Community – Westminster passed the National Parks and Access to the Countryside Act. This country thus has a long history of co-operation between Parliament and civil society to protect the environment.

We have also provided a strong lead in negotiating international agreements and conventions. After a Swiss study recommending joint European action in 1976, the UK became a founding signatory to the 1979 Berne Convention on the Conservation of European Wildlife and Natural Habitats, hosted by the Council of Europe. We were equally proactive in our response to the Ramsar Convention on protecting wetlands, signing before any other EEC country, and the UK today hosts more Ramsar sites than any other nation in the world. Likewise, we were an early signatory to the 1973 Washington Treaty, establishing the Convention on International Trades in Endangered Species. Switzerland, Sweden, and Cyprus were the first European states to sign, and the UK was the second EEC nation to join, after only Germany.

The 1960s saw the development of the pan-European Project MAR, established because of concerns for declining water bird populations brought about by the rapid destruction of European marshes and wetlands. The MAR conference has been called a turning point in the development of strategies for conserving these birds, and provides a fine example of co-operation outside the EU: it was the product of British, Dutch, and French organisations, and not of the Common Market.

The Environmental Audit Committee report warns of a need to ensure that environmental standards are not weakened upon our departure, and points to an apparent risk of the creation of “zombie legislation” – EU rules transposed into UK law and no longer updated, which could be eroded via statutory instruments with minimal Parliamentary scrutiny. It recommends an Environmental Protection Bill ahead of our departure, but a more proactive approach lies in a Bill to nationalise the entire *acquis communautaire* as an interim measure to ensure full continuity during the transition. Parliament should then consider a UK Environment Bill ensuring that our commitments to world conventions are properly adapted to our own landscape and wildlife and ensuring improved environmental protections. The crucial outcome must be that Parliament regains its full control to repeal, amend, or strengthen the existing body of law.

Trade and world bodies

By its very nature, environmental policy must be global in scope, and it has been organised as such since long before the EU came into existence. In 1972 – the year before the UK joined the EEC – 152 experts from 58 countries attended the first United Nations meeting on the environment, in Stockholm. That meeting led to the creation in December that year of the UN Environment Programme, marking the beginnings of global co-operation in the field, and cementing its place as an important consideration for international law.

Leaving the EU means that the UK can retake a full seat on the world bodies that determine global regulation, at which we are currently represented by the EU collectively. These include the WTO, the World Organisation for Animal Health (OIE) and the Codex Alimentarius Commission, which regulates guidelines on food and food safety.

Taking our own place on the International Plant Protection Convention, for example, would give us a far stronger voice in addressing the diseases which are becoming more and more prevalent as globalisation encourages the international trade in plant products. By taking back control of our own borders, we can learn robust lessons from Australia and New Zealand, establishing the UK as a haven for healthy plants, which can then be safely and profitably re-exported.

Retaking these seats will not only see us regain our right to vote in such bodies, but also our right to initiate new standards and propose amendments to existing ones. We will, once again, be free to co-operate with long-standing Allies across the Anglosphere and the Commonwealth. We are thus well placed to give global leadership to ensure a viable and sustainable environmental future.

The relationship with agriculture and fisheries policy

Environmental policy must be fully integrated with agriculture and fisheries as part of a flexible, adaptable overall rural approach. These are discussed more expansively in *UK agricultural policy post-Brexit* and *UK fisheries policy post-Brexit*.

As a result of leaving the Common Agricultural Policy, funding can be specifically tailored to meet the unique needs of the UK's geography and climate. There has previously been no mechanism to reward farmers for the work they do in conserving and improving the environment, but an independent policy will allow such payments. The additional roles of providing national food security, maintaining the cultural landscape, conserving and improving biodiversity, producing saleable water and managing flood control can all be fully rewarded as part of an integrated rural policy. Replacing the severe European interpretation of the Precautionary Principle with an Innovation Principle will allow and encourage farmers to embrace new technologies to further their efficiency and sustainability with real environmental gains.

