

## House of Commons Environmental Audit Committee – Future of the Natural Environment after the EU Referendum inquiry

---

### **Written evidence submitted by the Institution of Environmental Sciences**

*The Environmental Audit Committee is conducting an inquiry into the future of the natural environment after the EU referendum. Written submissions were invited on a range of questions outlined in the inquiry [terms of reference](#).*

---

### **Summary:**

- The EU has developed some of the strongest environmental laws in the world, which have delivered significant benefits for the UK natural environment. It is now crucial that policymakers mobilise the appropriate expertise to map out a future path which can minimise the risks that leaving the EU may pose for the UK environment and maximise any potential benefits.
- The future of UK agriculture outside of the Common Agricultural Policy is no doubt significant both for biodiversity and the agricultural sector, but it is not the only important factor for our natural environment. Which, if any, of the wide array of EU Directives relevant to the environment will continue to apply in the UK will depend upon the outcome of Brexit negotiations. Significant scientific expertise will be required to review the UK statute book and evaluate where gaps may emerge, or changes are required.
- Whatever trade agreement is reached, the UK will no longer be a party to the EU Nature Directives; action must be taken quickly to ensure that these protections are maintained in UK law.
- Leaving the EU does represent an historic opportunity to design a national agricultural policy which rewards land managers for delivering public goods (in line with the ecosystem services agenda), and which is based on science and a holistic approach to environmental systems.

### **Background**

- 1.1. The Institution of Environmental Sciences (IES) is a membership organisation that represents over 3,000 professionals from fields as diverse as air quality, land contamination and education - wherever you find environmental work underpinned by science. A visionary organisation leading debate, dissemination and promotion of environmental science and sustainability, the IES promotes an evidence-based approach to decision and policy making.
- 1.2. As a professional membership organisation for scientists working across the environmental sector, many of whose work is directly or indirectly linked with the implementation of EU environmental regulation, or in data collection, monitoring or impact assessment associated with it, we welcome this opportunity to present evidence on the implications of Brexit for the UK's natural environment. In this submission we highlight some key principles which we hope to see shaping post-Brexit policy in this area. We split our evidence into three broad sections: nature conservation, agricultural policy, and fisheries and the marine environment. However, we would highlight that with such a significant proportion of the UK's land area under some form of agricultural management, agriculture and conservation, as well as flood and water

management issues, are inextricably linked. Holistic, joined-up policy solutions are required which reflect these interlinkages.

### **Nature conservation**

- 2.1. The EU has developed some of the strongest environmental laws in the world. As an EU Member State, the UK has contributed significantly to this process, but has also been required to implement these strong protections, and has been held accountable by EU enforcement mechanisms. As highlighted by the Institute for European Environmental Policy (IEEP) in two reports before the referendum<sup>1,2</sup>, the risks for the UK environment associated with leaving the EU outweigh the opportunities. However, it is now crucial that policymakers mobilise the appropriate expertise to map out a future path which can minimise these risks and maximise any potential benefits. Although clear risks have been identified, damage to our natural environment is not inevitable: the decisions made during negotiations with the EU, and in any legislative reviews which follow, will be crucial in determining whether current levels of protection can be maintained, or even enhanced.
- 2.2. The future of UK agriculture, outside of the Common Agricultural Policy, is no doubt significant both for biodiversity and the agricultural sector, but it is not the only important factor for our natural environment. The work of many IES members in the UK is currently concerned with the implementation of EU environmental regulation, or in data collection, monitoring or impact assessment associated with it. Important Directives include the Water Framework Directive, Air Quality Framework Directive, Birds and Habitats Directives, Environmental Impact Directive, Strategic Environmental Assessment Directive, the Waste Framework Directive, Marine Strategy Framework Directive, the Floods Directive and many others. Although the provisions of these regulations could be recreated directly in UK law (and have of course in most cases have already been transposed onto the UK statute book), considerable effort will now be required to review which of these pieces of legislation should still apply to the UK, and where changes may be appropriate. Significant scientific expertise will be required to undertake this substantial task.
- 2.3. When considering the implications of Brexit for UK biodiversity, the Nature Directives (the Birds and Habitats Directives) are of particular significance. These Directives have made significant contributions to the protection of biodiversity in the UK. Unlike many other pieces of European law, the UK would not still be required to abide by the rules of the Nature Directives if it remains a member of the European Economic Area. Other international environmental law, such as the Bern Convention, would of course continue to apply, but these do not offer the same level of protection provided by the Nature Directives, nor are the same enforcement mechanisms available to hold national governments to account. To avoid damaging consequences for UK biodiversity, the Government must act quickly to ensure that a legislative vacuum does not emerge in this area and that current levels of protection will be maintained once our obligations under EU law cease. The public should be reassured that efforts will not be made to water-down or degrade these protections in the future.

