
Brexit and nature – looking for silver linings

Leaving the European Union is likely to have significant repercussions for nature and land use in the UK. With the uncertainty comes the risk that changes will be accompanied by a weakening of protection for wildlife conservation. However there are also opportunities, especially surrounding the loss of the Common Agricultural Policy (CAP) and the chance to reframe farming and land-use policy to deliver genuine public benefits at a landscape scale.

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In March 2017 'article 50' will be triggered and the clock starts ticking on the UK exit from the EU. The impacts of exit on land use and nature conservation depend on a number of factors:

- The chosen exit model and relationship with the EU and other trading nations;
- The treatment of enacted UK legislation based on EU Directives and any new legislation which may need to be put in place;
- The way in which agricultural and rural payments are treated following the loss of the Common Agricultural Policy (CAP);
- The general state of the economy and availability of government funding for the environment and other land use; and
- The extent to which devolved governments choose different options for support for the environment and other land uses.

Although it is unlikely that there will be significant changes to UK environmental legislation during the period of negotiation, the civil service will begin to draft legislation in anticipation. It is also possible that a Framework Act could be passed which would ensure the continuation of some current legislation to operate beyond the point of exit, particularly where this is linked to measures in EU Directives. Preparations must be alert to some known changes to policy relating to the natural environment, but also a range of unknown or uncertain factors.

Options for exit

The two broad options for exit are to become part of the European Free Trade Agreement (EFTA) and join the European Economic Area (EEA), which would continue to provide access to the single market, or a more complete separation and the creation of independent trading relations with Europe and the rest of the world.

Under either of those scenarios the UK would lose:

- Common Agricultural Policy (CAP)
- Habitats Directive; including Special Areas of Conservation (SACs)
- Birds Directive: including Special Protection Areas (SPAs)
- Floods Directive
- Bathing Waters Directive

If the UK becomes a member of the EFTA it would continue to be bound by:

- Water Framework Directive
- Nitrates Directive
- Environmental Impacts Directive
- Ambient Air Quality Directive
- Urban Waste Water Directive

Compliance to legislation by EFTA Member States is monitored by the EFTA Surveillance Authority, who can use the domestic court processes or can take Members States to the EFTA Court which has similar powers to the Court of Justice of the European Union (CJEU). Even outside the EEA the UK may be required to comply with some of the legislation as part of bilateral trading agreements.

The UK would also of course continue to be party to other international agreements such as rules under the General Agreement on Tariffs and Trade (GATT) which would affect issues such as levels of farm support which might affect trade.

In addition the UK has international commitments:

- Convention on Biological Diversity - Aichi biodiversity targets 2011-2020
- United Nations Framework on Climate change - Paris Climate Change Agreement 2015
- UN Sustainable Development Goals 2030
- Bonn Convention 1979 (on the conservation of migratory species of wild animals)
- Bern Convention 1979 (on the Conservation of European Wildlife and Natural Habitats)



Local benefits from a wildlife friendly landscape: Gloucestershire cheese linked to hay meadow management.

Enduring problems

The protection of species, habitats and sites provided in the UK as a result of the Birds and Habitats Directives is threatened by any of the approaches to leaving the EU. As sites under Natura 2000 (SACs and SPAs) would no longer continue to meet the definition of European Sites they would in effect disappear as a designation. However all Natura sites are also Emerald sites under the Bern Convention, which would persist, and this may be a mechanism by which continued protection could be maintained. All SAC/SPAs are also SSSIs and so would be covered by UK legislation.

Protection measures for nature conservation through the planning system and in relation to infrastructure development are not affected by leaving the EU, so whilst the familiar problems persist, they are not changed for better or worse as a result of exit.

Whilst alterations to trading relationships may affect movement of plant material, in general it seems unlikely that leaving the EU will not in itself have any additional impact on pests and pathogens or invasive species entering the UK. Measures to improve biosecurity and control in relation to a range of potential disease and pest pathways will remain critical under any future trading arrangement with both Europe and the rest of the world.

The future for agriculture

Agri-environment and other payments under the CAP have had limited impact on halting wildlife impacts and overall has often supported management practices

which work against the interest of nature and the environment. Across Europe the CAP was intended to maintain farmers on the land and retain rural communities through direct support for production and wider support for rural development.

Nonetheless, in most of Europe the CAP has failed to halt rural depopulation and large areas have seen land abandonment. In the UK whilst rural populations have not been significantly depleted in absolute terms there has been a marked shift in demographics. In general the younger generation have moved to urban areas whilst those in later middle age and retirement have moved in to rural areas. The average age of farmers, particularly in less favoured areas (LFAs), mostly the uplands, has increased.

Those farmers and farms outside the most productive lowland areas are reliant on farm subsidies. In most upland areas farm subsidies represent over half of farm income and farming businesses would be unlikely to survive in their current form without continued direct support.

Given competing needs on scarce funds, agriculture may not have a strong claim on the 'Brexit dividend', the money we no longer send to Europe and which could be reallocated to a range of causes, including for instance the health service. However, in many parts of the UK farming has a strong political and cultural influence on policy.

Public support for agriculture – a new deal?

There has been an increasing debate around the purposes of public support for agriculture and the need for land use which supports a greater degree of public benefits. This includes discussion of natural flood risk management, rewilding, increased woodland cover, recreational benefits, and carbon storage. Reports from the Natural Capital Committee have highlighted the value of other uses for marginal land and the importance of the natural environment to the national economy, and discussion of payment for ecosystem services has suggested other approaches to paying for land use change and the benefits it might bring.

The loss of the CAP, whilst creating uncertainty, offers possibilities for the expansion of wildlife management and for a more imaginative and strategic approach to land use. In most cases current direct farm support generates very little demonstrable public benefit and can produce disbenefits, for instance loss of biodiversity, soil erosion and flood risk. There is an opportunity to move away from direct payments based on area farmed, in favour of payments which clearly reflect the delivery of a range of public benefits.

In agriculturally marginal areas, including most of the uplands, payments could be used to overcome market barriers for an increase in the contribution of land to wildlife, access, water quality, flood resilience, and carbon benefits. This might include an expansion in native tree and woodland cover and creation and restoration of open habitats. It could also include adoption of 'rewilding' or greater use of natural processes in marginally productive areas as a cost effective form of land management.

In the longer term some of these changes may result in income streams which make them largely or wholly self-funding, in other cases continued public funding could nonetheless provide measurable overall public benefit.

In more productive lowland areas food production is likely to continue to be a priority and agri-environment payments should be targeted to ensure that wildlife can thrive even within intensively farmed landscapes. This is critical both to mitigate environmental impacts of agriculture and support productive farming through the provision of shelter and shade, support for pollination services, reduction of soil erosion and the like.

Both less productive land re-purposed around wider public benefits, and productive agricultural land managed sustainably for food production should be part of a wider strategic view of land use which ensures that public benefits at a landscape scale are fully recognised. This includes making the whole landscape amenable to the movement of species in order that they can survive and adapt to environmental change and other pressures.

Were we starting from a position where nature was fully protected and thriving, the prospects of dismantling EU structures and support would be a more worrying prospect. While the EU provides many environmental benefits particularly at a pan-European level, the state of the natural environment remains woeful. We are faced with the reality of exit from the EU and notwithstanding the need to avoid losing ground on protection, we should grasp opportunities from the necessity of change.

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Countryside benefits at the meat counter - understanding the local food and its landscape links.

