



## ENVIRONMENTAL LEGISLATION

# What are the forthcoming legislative issues of interest to ecologists and conservationists in 2015?

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This is our fifth assessment of the forthcoming legislation that is likely to have consequences for the environment and for ecologists. As before, we consider global scale issues, issues in the European Union, and those both in the United Kingdom and constituent countries. Our objectives have been to inform researchers and practitioners of the forthcoming changes. These could provide opportunities and have implications for future work. We know that policy advisers and others in Government and the agencies have also found this assessment useful. Opportunities exist for ecologists and other researchers, either as individuals or in an institutional capacity, to contribute to the consultations held by both Westminster and the devolved governments.

2014 was an interesting year for politics with a vote over Scottish independence (by a remarkably high turnout), the growth of the small parties within the UK, and the election of a new European Parliament, European Commission, and Council President with apparent changes in attitudes to the environment. 2015 will see a UK General Election and the development of a new European Commission Work Programme.

The previous scans are all available on the British Ecological Society website and we do not repeat issues that have been dealt with before.

### GLOBAL

#### DEVELOPMENTS UNDER THE CONVENTION ON BIOLOGICAL DIVERSITY

The first Conference of the Parties serving as the meeting of the Parties (COP-MOP) to the Nagoya Protocol on Access and Benefit Sharing was held concurrently with the COP 12 to the Convention on Biological Diversity in Pyeongchang, Republic of Korea in October 2014. The first meeting of the governing body of the Nagoya Protocol also marked the day of its entry into force and steps were taken towards the Protocol's operationalization by establishing a compliance committee, agreeing on how indigenous and local communities will participate, and setting up the Access and Benefit Sharing Clearing-house.

The COP to the Conventions on Biological Diversity, amongst other issues, addressed the regulation of synthetic biology. Based on the precautionary approach, Parties are urged to set up systems to regulate the environmental release of any synthetic biology organisms or products, to submit synthetic biology organisms, components and products to scientific assessments and to encourage research funds to assess the safety of synthetic biology as well the socio-economic impacts of the technology. Parties also established an Ad Hoc Technical Expert Group on synthetic biology.

The next Cartagena Protocol COP-MOP 8, Nagoya Protocol COP-MOP 2 and COP 13 to the Convention on Biological Diversity, will be held concurrently in December 2016 in Mexico.

#### CONVENTION ON MIGRATORY SPECIES OF WILD ANIMALS

COP 11 to the Convention on Migratory Species convened from 4-9 November 2014, in Quito, Ecuador. Key outcomes were the adoption of a new Strategic Plan for Migratory Species for the period 2015-2023, in alignment with the Global Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets, as well as the listing of 31 new species in the Appendices of the Convention. Furthermore, Parties adopted a new standard nomenclature reference for non-passerine bird species and guidelines on poisoning, encouraging governments to legislate on lead shot and lead ammunition and to reduce the threat posed to birds in particular by certain veterinary pharmaceuticals. Parties also agreed on developing and implementing national legislation prohibiting the live capture of cetaceans from the wild for commercial purposes. Other resolutions adopted related to wildlife crime, climate change, invasive alien species, renewable energy, marine debris, criteria for assessing species listing proposals and a process to review implementation of the Convention. The Convention on Migratory Species is emerging as an important conservation instrument, complementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Convention on Biological Diversity.

#### IUCN WORLD PARKS CONGRESS

The sixth IUCN World Parks Congress convened in Sydney, Australia, from 12-19 November 2014. The outcome document, titled 'The Promise of

Sydney,' lays out an agenda for safeguarding the earth's natural assets over the coming decade. The Promise of Sydney aspires to position protected areas as effective and efficient solutions to reach some of the world's most challenging development goals. In order to do so it calls on countries to maintain their natural capital and integrate protected areas into mainstream planning and development. Furthermore, it calls for recognition that greater diversity of governance reflects cultural richness; in that context indigenous and community conserved areas and the value of private protected areas and locally-managed areas are highlighted. In May 2015 the Protected Europe Conference 'Little Sydney' will take place in Austria to discuss original approaches for conservation and development arising from the Worlds Park Congress and facilitate the achievement of the Promise of Sydney in the European context.

### UN FRAMEWORK CONVENTION ON CLIMATE CHANGE

The Lima climate talks in December 2014 in Peru concluded with the Parties' approval of the Lima Call for Climate Action. The Call contains decisions which provide the basis for further elaboration of a new 2015 climate agreement at the 21st Conference of the Parties to the UN Framework Convention on Climate Change in Paris: in particular, the content of and the process for submitting and reviewing intended nationally determined contributions that will inform the new agreement. It was also further clarified that a new 2015 climate agreement "shall address in a balanced manner, inter alia, mitigation, adaptation, finance, technology development and transfer, and capacity-building, and transparency of action and support". Issues such as how to apply or interpret "common but differentiated responsibilities" in a new climate agreement still remain to be clarified during 2015. Those intended pledges communicated will be reported back in November 2015 by the Secretariat of the UN Framework Convention on Climate Change with respect to the latest available science on how the collection of pledges relate to achieving the agreed goal to limit global temperature rise. A formal peer review process of the intended pledges could not be agreed upon.

### THE INTERNATIONAL ARRANGEMENT ON FORESTS

The eleventh session of the UN Forum on Forests, to take place in May 2015 in New York at the UN headquarters, will review the international arrangement on forests for a post-2015 international arrangement on forests. The meeting will also review progress in the implementation of the global objectives on forests and the non-legally binding instrument on all types of forests. Thematic issues under consideration will include sustainable forest management and forest law enforcement.

### THE RAMSAR CONVENTION ON WETLANDS

The 12th Conference of the Parties to the Ramsar Convention on Wetlands of International Importance will take place in June 2015, in Punta del Este, Uruguay. The meeting, which takes place every three years, will adopt the 4th Strategic Plan 2016-2021 of the Ramsar Convention. The draft Strategic Plan specifically addresses effective conservation and management of the Ramsar Sites Network and calls for the adoption of wetland policies that promote wise use principles and integrated water resources management.

### SEABED MINING

The urgent need to begin elaboration of regulations for the exploitation of minerals from the deep seabed area beyond the limits of national jurisdiction was a central theme at the International Seabed Authority's twentieth session in Kingston, Jamaica (July 2014). The Council signalled it wanted formulation of procedures and criteria for applications for extension of exploration contracts as well as exploitation regulations to be given top priority. The Authority's expert body, the Legal and Technical Commission, was therefore requested to formulate the draft texts and submit them to the Council at its 2015 session in July 2015. The Commission was in particular requested to consider a proposal for the incorporation of environmental management planning in the regulatory framework for mineral exploitation in the context of its work on the instrument.

### THE POST-2015 DEVELOPMENT AGENDA AND THE SUSTAINABLE DEVELOPMENT GOALS

The UN summit for the adoption of the post-2015 development agenda will be held from 25 to 27 September 2015, in New York, which is the target date for realizing the Millennium Development Goals. The post-2015 development agenda is expected to tackle many issues, including ending poverty and hunger, improving health and education, making cities more sustainable, combating climate change, and protecting oceans and forests. The new package of sustainable development goals will shape the development agenda for the next 15 years until 2030.

### MARINE GEO-ENGINEERING

Work is underway for the United Kingdom to approve the amendment of the 1996 London Protocol to the Convention on the Prevention of marine pollution by dumping of wastes and other matter, 1972. This will result in an international binding system of permits for ocean fertilisation research.

## EUROPE

The New European Commission, under President Jean-Claude Juncker, has signalled a clear departure from the approach of the previous Commission. Led by President Juncker's 'Political Guidelines' the 2015 Commission Work Programme has a strong focus on jobs and growth and deregulation, or removing 'red-tape'. The work programme sets out 23 new initiatives and 80 existing proposals which the Commission proposes to withdraw or amend for political or technical reasons. There has been confusion about the proposed EU legislation on air quality and waste and resource use. These two pieces of legislation were proposed before the European Election, but not finalised. The Commission Work Programme states that the air quality proposal will be modified and the waste package will be withdrawn and replaced. There has been opposition from many Members of the European Parliament to the apparent downgrading of the environment as a political priority in the work programme. Although the Parliament was not able to agree on a joint resolution in response to the work programme, in three separate votes a majority of members were against the

modification and withdrawal of the air quality and waste proposals. Following this, the Commission announced that it will not withdraw or modify the draft proposal on air quality and negotiations with continue as planned, but it has confirmed that the waste proposal will be withdrawn and re-tabled in 2015.

#### **FITNESS CHECK OF NATURA 2000**

The Commission is undertaking a 'Fitness Check' of the Birds Directive and Habitats Directive as part of its Regulatory Fitness and Performance Programme. This programme focuses on reducing 'regulatory burden', so as to meet EU policy and regulatory goals at least cost. In the first half of 2015 a consultant will be seeking evidence from stakeholders in all 28 Member States that shows whether the Birds and Habitats Directives are fit for purpose, or impose an unnecessary burden on business. A public internet consultation will go live in April this year, and an initial report of findings is expected in September 2015. A final report is not anticipated until early 2016. Once the final report is officially made public, the Commission has six months to decide on follow-up actions, which can range from soft or hard measures to improve implementation, amending existing legislation or proposing new legislation.

#### **EUROPEAN UNION 2020 BIODIVERSITY STRATEGY**

Along with continued implementation of the 2020 Biodiversity Strategy, 2015 will see publication of the mid-term assessment. In addition, the European Environment Agency will publish *The European environment — state and outlook 2015*, which will provide a comprehensive assessment of the European environment's state, trends and prospects and place it in a global context and secondly, in April, the EU *State of Nature* Report will report on the status of the habitats and species protected under the Birds Directive and the Habitats Directives. 2014 saw the adoption of an EU Regulation on Invasive Alien Species, the first piece of nature legislation in over 20 years. The focus in 2015 will be on implementation, as the new law will only apply to an accompanying list of species which is currently empty. The Commission has a duty to propose a list by the end of 2015 which will be adopted together with the Member States. The whole process will have the

input of a scientific forum that also needs to be established this year. Following the Commission internet consultation on the EU No Net Loss Initiative the Commission will develop an impact assessment on the policy options. As foreseen in the EU Biodiversity Strategy to 2020, the No Net Loss initiative is expected in 2015.

#### **LINKING NATURAL AND CULTURAL CAPITAL**

The EU is taking steps towards implementing synergies between Natural and Cultural Capital, with the goal of generating economic assets, employment opportunities, support to key sectors (e.g. tourism) and contribute to the well-being of society and citizens. In this context, EU Nature & Biodiversity Directors expressed their support for the Charter of Rome in November 2014. The work is linked with the work of the EU Research and Innovation Strategy Europe 2020 in the promotion of nature-based solutions, linking research on biodiversity and ecosystems, research and innovation policy on open access and research on cultural heritage.

#### **TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP**

The Transatlantic Trade and Investment Partnership aims to integrate the United States and EU markets by bringing down trade barriers. There is a long way to go with the negotiations after which the decisions will have to pass both national and EU parliaments. In 2015 it will be difficult to follow progress. Though stakeholder updates are given after negotiation rounds these are not detailed. Useful outputs this year will include the UK Environmental Audit Committee's investigation into the Transatlantic Trade and Investment Partnership's potential impact on the environment and assessment of the recently published Commission report detailing the results of the public consultation which drew in nearly 150,000 responses. In the first quarter of 2015, the Commission will organise a number of consultation meetings with different stakeholders, including Non-Governmental Organisations and environment organisations, to discuss investment protection and the investor-state dispute settlement on the basis of this report. Following these consultations the Commission will develop specific proposals for the Transatlantic Trade and Investment Partnership negotiations.

#### **ENDOCRINE DISRUPTING CHEMICALS**

Endocrine disrupting chemicals are substances that impact on the hormone systems of living organisms. Known or suspected Endocrine Disrupting Chemicals include certain pesticides, ingredients in cosmetic products, and industrial chemicals. There are numerous cases where Endocrine Disrupting Chemicals are believed to be affecting wildlife populations and potentially many more conservation implications yet to be discovered. However, to date there has been no formal definition of Endocrine Disrupting Chemicals within EU law. The Commission ran a public consultation between September 2014 and January 2015 on criteria to identify Endocrine Disrupting Chemicals. The Commission has identified four policy options: 1) continue with the current interim criteria used in the various regulations; 2) adopt the World Health Organisation definition of confirmed Endocrine Disrupting Chemicals; 3) adopt the World Health Organisation definitions of confirmed, suspected and potential Endocrine Disrupting Chemicals; and 4) as option 2 but also consider the 'potency' of the chemical in question when deciding whether to regulate. This is a significant decision for the EU. Once finally agreed, these criteria for identifying Endocrine Disrupting Chemicals will apply across all relevant EU laws, with a direct impact on what chemicals are released into the environment in the coming years and decades.

#### **GENETICALLY MODIFIED CROPS**

After many years of deadlock, in January 2015 the European institutions agreed on changes to rules for authorising Genetically Modified crops for cultivation in the EU. Under the new rules, a country can choose to ban or restrict cultivation of a Genetically Modified crop in its own territory even though the crop has been approved by the EU. The intention is to 'unblock' the EU authorisation process by allowing anti-Genetically Modified countries to opt out of growing a crop rather than blocking approval at EU level. The new rules are expected to come into force in spring 2015.

To date only one crop has been authorised for commercial cultivation in the EU (a maize, mostly grown in Spain). The new changes could mean many new Genetically Modified crops will be grown in countries with pro-Genetically



Modified governments (which currently includes England but not Wales or Scotland). Concerns over the ecological impacts of crops designed to be deluged with herbicides or to manufacture their own insecticides, first raised many years ago, remain. With this effective devolution of decision making power from the EU, conservation practitioners may find themselves increasingly engaging with decisions on growing Genetically Modified crops at national and devolved level.

## CLIMATE AND ENERGY

The proposal on Indirect Land Use Change related to biofuels stimulated by the Renewable Energy Directive and the Fuel Quality Directive agreement is now in its second reading in the European Parliament Environment Committee. The vote key vote in the Environment Committee will take place on 24 February. After this the Parliament and Council will need to reach a final agreement which hopefully will be done in April.

Initiatives and reports expected during 2015 include; Communication on Energy Union (January), Renewable energy progress reports (March-April), Communication on the new Governance System for the EU wide targets (June), and Communication on Sustainable Energy in Transport (August-September). In addition, the Commission has started a consultation on the revision of the EU Emissions Trading System Directive in the light of the strategic guidance given by EU leaders in October 2014 on the 2030 framework for climate and energy and Commission aims in 2015 to start to table the legislative proposals to implement the 2030 Climate and Energy package.

## COMMON FISHERIES POLICY

Following on from the reform of the Common Fisheries Policy, which came into force on December 11 2013, 2015 will continue to see several initiatives and developments in the implementation phase of the new Common Fisheries Policy. This will include, the 'Omnibus' regulation with all the transitional measures for implementing the landing obligation of the Common Fisheries Policy expected in the first quarter of 2015, a regulation on the multiannual plan for the Baltic expected in the third quarter, a proposal for regulation

from the Commission on technical conservation measures for the North Sea and Atlantic expected in the second quarter, a proposal for regulation on the data collection framework expected on the first quarter and a European Commission consultation on the 2015 total allowable catches expected in the second quarter followed by a council decision on this issue expected in December.

Furthermore, it is expected that the Commission communicates, in the first quarter of 2015, the progress of Member States in establishing Marine Protected Areas as part of the EU target to achieve Good Environmental Status of EU seas by 2020 as set in the Marine Strategy Framework Directive.

## UNITED KINGDOM

### GENERAL ELECTION

Early indications in the General Election campaign suggest that the next Parliament could see a legislative programme with significant relevance for the natural environment. The major areas of crossover will be: (1) the importance of multilateral environmental protection; (2) the growth and jobs agenda; (3) housing; and (4) people's connection with the natural environment.

The Conservative Party has announced that its priorities for the election campaign will be jobs, taxes, education, housing, retirement and the deficit. The Labour Party will focus on living standards, the deficit, immigration, the NHS and young people.

In this context, the need to reduce the costs of regulation and promote economic growth are likely to continue to affect the legislative agenda, both in terms of curtailing potentially beneficial environmental regulation and cost-saving measures that require legislative change. The latter could include institutional reform, such as the restructuring of Government Departments and the allocation of budgets and responsibilities between Government Agencies. Any major change could have significant impacts on funding for conservation and for the prioritisation of environmental action, compared with other objectives.

All major parties have highlighted the dearth of available homes and the resulting overcrowding, rent and house

price inflation, and macroeconomic effects. In this Parliament, the Government has already committed to developing a large number of new homes, expedited by land disposal provision in the Infrastructure Bill and the announcement of new Garden Cities. The next Parliament could see further announcements of major house-building programmes, which could take legislative shape in the form of compulsory purchasing powers, for example.

The Liberal Democrat Party has announced that it would implement five 'green laws' in a new Parliament. These would be a Nature Bill (with new legal targets for nature), a Heating and Energy Efficiency Bill (with a programme for energy efficiency in homes), a Zero Waste Britain Bill (with a 'Stern Report' on resource use), a Zero Carbon Britain Bill (with a decarbonisation target and a ban on electricity generated from unabated coal) and a Green Transport Bill (with plans for electric and low-emission vehicles).

Polling at this point suggests that previously small parties may win a significant number of seats in the 2015 election. This lends their legislative plans extra importance.

The UK Independence Party has argued against continued membership of the European Union. The theme of European cooperation is also being discussed by other parties. Any change in the relationship with Europe could have major impacts on legal protection such as the Wild Birds Directive and the Habitats Directive, the Climate Change Programme and participation in the EU Emissions Trading System. It would also have transformative implications for funding for the natural environment, with the potential loss of funding for the new Countryside Stewardship Scheme under Pillar 2 of the Common Agricultural Policy.

The Green Party has included a commitment to a Nature and Wellbeing Act in its manifesto.

As the end of the Parliament approaches, several bills are still moving through the Houses with relevance for the natural environment. These are expected to receive Royal Assent before the Dissolution of Parliament in March 2015.

## DEREGULATION BILL

Last year, the legislative scan reported on the Draft Deregulation Bill. The bill is now in the final stages of Parliamentary scrutiny. In its current form, the Bill would repeal a large number of Defra regulations which the Government believes impose disproportionate burdens, or are no longer useful. The Bill also provides for a duty on those exercising specified regulatory functions to have regard to the desirability of promoting economic growth. This may have implications for the operation of environmental agencies.

The power to make new regulation will continue to be curtailed by the restrictions imposed by the Red Tape Challenge. This created the new discipline that any new regulation with cost implications for business should be matched by removing regulations that amount to twice the cost on business: the "one in, two out" rule. The deregulatory plan is intended to be set in statute by the Small Business, Enterprise and Employment Bill, which would oblige future governments to set a Business Impact Target – a target for reducing regulatory costs on business. Many of the benefits of regulation for the natural environment are non-monetised, dealing with public benefits or risk reduction. Therefore these strictures may affect the ability of Departments to introduce new law intended for conservation purposes.

## INFRASTRUCTURE BILL

The Infrastructure Bill includes several provisions that could affect the natural environment.

1. Species Control Agreements and Orders: the Bill would introduce new powers enabling the Government to require landowners to take action on invasive non-native species, or to permit others to enter the land and carry out those operations. This is potentially a valuable new tool in controlling invasive plants and animals that pose a threat to native biodiversity, though there remains some uncertainty about the definitions of non-native for the purposes of these powers.
2. Rights to use deep-level land: the Bill would introduce new rights for the use of deep level land for extractive companies, which are currently

required to reach agreements with landowners for rights of access. This is likely to enable the use of horizontal hydraulic fracturing techniques necessary for shale gas extraction – fracking. Fracking has potential natural environment impacts, including land-take, over-abstraction of water, and water pollution; it also poses climate change risks, if there is substantial leakage of methane.

3. Land disposal: the bill would allow for expedited transfer of land from public bodies to the Homes and Communities Agency and the Greater London Authority to facilitate disposal of public land. The Government and its agencies hold large areas of protected land, so this provision raises some concerns if those areas are sold to private bidders, with a view to development.

## IMPLEMENTATION OF CAP REFORM

Reforms to the Common Agricultural Policy agreed in 2013 came into force in the UK on 1 January 2015, introducing a number of new schemes for farmers and changes to payment systems. 30% of direct payments to farmers (Pillar 1) will now be linked to three 'greening' requirements: crop diversification, maintenance of permanent grassland, and the establishment of Ecological Focus Areas on 5% of arable land. As part of the Rural Development Programme (Pillar 2), the previous Environmental Stewardship and English Woodland Grant schemes will be replaced with single environmental land management scheme, Countryside Stewardship, which has biodiversity and water quality as its major priorities. Farmers and land managers will be able to start applying for the scheme in July 2015, with agreements and payments beginning in 2016.

## NURSE REVIEW OF THE RESEARCH COUNCILS

In late 2014 the Department for Business, Innovation and Skills launched the Government's new science and innovation strategy, *Our plan for growth: science and innovation*, that lays out its ambition for the UK to be the best place in the world for science. In addition to setting out plans for £5.9 billion of capital spending over the period from 2016 to 2021, the strategy announced that Sir Paul Nurse, President of the Royal Society, will lead a review of the Research Councils, the UK's primary source of

public funding for scientific research. The review will report by summer 2015, with the aim of examining how the Research Councils can evolve to support research in the most effective ways. The outcome of the review could have a significant impact on how scientific research in the UK is funded and prioritised. Issues to be considered include the balance of investigator-led and strategically focused funding, the division of scientific subject areas across councils and whether funding should be directed exclusively to the university sector.

## LICENCE DECISIONS FOR SECRETARY OF STATE DETERMINATION

A consultation was published on 14 January 2015 on proposals to change how some complex marine licence cases are decided. Defra proposes a way for local planning authorities and Inshore Fisheries and Conservation Authorities to seek an independent inquiry into certain complex marine licensing cases, with the final decision taken by Ministers directly accountable to Parliament. The consultation applies to English waters and the offshore areas of Wales and Northern Ireland where the Secretary of State is the licensing authority. The consultation, which closes on 25 February 2015, can be found on the government website.

## ENGLAND

### BADGERS AND BOVINE TB

In 2014 Defra conducted a second year of badger cull pilots in Somerset and Gloucestershire. The 2014 cull proceeded without oversight from the Independent Expert Panel, which concluded that the 2013 culling method did not achieve the required level of effectiveness of humaneness. The culling target was achieved in Somerset, but less than half the required number of badgers were culled in Gloucestershire. Defra concluded that culling can deliver the level of effectiveness required to control disease, and confirmed its intention to proceed with culling as part of a comprehensive Bovine TB control strategy, alongside a new Biosecurity Action Plan. The next phase of culling is yet to be announced.

## NATIONAL POLLINATOR STRATEGY

Defra's National Pollinator Strategy for England was launched in November 2014, setting out a ten-year plan to support pollinating insects. Implementation of the strategy will begin in 2015, including provisions to support pollinators on farmland through the new Common Agricultural Policy, measures to improve responses to pest and disease risk, and the development of a new long-term monitoring scheme.

## PUBLIC FOREST ESTATE MANAGEMENT ORGANISATION

Following the findings of the Independent Panel on Forestry, Defra set out its vision for forests and woodlands in early 2013, including the intention to establish a new operationally independent management body for the Public Forest Estate. This body would have statutory powers and duties to manage the Estate for the benefit of people, the economy and nature. Primary legislation will be required to establish the proposed body, and this is not expected before the Dissolution of Parliament. In November 2014 an amendment was added to the Infrastructure Bill excluding the Public Forest Estate from provisions facilitating transfer of land to the Homes and Communities Agency.

## SCOTLAND

A number of previously announced Bills are continuing their parliamentary passage. This includes the Community Empowerment Bill which makes provision for a strategic framework which will empower community bodies through the ownership of land and buildings and strengthen their voices in the decisions that matter to them.

## LAND REFORM BILL

Of all new environmental legislation in Scotland this is attracting most interest. On 2 December 2014 the Scottish Government announced a public consultation on the 'Future of Land Reform in Scotland'. Earlier, the First Minister set out the Government's vision that "Scotland's land must be an asset that benefits the many, not the few. This vision promotes a strong relationship between the people of Scotland and the land of Scotland, where ownership and use of land delivers greater public

benefits through a democratically accountable and transparent system of land rights that promotes fairness and social justice, environmental sustainability and economic prosperity. Under this, Land Reform aims to ensure the correct balance of land rights to achieve this vision. This can only be achieved through a package of measures, taken forward and understood together".

A Land Rights and Responsibilities Policy is being developed, and proposals for a Land Reform Bill should be brought forward before the end of this parliamentary term (spring 2016). The Bill will take forward a range of legislative proposals designed ensure to Scotland's land works to the benefit of people. Proposals for the Land Reform Bill in the December 2014 consultation include: creation of a Scottish Land Reform Commission; limiting the legal entities that can own land in Scotland; access to information on land, its value and ownership; sustainable development test for land governance; a more proactive role for public sector land management; duty of community engagement on charitable trustees when taking decisions on land management; removal of the exemption from business rates for shooting and deerstalking; and proposals relating to agricultural holdings, wild deer and public access.

## AGRI-ENVIRONMENT CLIMATE SCHEME

The Scottish Government is planning to make a new Order later this year that will mean that applicants to this new scheme will not need to apply also to Scottish Natural Heritage for Site of Special Scientific Interest consent for operations being carried out under the scheme. A similar provision was made for the former Scottish Rural Development Programme scheme. This is designed to make the application process more streamlined.

## 2020 CHALLENGE FOR SCOTLAND'S BIODIVERSITY

The 2020 Challenge for Scotland's Biodiversity was published in 2013 supplementing *Scotland's Biodiversity: It's in Your Hands* (2004). The two documents together comprise the Scottish Biodiversity Strategy. In February the Government will publish a Route Map setting out work underway and planned to meet objectives and outcomes by 2020. One of the most



challenging elements of this is the development of 'Delivery Agreements' with Government Departments, agencies, NGOs and other bodies to reflect work commitments to meet the 2020 challenge of securing more for nature.

## WALES

Wales continues to develop its legislative approach to sustainable and integrated planning and management of the country. Since a ministerial reshuffle in September 2014, three Bills that are highly significant for ecologists -- the Well-Being of Future Generations (Wales) Bill, the Environment (Wales) Bill, and the Planning (Wales) Bill -- all now sit with the Minister for Natural Resources and are being scrutinised by the Environment and Sustainability Committee of the National Assembly for Wales. In addition to these Bills, a number of Plans and Funds being developed that focus on biodiversity, as well as waste and flood risk; all of these now encompass considerable aspirations of integrated management and offer opportunities for public and expert interaction.

### THE WELL-BEING OF FUTURE GENERATIONS (WALES) BILL

The Bill was introduced to the National Assembly for Wales in July 2014 by the Minister for Communities and Tackling Poverty but given over to the Minister for Natural Resources in September 2014. The Bill strengthens existing governance arrangements for improving the well-being of Wales to ensure that present needs are met without compromising the ability of future generations to meet their own needs. Goals may include: 'A Resilient Wales', a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change; a Future Generations Commissioner for Wales as an advocate for future generations, replacing the existing Sustainable Futures Commissioner; and statutory Public Service Boards with well-being plans to replace Local Service Boards to simplify integrated community planning. The Bill is now at the second stage of scrutiny, where amendments are tabled and considered. It should come into force by autumn 2015.

### ENVIRONMENT (WALES) BILL

The Welsh Government's White Paper consultation on Wales' Environment Bill, *Towards the Sustainable Management of Natural Resources* closed in January 2014. One of the main purposes of the Bill is to create the statutory basis for a more integrated approach to the management of natural resources, including giving Natural Resources Wales, established on 1 April 2013 to oversee management of Wales' environment, conservation and forestry, a series of additional duties and powers. This would help NRW deliver more fully its statutory purpose: to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future. The Bill should be put before the Assembly during 2015 and enter into force in early 2016.

### PLANNING (WALES) BILL

The Bill was introduced to the National Assembly for Wales in October 2014 and is now with the Environment and Sustainability Committee. Their public consultation on the general principles closed in November 2014, the deadline for the Stage 1 Committee report on the Bill's general principles is January 2015, and for the completion of Stage 2 Committee proceedings March 2015. The Assembly has legislative competence over many, but not all, aspects of planning. The Bill will make a number of significant reforms to the Welsh planning system and set out new roles and responsibilities for Welsh Ministers, local authorities, developers, and communities. Communities across Wales should benefit from a streamlined system that will support the delivery of homes, jobs, and infrastructure for Wales, and ensure their increased and more effective participation in decision making. The Wales Spatial Plan will be replaced with a new national plan; the National Development Framework. Significantly, this introduces more than one tier of development plan for the first time in Wales since before the last local government reorganisation in 1996. In addition, a new tier of Strategic Development Plans will sit above Local Development Plans. Depending on application type, statutory consultees will include such organisations such as Natural Resources Wales, the Health & Safety Executive, and the Sports Council for Wales. A separate Planning Consolidation Bill (to create a simplified legislative framework for Wales, rather than amending England and Wales

legislation), has also been proposed by the Welsh Government, but will not be introduced in the Fourth Assembly.

### NATURE RECOVERY PLAN AND INVASIVE ALIEN SPECIES

The European Union adopted the Directive on the Prevention and Management of the Introduction and Spread of Invasive Alien Species in October 2014. The Welsh Government consultation on the Nature Recovery Plan, which aims to develop a strategy for the protection and restoration of Welsh Biodiversity and Ecosystems, ended in December 2014. The consultation identified the control of IAS as a key method of improving the resilience of biodiversity and ecosystems. The Wales Invasive Non Native Species group (WINNS) identified the presence of 111 invasive alien species, 11 of which are currently being eradicated and 31 established species that are being controlled. There are also 15 high alert species that are imminently expected in Wales. The Nature Recovery Plan should be published during 2015.

### WELSH GOVERNMENT NATURE FUND

The £6million Nature Fund, set up in response to the challenges faced by Welsh wildlife and habitats highlighted in the State of Nature report, is now supporting practical actions across Wales and amongst diverse stakeholders to improve biodiversity whilst supporting multiple benefits to society. Projects include a £180,000 grant to improve habitat around the River Elwy, working with landowners and local villages, and £128,000 for groups of farmers coming together to put in place sustainable land management plans and improve habitats on farmland to help wildlife and local communities. A full list of the collaborative projects receiving funding from the Nature Fund can be found on the Welsh Government website.

### WELSH NATIONAL MARINE PLAN

A single Welsh National Marine Plan will be implemented by 2016. It will cover inshore and offshore regions that are shown on a map on the Welsh Government website and will have a 20-year outlook. The strategic objectives of the marine plan will reflect the Welsh Government's strategic agenda and priorities coupled with the UK strategic policy priorities set out in the joint UK High Level Marine Objectives



and the joint Marine Policy Statement. This includes ensuring communities recognise the importance of a healthy marine ecosystem to their prosperity and are directly involved in delivery. The Welsh Government aims to have an initial version of the Welsh National Marine Plan in place by 2015. Following a public consultation in early 2014, the Statement of Public Participation for marine planning in Wales was published and a marine planning stakeholder reference group established as part of a wider approach to stakeholder engagement. A three-month Welsh Government consultation on the draft Vision and Objectives for the marine plan and its proposed structure ended in November 2014. A formal consultation on a completed draft is expected early in 2015. The Environment and Sustainability Committee continues to consider the issue of marine policy and marine planning.