---

<sup>1</sup> [http://ieep.eu/assets/2000/IEEP\\_Brexit\\_2016.pdf](http://ieep.eu/assets/2000/IEEP_Brexit_2016.pdf)

<sup>2</sup> [http://www.ieep.eu/assets/2016/IEEP\\_2016\\_Brexit\\_-\\_Implications\\_for\\_UK\\_Environmental\\_Policy\\_and\\_Regulations.pdf](http://www.ieep.eu/assets/2016/IEEP_2016_Brexit_-_Implications_for_UK_Environmental_Policy_and_Regulations.pdf)



## Agricultural policy

- 3.1. As more than 70% of the UK's land area is used for some form of agriculture<sup>3</sup>, clearly agricultural policy is a highly significant factor in the future of UK biodiversity. Whatever trading agreement is reached with the EU, the UK will depart from the Common Agricultural Policy (CAP). Despite significant reform efforts in recent years to 'green' CAP, which have made some improvements, the policy still does not ensure optimal environmental outcomes. Brexit provides an opportunity to design a new system for agricultural subsidy in the UK, which delivers better for both people and the environment. Whether improvements are delivered or not will depend upon the new national policies which emerge as the Government prepares to officially leave the EU over the coming months and years.
- 3.2. Currently, EU farm subsidies represent approximately 50-60% of UK farm income<sup>4</sup>. By better targeting these payments there is clearly significant potential to incentivise sustainable farming practices and environmental management regimes. There is concern that new national policies may not in fact deliver on these opportunities: in IEEP's report on the implications of Brexit, they report that the majority of experts expect significant cuts to expenditure on agriculture, and that incentives for greener farming could decline, due to both funding constraints and concerns about competitiveness<sup>5</sup>. Nevertheless, the 'blank page' with which the UK is now presented on agricultural policy does represent a chance to develop a ground-breaking and world-leading new subsidy framework based on both competitiveness and sustainability, and informed by the latest science and evidence. The IES looks forward to engaging with Defra and other Government departments in the coming months to develop this vision.
- 3.3. Our vision for a new national agricultural policy would be underpinned by science and systems thinking. In designing a new subsidy system there is the opportunity to better reward farmers and land managers for delivering public goods (in line with the ecosystem services approach<sup>6</sup>), rather than production or other outdated metrics. In this way, the best use of public money can be made to deliver a wide range of services which will benefit people well beyond the bounds of individual farms. For example, it has been shown that making simple landscape interventions on farms, or adjusting agricultural practices in some areas has the potential to slow run-off during rainfall events, protecting communities elsewhere in catchments from flooding<sup>7</sup>.
- 3.4. We welcome the recent statement from Farming Minister George Eustice, which indicated that a more holistic approach to environmental management was being considered, which would join up policies on soil and water management<sup>8</sup>. Natural systems are complex and interconnected, and embedding a holistic systems approach at the heart of a UK agricultural policy, in combination with rewarding farmers for delivering public goods, would provide numerous

---

<sup>3</sup> According to data presented by the Food and Agriculture Organisation – Agricultural land (% of land area) in 2013. <http://data.worldbank.org/indicator/AG.LND.AGRI.ZS>

<sup>4</sup> According to various Defra sources compiled by the House of Commons Library, 2016. <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7602#fullreport>

<sup>5</sup> [http://ieep.eu/assets/2000/IEEP\\_Brexit\\_2016.pdf](http://ieep.eu/assets/2000/IEEP_Brexit_2016.pdf)

<sup>6</sup> <https://www.gov.uk/guidance/ecosystems-services>

<sup>7</sup> For more information, a good summary paper on Natural Flood Management has been prepared by the Parliamentary Office of Science and Technology. *Natural Flood Management*, POST Note 396, December 2011 <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/POST-PN-396#fullreport>

<sup>8</sup> <http://www.fwi.co.uk/news/defra-signals-post-brexit-shift-away-from-direct-payments.htm>



benefits to communities and wildlife, and help to build resilient and sustainable agricultural systems.

#### **Fisheries and the marine environment**

- 4.1. Although this inquiry is primarily focusing on agri-environment schemes and the terrestrial natural environment, it is very important that protection of the marine environment is also considered, and the interlinkages between terrestrial and marine, or estuarine systems are not overlooked.
- 4.2. The development of a national fisheries policy, to replace the Common Fisheries Policy, is another extremely complicated issue, which we are sure will be consulted on in detail elsewhere. As such, in this submission we simply aim to highlight the importance of considering how the marine environment, and indeed many important estuarine and inshore fisheries, are impacted by terrestrial agricultural practice. Agricultural run-off can have a major impact on estuarine and marine ecosystems, as well as river habitats. As such, in designing a national agricultural policy it will be important to consider farms as part of a wider system, ideally at the catchment scale.
- 4.3. The UK's coastal and offshore marine waters contain a significant proportion of our biodiversity, so should not be excluded from discussions about the protection of the natural environment. Our marine wildlife also faces many threats, from climate change, pollution, invasive species and overexploitation, for instance. Recent years have seen some improvements in UK fish stocks overall, but overall 75% of EU fish stocks continue to be over-fished<sup>9</sup>. Many of our marine species and habitats currently receive protection under the Habitats Directive. As new plans for the protection of the natural environment in the UK are developed, there is the opportunity to improve protection for marine habitats, but in the first instance it will be important to ensure that current protections under the Habitats Directive are maintained. Furthermore, collaboration with our EU neighbours will be essential if a national fisheries policy is to be a success. Wildlife and natural processes do not respect political boundaries (particularly in the marine environment), and policy must reflect this reality.

---

<sup>9</sup> State of Nature Report, 2015. [https://www.rspb.org.uk/Images/stateofnature\\_tcm9-345839.pdf](https://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf)