

Brexit: the future for Environmental Directives and the UK?

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Zombie Legislation...

- Best protection for our natural environment?
 - ➔ UK Government free to amend or repeal acts
 - ➔ 'Environment' and 'Energy' are devolved responsibilities

- Environmental Audit Committee called for a new Environmental Protection Act
 - ➔ Changes due to Brexit could put our countryside, farming and wildlife at risk
 - ➔ EU legislation that is not updated, has no enforcing body and is erodible with minimal parliamentary scrutiny

- If EEA membership, arguably more complicated:
 - ✓ EIA, WFD, MSFD Directives
 - ✗ Habitats, Birds, Bathing Waters and Shellfish Waters Directives

- We need to plan for the future now – clearly and unequivocally

Industry... EIA... Opportunities

- Post Brexit opportunities and creativity
- The British Ports Association
 - ➔ 'Port Zones' exempt from environmental designations
 - ➔ fast-tracking
- But 2014 European amendments to EIA Directive have been carried into draft UK Regulations (May 2017)
 - ➔ Use of competent experts – sufficient expertise?
 - ➔ Marine Works EIA Regulations proposals differ from those for the other regimes in quite a few ways
 - ➔ No use of joint procedures and no expansion of co-ordination
 - ➔ 90 day time limit for screening and exceptional circumstance extension
 - ➔ Scoping conflict
 - ➔ 'Reasonable time period' for decisions



Smart?

- The UK needs sustainable development and to deliver better biodiversity outcomes.
- Opportunities to achieve better outcomes for the natural environment will present themselves
- We need to share knowledge widely and be proactive in looking for solutions that are better than the Directives we have now.

