Possible Implications for UK’s Environmental Policy and for Environmental Consulting from the 2016 Decision to Leave the EU (‘Brexit’)

TEP is an environmental consultancy and hosted a visit from students of the University of Berlin addressing the above topic. This note is a short summary of the discussion.

Historically, a lot of environmental legislation has come from Europe and is regarded positively. There have been concerns expressed occasionally regarding aspects of the UK’s compliance, particularly at present around air quality and effects on it from transport. However the tag ‘the dirty man of Europe’ presently belongs to the time before and the very earliest years of Britain’s engagement with the European Union.

There is not likely to be substantial change soon in legislation or approaches to environmental assessment through repeal or amendment of legislation based on EU Directives. Focus will be on trade, renegotiation with Europe and new negotiations with others. Looking to alter environmental legislation and changing approach to a more ‘national’ outlook will be a low priority.

Some environmental protection for sites and species is secured through treaties and wider international agreements which will not change due to Brexit.

Environmental protection will need to be in place for trade products to be accepted in other regions. For example, trade in plants and trees where agreements assist protection of UK forests from pathogens prevalent in other parts of Europe.

The 2017 general election brought political challenges as the government lost its majority.

However, the instability in the national political situation may mean that there is a more ‘consensual’ than ‘confrontational’ approach to Brexit discussions.

In the short-term, say for the next 5 years or so, we do not see very much change arising in our work from Brexit.

A business risk is general economic down-turn because of uncertainty. The hung parliament and uncertainty of the UK’s approach to Brexit may result in investors postponing funding of development and reduced demand for EIA services. That risk can be balanced with other factors that may sustain opportunities, such as planning policies promoting residential development in light of the UK’s housing shortage and favourable exchange rates favouring inward investment.

The longer term is difficult to predict. However there was no Brexit campaign material that referred to Europe ‘unfairly’ stopping the UK from polluting more or preventing it from damaging its environment!

The Common Agricultural Policy (CAP) was criticised, but mainly in the context of poor value, excessive production and making large landowners wealthier. There was some reference to CAP having made less environmentally-friendly countryside, for example by subsidising removal of hedges and field boundaries.

It is likely the UK will keep much of the environmental legislation that originated in Europe for many years.
In general politics, promoting removal of environmental protection is not likely to be popular. However there is definite uncertainty as to how environmental protection and agriculture will be addressed in the future.

There is some concern over future enforcement of environmental legislation. Brexit will remove the need to comply with future Directives and it is not clear how the UK government will respond to future updates and how rigorously it may choose to follow.

Similarly, whilst the UK is a signatory to the Paris Climate Accord, several environmentalists fear that in the absence of EU-wide encouragement, the UK may move more slowly to implement measures to decarbonise the energy market (on a recent windy and sunny day, the UK produced just over half of its power supply from renewable sources for the first time).

As outlined above, it is a matter at present of continuing to monitor and seek to react if opportunities and obstacles present themselves.

The latest EIA Directive was implemented recently in Britain (May 2017) and represents ‘evolution’ rather than ‘revolution’. The main changes are references to competent EIA professionals; the introduction of the possibility of health assessments; and the need to accord or comply with Scoping Opinions. The Regulations came into force in May 2017 and there seemed to be something of a rush of scoping opinions sought immediately before the new Regulations applied, so that those projects would be considered under the existing Regulations.

However this was not because of specific concern regarding aspects of the Regulations derived from European legislation, but related to uncertainty regarding how they may be interpreted.

With any new legislation, there takes time for precedents to be established which set out the interpretations and the accepted meanings. Interpretation of new legislation will be tested in the courts and no-one wants their development to be the one used to help define law.

Ian Grimshaw, Director, TEP, November 2017.

For access to more EIA articles, case studies and hundreds of non-technical summaries of Environmental Statements visit: http://www.iema.net/eia-quality-mark/