



Wildlife and  
Countryside



2 August 2018

## **Environment Links UK Response to Defra's consultation on 'Environmental Principles and Governance after the United Kingdom leaves the European Union'**

Environment Links UK (ELUK) comprises the combined membership of Wildlife and Countryside Link, Scottish Environment LINK, Wales Environment Link and Northern Ireland Environment Link, and collectively represents more than 8 million supporters across the United Kingdom.

We welcome Defra's consultation on environmental principles and governance.

While many of our member organisations will be responding in full to the consultation in their own right and as signatories to the responses being submitted by some individual country Links and by Greener UK, as ELUK we wish to focus in our joint response on the need to address these issues across the whole of the UK.

As has been expressed in previous joint position papers with Greener UK, ELUK respects the current devolution settlements and recognises that environmental policy is devolved to Scotland, Wales and Northern Ireland. Outside the EU, UK-wide policies for protecting our environment must be developed in a way that is compatible with those devolution settlements but also recognising the transboundary nature of environmental issues. We must also recognise that the island of Ireland and its surrounding seas represent a single biogeographic unit.

We recognise that both this consultation, and, we believe, the intention of the obligations in Section 16 of the European Union (Withdrawal) Act 2018, (which received Royal Assent after publication of the consultation), apply only to England and to reserved matters across the rest of the UK, and that it is for the devolved administrations to determine how devolved matters are addressed in their countries.

However, the UK's exit from the European Union will result in the loss of the broad application of environmental principles and create a governance gap across all four countries of the UK. Unless addressed across the UK, our environmental legislation and standards of protection will be weakened as a result. We are therefore pleased that the consultation recognises that *'the environment does not respect boundaries'* and *'a joined up approach would be beneficial'*.

In the consultation, Defra also states that they *'would welcome the opportunity to co-design the proposal for the new environmental body and principles'* with the devolved administrations. We welcome this invitation to the devolved administrations, and the statements made by the Welsh and Scottish governments that they are prepared to collaborate<sup>1</sup>. However, we have been deeply

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<sup>1</sup> E.g. Scottish Government and Welsh Government evidence to Environmental Audit Committee - see <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environmental-audit-committee/environmental-principles-and-governance-consultation/written/86616.html> and <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environmental-audit-committee/environmental-principles-and-governance-consultation/written/86462.pdf>



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concerned by the apparent lack of any meaningful collaboration so far between the four governments on both filling the governance gap and the application of the principles, in spite of their commitments to do so.

We are greatly concerned that there has been no truly intergovernmental process or equal- basis engagement which comes close to 'co-design'. For instance, Defra appears not to have shared the principles and governance consultation with the devolved administrations before publishing it.

In line with devolution, and recognising individual countries' existing legislation, legal regimes and systems, discussions across the UK are urgently needed to co-design and co-develop the integrated approach that the environment needs.

Importantly, there needs to be consideration and a coming together of all UK governments on the required environmental outcomes and more official acknowledgement of transboundary issues, as well as a need to cooperate in other areas of importance so that agreement can be reached on what is required for the continued protection and conservation of our environment. Any pan-UK design should also take into account the need to have strong cross-border co-operation and aim to ensure that the island of Ireland continues to be treated as a single biogeographic unit. It should also prioritise guarding against the risk of competitive deregulation and the potential environmental impacts that would bring.

In addition, as is presently the case under EU environmental law, any pan-UK arrangements should establish agreed practices and standards, but should not prevent any Government from pursuing higher environmental standards.

We welcome Section 16 of the European Union (Withdrawal) Act 2018 which requires the Westminster Government to publish a draft bill within 6 months, but recognise that this presents additional challenges to the co-design of a UK-wide approach to environmental governance and a shared approach on the application of environmental principles. Meanwhile, we are aware that processes to consider future environmental governance and the application of the environmental principles are also underway in Scotland and in Wales. It is therefore imperative that meaningful dialogue between the Westminster, Welsh and Scottish Governments, and officials in Northern Ireland, and associated engagement of stakeholders, be progressed as a matter of urgency.



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