The motivation for this approach of tailored environmental payments is to recognise that farming – and particularly livestock farming – provides the best tool for conservation efforts. We can adopt the style of policy at work in Switzerland, where Alpine farmers receive payments for grazing their livestock on upland pastures to recognise the crucial positive effect that this has in maintaining the iconic landscape. In the UK, mountainous regions and National Parks support a tourism industry worth £30 billion each year, but the land cannot sustain farmers on the basis of food production alone. A new policy can encourage and reward the maintenance of extensive meadow land, permanent flowery meadows, natural field margins, reed beds, hedges, copses and wooded river banks amongst others.

Ignoring the environmental benefits of farming in favour of abandoning remote areas will quickly see them revert to scrub, bracken and self-seeded trees, and cease to attract the tourists and visitors on which they depend. The idea that such areas should be “rewilded” to create some imagined primordial landscape is nothing more than a Rousseauist fantasy which should not be indulged; the reintroduction of long extirpated predators will serve simply to upset the delicate eco-systems which already exist. It would be an irresponsible and wholly unjustifiable use of public funds.

The Common Fisheries Policy has had disastrous environmental consequences, leaving some 80% of European fish stocks over-fished. In some fisheries, more fish are thrown back into the sea dead than are landed, with CFP rules forcing fishermen to dump billions of dead as a result of a poorly-constructed and inflexible quota system. It has been estimated that some 1 million tonnes of healthy fish are being thrown back each year, worth £1.6 billion and the equivalent of 2 billion fish suppers. This kind of discarding must be prevented in a new policy, replacing the quotas with an effort control system based upon “Days at Sea”.

The management of sea fisheries in UK waters is carried out so as to safeguard the natural environment. Fish stocks and marine wildlife must be rebuilt and preserved, maximising the economic value of exploitable stocks both in the short and the long term. The ban on industrial fishing must be maintained and a ban on production subsidies must be ordered. As in the agricultural sector, embracing the latest technology can ensure a rapidly responsive system, with temporary closures of fisheries vulnerable to over-exploitation able to be implemented within hours of the detection of problem. The permanent closure of certain zones, such as those used for spawning, would protect these biologically sensitive areas, and we should continue to follow the practice of designating areas of special importance to wildlife conservation.

Policy to suit local needs

Global co-operation on environmental matters is essential, but the fundamental flaw in the EU approach has been conflating co-operation with uniformity of implementation. Global rules must be interpreted at a national and even a local level in order to ensure that they best meet the needs of the local environment. It is absurd to seek to apply the same rules across vastly different terrains and eco-systems.

Our departure from the EU means that, rather than being tied to a common and often wholly unsuitable European policy, we are free to introduce, amend and strengthen our own legislation conforming to international conventions. We can now do so in response to the needs of our own species and habitats.

We will, for example, remain committed signatories to the Berne Convention, but will be able to direct our efforts to the wildlife actually at risk in the UK, rather than to a notional pan-European list. This is a crucial point. The international conventions provide national obligations, and the UK remains happily bound to these. Where the present system fails is in the EU’s misinterpretation of those conventions to form such documents as the Habitats Directive in its misguided attempt to impose a single environmental policy on a diverse continent.

Perhaps the best example of the inadequacy of a uniform policy applied from Brussels comes from the Great Crested Newt. Each year, over 1,000 licences are issued to keep these newts out of development sites, costing businesses dearly and stopping desperately needed homes from being built. One developer in Buckinghamshire was forced to spend £1 million in 2014 to catch 150 of the animals.

Such measures might be thought necessary were Great Crested Newts endangered in this country, but they can be found throughout England, and across much of Scotland and Wales. It is estimated that there are around 75,000 populations in the UK. They are, however, much more scarce on the continent, and it is as a result of this that many developers find themselves unable to build.

Worse still for the environment, the newt fences required can damage our ground-nesting birds at nesting times, but a remotely-issued directive takes no account of this. A pragmatic, flexible policy, informed by the best local knowledge, will instead focus on the interests and priorities of the environment it serves, rather than on targets set hundreds of miles away. If Great Crested Newts ever found themselves in real trouble in the UK, we would be the first to invoke the Berne Convention to help them.

