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‘Green Brexit’ promise under threat as latest proposals fall short and capacity concerns persist, say campaigners

Opportunities in new environment bill tempered by more immediate concerns

A coalition of 13 major environmental organisations has stated that the government’s pledge to ‘protect and enhance’ the environment in the Brexit process is in significant doubt, despite the announcement of a new environment bill [1].

In its fifth ‘Risk Tracker’ analysis of government progress towards a ‘green Brexit’, Greener UK cites particular concerns over new proposals to enforce environmental laws and the capacity of public authorities [2]. These concerns are amplified by the threat of a ‘no deal’ Brexit.

Of the eight categories examined in the Tracker, air quality has been rated ‘high risk’ since June 2016. With the European Commission recently referring the UK to the European Court over its failure to respect air pollution limits, continuing uncertainty around the future environment watchdog’s power and remit has done little to assuage concerns around air quality [3,4].

There are further concerns around the capacity and commitment to enforce regulations post-Brexit. A recent interim report by Dame Glenys Stacey on farm inspections stated that there are now just 40 Environment Agency (EA) inspectors for monitoring and enforcing regulations on farms in England. This means that an English farm has a one in 200 hundred chance of being inspected by the EA in any one year [5].

Defra’s arms-length bodies also told Dame Glenys that they ‘are not resourced to check compliance sufficiently and/or do not have the range of powers they need’ [6]. Just 14% of rivers are in good ecological health, with a significant proportion of river pollution stemming from farms [7].

Meanwhile, there continues to be uncertainty around the future sustainability of fisheries. While the government’s recent fisheries white paper included positive intent on sustainability, the Risk Tracker notes that commitments on bycatch were weaker than the EU’s current proposals [8]. Similarly, while the white paper emphasised the importance of co-operation between the UK and devolved governments, there has been little evidence of such co-operation thus far.

This is the fifth edition of [Greener UK](#)’s Brexit ‘Risk Tracker’. The fourth, February to April 2018, had indicated improvements, with the chemicals and waste & resources categories moving from a high risk to medium risk rating [9]. The latest period, however, has been marked by increasing uncertainty, with ministerial resignations and increasing calls for a ‘no deal’ Brexit. Campaigners believe a no deal Brexit would have deeply damaging consequences for the environment [10].

Shaun Spiers, chair of the Greener UK coalition, said:

“The proposed environment bill presents a priceless opportunity to improve our environment. But with only months remaining to reach an agreement with the EU, there is a huge amount to resolve in very little time. The prospect of a no deal Brexit risks undermining all the government’s good intentions for a ‘green Brexit’.

“More and more serious people despair of reaching a deal, and some unserious but worryingly influential people within the UK seem to relish the prospect of a no deal Brexit. Ministers must do everything they can to prevent it.”

On air quality and the green watchdog, Katherine Nield, UK clean air lawyer, ClientEarth, said:

“Government plans for the powers of a new environment watchdog are insufficient and risk further compromising the quality of the air we breathe.

“Under the existing EU arrangements, the European Commission has referred the UK to the European Court of Justice over its failure to comply with legal air pollution limits. The threat of such proceedings, and the ultimate fines that can result from them, are a powerful motivator. They have certainly played a part in pushing the UK Government to step up its attempts to bring air pollution to within legal limits as soon as possible.

“The new watchdog must be similarly empowered to launch legal proceedings against the Government where it breaks environmental law, including requirements relating to air quality. It is critical that these proceedings are backed up by robust sanctions including the imposition of fines in order to continue to dissuade Government from breaking the law in the first place.”

On Environment Agency capacity, Tom Lancaster, principal policy officer in agriculture at the RSPB, said:

“A lack of resources at the Environment Agency is compromising these crucial environmental protections, and risks letting down the majority of farmers who play by the rules. It is important that the imminent Agriculture Bill provides for a more ambitious set of standards, to ensure that the Government can better manage the impacts of farming on our rivers and wider environment.”

Amy Mount of the Greener UK coalition added:

“The poor rate of enforcement on farms must be seen within wider concerns about the future of our environmental standards, on everything from wildlife habitats to air quality.

“If the government wants to live up to its ambitions for a ‘green Brexit’, it must adequately resource its agencies and make sure that the new green watchdog is equipped with the necessary powers, including the ability to take the government and public authorities to court if standards are breached.”

ENDS

Notes to editors

[1] BBC News, [Theresa May announces new environment bill](#), 19 July 2018.

[2] Greener UK, [Risk Tracker update May – July 2018](#), August 2018.

[3] The Independent, [EU takes British government to court for illegal and dangerous air pollution levels](#), 17 May 2018.

[4] Defra recently closed its [consultation](#) on a new independent body to enforce environmental laws and principles after Brexit. It has received at least 150,000 critical responses to the consultation, which is more than double the number received for its consultation on [banning ivory sales](#).

See also: Financial Times, [Anger that new environment watchdog lacks power to prosecute government](#), 10 May 2018; The Guardian, [Campaigners attack plan for new watchdog to protect environment after Brexit](#), 10 May 2018.

[5] Dame Glenys Stacey, [Farm Inspection and Regulation Review](#), July 2018, p. 30.

[6] *ibid.*, p. 5.

[7] Environment Agency, [‘Far too many serious pollution incidents’ says Environment Agency water quality report](#), 19 February 2018.

[8] The Observer, [Protection for dolphins and seabirds ‘weaker under Brexit plans’](#), 22 July 2018.

[9] See Greener UK, [Risk Tracker update February – April 2018](#).

[10] Greener UK, [What would a no deal Brexit mean for the environment?](#), July 2018.

ABOUT GREENER UK

[Greener UK](#) is a group of 13 major environmental organisations, with a combined public membership of 7.9 million. They are united in the belief that leaving the EU is a pivotal moment to restore and enhance the UK's environment. The coalition members include WWF, National Trust, RSPB, Friends of the Earth, Green Alliance and The Wildlife Trusts.