The damage brought about from an over-reliance on inflexible targets has been no more clearly seen than in the recent Volkswagen emissions scandal. Lobbying by the major manufacturers of diesel cars in Brussels brought about the decision by the Commission that CO₂ emissions targets were paramount. This was greatly to the advantage of the manufacturers, since diesel engines produce lower CO₂ emissions, but had the result that far more dangerous NO_x and particulate emissions increased, causing thousands of premature, preventable deaths.

This one-size-fits-all mentality has led to equally unsuitable regulations on landfill. These regulations bore in mind the justified concerns about groundwater levels in the Low Countries, but were manifestly unsuitable for the hilly regions of western and northern Britain. Such concerns, however, were overridden by the ideological drive for bureaucratic conformity within the EU.

The British Overseas Territory of South Georgia has implemented a shining example of a practical, adaptive conservation policy. The island's Government has halted the killing of albatrosses by long-line fisheries throughout its economic zone, and taken decisive action on a number of its most damaging invasive species. It has successfully eradicated rats, reindeer, and various plant species, and ushered in an explosion in the numbers of fur seals, elephant seals, king penguins, and a host of other indigenous species.

The South Georgian example is a pertinent one. The problem of invasive species is by some margin the largest cause of extinction in the modern world; it calls urgently for a flexible, sensitive policy to address it.

Biosecurity and invasive species

Damage from invasive species costs an estimated £1.8 billion each year. The red squirrel and the white-clawed crayfish face local and perhaps national extinction as a result of diseases spread by alien grey squirrel and signal crayfish. The intransigence of the EU has meant that, while studies have been completed, effective action has been woefully slow, and the threat to these native species continues to grow.

An invasive flatworm from Brazil – the Obama Flatworm, *Obama nungara* – is a predator of land snails and earthworms, and thus endangers both soil fertility and wildlife. It is already a threat to agriculture in France and is spreading rapidly across Europe. The latest sighting in the UK was a 4.5cm specimen crawling out of a pot plant that had been bought in Oxfordshire having been imported from the Netherlands. There are 18 further invasive flatworm species already in Europe, and the uncontrolled trade in pot plants is rapidly expanding their reach. Some have a yet worse reputation for environmental harm, with the New Guinea flatworm currently in France recognised among “the 100 worst invasive alien species in the world” by the conservation charity Buglife.

All too often, such groups report the arrival of exotic grasshoppers, wasps, beetles, moths and spiders at garden centres and nurseries, many with the potential to cause dramatic damage to native wildlife and agriculture, only to be met with inaction. Increases in global trading have increased the risks of plant disease, and the insistence of the EU on free movement has increased the rate of ash dieback, and put some 80 million ash trees in the UK at risk.

It is thus small wonder that the CEO of Buglife, Matt Shardlow, describes our current biosecurity as “feeble”. The British Isles being islands, however, gives the UK in co-operation with the Republic of Ireland an enormous natural advantage in protecting our landscape from invasive species. With the latest developments in technology and technique, we can capitalise on that advantage to develop a modern, responsive system to predict, monitor, and control the spread of pests and disease.

By retaking control of our borders, we can implement a system with the kind of rigour found in Australia and New Zealand, to the benefit of our animal and plant health. This will ensure the safety of British trees, plants and animals for generations to come.

Control of our borders will also mean that we can combat the insidious trade of bush meat into this country. 7,500 tonnes of bush meat – including chimpanzees, gorillas, monkeys and forest antelope – are imported to the UK each year according to the Born Free Foundation. A 2010 study found 270 tonnes coming through Charles de Gaulle airport alone. Such meat is enormously dangerous; it has been linked to the increased risks of Ebola and bubonic plague on these shores.

Biodiversity offsetting

In a small and heavily-populated country such as ours, there will always be developments or infrastructure projects that require compromises between economic and social benefits and the natural environment. Foremost in our minds in such circumstances should be whether environmental damage can be avoided or mitigated and, as Edmund Burke noted, we “should not think it amongst [our] rights to cut off the entail, or commit waste on the inheritance, by destroying at [our] pleasure the whole original fabric of their society; hazarding to leave to those who come after [us], a ruin instead of an habitation.”

Development should be assessed according to the “mitigation hierarchy”. In the first instance, harm should be avoided by relocating to a different site. If this is not possible, then the impacts should be mitigated through, for example, the detailed design of the development. Where there is unavoidable damage, however, we should still look to preserve, sustain and improve the environment through a system of biodiversity offsetting. That is, whenever a development entails a degree of environmental damage, an equal or greater amount of environmental value is added to another area. In so doing, offsetting guarantees that there is no net loss to biodiversity from development; it often leads to a net gain.

Offsetting would not change existing safeguards in the planning system. It would make it far simpler and quicker to agree the environmental impacts of a development and to ensure any losses are properly counterbalanced. A standard framework for evaluating impacts coupled to a national metric ensures consistency across the country so that small and large developers alike are freed from the burden of tackling diverse local approaches. A less complex process can reduce costs for all concerned parties. It can also help to create a ready market for farmers, landowners and environmental organisations to supply the necessary compensation and provide long-term opportunities for investing in habitats and biodiversity. It would thus sit well alongside schemes to reward farmers directly for their environmental work.

Over 25 other countries, including the United States, Germany and Australia already use offsetting; we should embrace the lessons to be learnt from abroad. Not all of the precise details of the models in use abroad would be applicable here, but they demonstrate that the offsetting principle can work effectively. In Australia, for instance, offsetting has reduced the number of applications to develop on native grassland by 80%. The Ecosystems Market Task Force proposed that offsetting be adopted here as its first priority recommendation, saying:

“Government should clearly signal its intention to mandate a national system of biodiversity offsetting across England, in which planning authorities are required to use offsetting to deliver a net gain for nature from all new developments.”

Along with six pilot schemes which ran between 2012 and 2014, the Thameslink Programme provides a useful example of the approach at work. The £4.6 billion upgrade to one of the busiest stretches of railway in Europe takes in sites from urban depots with little vegetation, scrub-covered railway embankments in Greater London and woodland areas in the surrounding countryside. As a result, the project needed to address a number of biodiversity concerns, including green corridors, linking habitats and migration routes for protected species.

In the first instance, Thameslink sought to avoid and mitigate the environmental consequences of the project by reducing the amount of vegetation to be cleared and relocating certain infrastructure. Where such mitigation was not possible, however, Thameslink looked to offset its residual losses. Around 1500 trees were planted in Heartwood Forest and a 700 m² brown roof has been constructed at Farringdon Station to provide habitat for invertebrates.

The central aim of offsetting is to provide a system which properly values the natural environment, with environmental value considered from the very start of planning and development processes. Such a system would in turn provide opportunities for landowners, and certainty for developers and the environment.

Natural Capital Committee

A successful offsetting scheme requires a thorough, long-term evaluation of the UK's natural capital. Our natural assets include forests, rivers, land, minerals and oceans, which the most recent ONS figures from 2014 estimate at £497 billion. The work of the Natural Capital Committee, chaired by Professor Dieter Helm, must be continued to provide a framework for future policy. The Committee provides advice to Government on the sustainable use of natural capital, identifying the priorities for natural capital improvement, and in setting the research agenda.

Over the next year, the Committee will publish guides to distil best practice, and advice on approaching the evaluation of natural capital in different decision-making contexts. It will also work with DEFRA and the ONS to develop national Natural Capital Accounts, and liaise, via its Major Land Managers Group, with land managers to promote the further uptake of corporate natural capital accounting.

Wildlife crime

The UK will continue our international leading role in tackling wildlife crime. With the support of other nations and conservation charities, the UK organised the London Conference on the Illegal Wildlife Trade in 2014. The 46 countries in attendance, including China and Russia, were determined to tackle the vile reality which sees an elephant shot dead every 15 minutes and a rhino every 8 hours, calling upon the international community to unite to bring it to an end and making practical proposals for immediate effect. We have already helped to reduce poaching in parts of Kenya by 35 per cent, with no assistance from the EU.

As the catastrophic decline in the elephant population makes clear, however, further action is needed to keep up the momentum. The Government's announcement of the closure of the UK domestic market for post-1947 ivory is a positive first step, and affords us the moral authority to insist that markets be shut down across the world. China is the major internal market, and very recently made the dramatic announcement of the closure of their domestic market this year. The UK must now bring in our own comprehensive ban with certain antique exceptions, as in the United States, if our global leadership role is to be regained.

These domestic markets have been shown to provide cover for the illegal international trade, in turn fuelling poaching, funding criminal activity and undermining the ability of African communities to develop free from corruption. The impact of internal markets is truly international, driving up the demand for ivory. It is estimated that the annual trade in illegal wildlife is worth £15 billion, making it the third most valuable illicit commerce behind drugs and arms. Some of it is funding terrorist groups such as al-Shabaab, the al-Qaeda-linked extremists blamed for killing 72 people in Nairobi's Westgate mall.

Retaking a global leadership role provides the UK with myriad opportunities to ensure that our actions reverberate around the world. An independent UK must lead by example, honour our own commitments and encouraging other nations to do the same.

Conclusions

- It is absurd to seek to apply the same environmental rules across vastly different terrains and eco-systems. Instead, global regulation must be implemented and interpreted at a local level. Local people, with their knowledge, enthusiasm, and experience, must be empowered to care for their local environment in its best interests.
- The whole corpus of European law will have to be repatriated as a temporary measure to ensure continuity upon our departure from the EU, with DEFRA performing a detailed study of the intricacies of the legislation which applies. Parliament will then have full control over the repeal, amendment or strengthening of the existing law.
- Retaking our independent seat on global bodies – including the WTO, the OIE, Codex Alimentarius and the International Plant Protection Council – will give us not only a right to vote on world regulation, but also the right to initiate new standards and propose amendments to existing ones.
- We will reaffirm our commitment to international agreements such as the Berne and Ramsar Conventions, but have the freedom to reinterpret and implement their requirements in the best interests of the British wildlife and environment.
- Environment policy must be fully integrated with agriculture and fisheries. Outside of the CAP, the UK is well placed to reward farmers for the environmental good which they do, and allowing them to embrace new technologies under the Innovation Principle will provide environmental gains.
- Abandoning the CFP and its quota system provides an opportunity to build a more sustainable framework for UK fishing. An effort based control system based on “Days at Sea” will reduce discarding, and new technologies can ensure a responsive system able to close fisheries at risk of overfishing within hours of detecting a problem. Permanent closure of designated fisheries, such as spawning areas, would protect the most biologically sensitive areas in which commercial fishing would be unacceptable.
- Biosecurity measures must be strengthened as a matter of urgency. Invasive species pose a grave threat to native wildlife; we need to make full use of the natural advantages of an island to reduce those threats. With control over our borders, a rigorous system of the kind found in Australia and New Zealand can be implemented, to the benefit of our animal and plant health, and ensuring the safety of British trees, plants and animals for generations to come.
- A programme of biodiversity offsetting should be introduced so that the natural environment can be improved and sustained for the long term without unduly impeding rural development.
- The work of the Natural Capital Committee to develop a long-term evaluation of the UK’s natural capital must be continued to provide a framework for future policy.
- The UK will continue to play a leading role internationally in combating the illegal wildlife trade. In particular, we will continue to help to organise co-operative international conferences modelled on the successful London Conference of 2014, aimed at reducing poaching and improving the sustainable uses of wildlife.

UK 2020

55 Tufton Street

London SW1P 3QL

www.uk2020.org.uk

info@uk2020.org.uk

UK 2020 Limited is a company limited by
guarantee

registered at America House, Rumford
Court,

Rumford Place, Liverpool L3 9dd

Company No. 09245454