## **WATER STRATEGY FOR WALES**

The Water Strategy for Wales sets out the Welsh Government's long-term plans in relation to all things water in Wales. It aims to create a balance between the needs of a sustainable, resilient environment and the need to ensure sufficient, reliable water resources and waste water services. A more integrated water management approach, in line with that being embraced in the wider natural resource context, is a key impetus prevalent in the outlined proposals. The management of water systems covers inland waters, estuaries and coastal waters and has close links to several existing Welsh Government policy positions including natural resource management; planning; flood risk management; marine and fisheries policies; biodiversity; land management and future generations. The strategy has been developed from two public consultations that were held in 2014, and is due to be published in the near future.

## **FLOOD AND COAST INVESTMENT PROGRAMME**

This consultation considers the way that Welsh Government allocates funding for flood and coastal erosion risk management in Wales and ensuring it focuses on those places with the greatest risk. It started in December 2014 and ends on 6 March 2015. The Programme is intended to create a clear, objective way of directing funds to places at risk

from all sources of flooding and coastal erosion. Understanding flood and coastal erosion risk and prioritising investment is a fundamental principle of the Flood Risk Regulations 2009, the Flood and Water Management Act 2010 and of the Welsh National Strategy for flood and coastal erosion risk management in Wales.

## **REVIEW OF THE EXISTING POLICY ON DISPOSAL OF HIGHER ACTIVITY RADIOACTIVE WASTE**

Following a Welsh Government call for evidence in April 2014 on whether they should review their policy on higher activity radioactive waste disposal, a consultation ran from October 2014 to January 2015 on options for a new Welsh Government policy. A summary of responses will be published on the Welsh Government website and further opportunities to comment may arise.

## **NORTHERN IRELAND**

### **HABITAT REGULATIONS**

The Conservation (Natural Habitats) Regulations (Northern Ireland) 1995 ('the Habitats Regulations') transpose the requirements of the EC 'Habitats' Directive and aspects of the 'Wild Birds' Directive. Since they were originally made in 1995, the Habitats Regulations have been subject to amendment on 6 separate occasions, the last being in 2012. 2015 will see a consolidation exercise being undertaken by the Department of the Environment and stake holders which will, it is hoped, improve transparency and legal clarity. This will aim to bring the original framework and the 6 amendments into one comprehensive statute. The change will also bring in adequate protection for European Sites such as Special Protected Areas that are not underpinned by local Areas of Special Scientific Interest designations. Hen Harrier is one example of this as the significant size of their geographical range made underpinning impractical. The regulations will also need to be ready for proposed changes in the Reform of Public Administration (RPA) due to commence in April 2015.

### **REFORM OF PUBLIC ADMINISTRATION**

On the 1st of April 2015, Northern Ireland will enter into a new era of public administration with the number of councils being reduced from 26 to

11. This will also involve the devolution of planning powers from central government to local council level. This will provide a framework within which Councils, departments, statutory bodies and other relevant agencies and sectors can work together to develop and implement a shared vision for promoting the economic, social and environmental well-being of their area based on effective engagement with the community. The new Councils will now be the main decision maker with regards to the vast majority of planning applications. Regional Planning, such as large-scale retail development for example, will however remain with the Department of the Environment. The new Councils will also be responsible for producing local development plans as well as working with neighbouring Councils in regards to adjoining areas. It will be up to Councils, working with local people, to create a clear vision of what the Council area will look like in the years to come. However, there are risks for the environment associated with new planning powers as councillors will require a 'bedding-in' period as they get used to the new powers.

## **MARINE CONSERVATION ZONES DESIGNATIONS**

2015 sees further consultation on proposed Marine Conservation Zones in Northern Ireland. By the 31st of December 2016 all proposed Marine Conservation Zones will be formally designated, however 2015 will be a key time for the DOE to receive evidence on the areas proposed. A series of workshops are planned to give stakeholders an opportunity to engage with Marine Division on scientific evidence, proposed Marine Conservation Zone locations and alternative site locations. Stakeholders are also invited to participate in bilateral meetings with the Department to discuss any part of Marine Conservation Zone selection and designation process. The Department of Environment has identified areas of search, selecting the best locations for the Priority Marine Features outside of the current Marine Protected Areas network. Based on the best available evidence and the identification of potential Marine Conservation Zone features from Priority Marine Features lists, the Department has published site summary documents which detail why the sites have been proposed and also



offer tentative boundaries ahead of the March 2015 Workshop. Stakeholders will now have the opportunity to scrutinise this evidence and make submissions on proposed designated areas for black guillemot on Rathlin, ocean quahog in Belfast Lough and rare sea-pens in Carlingford Lough to name a few.

### RIVER BASIN MANAGEMENT PLANS REVISED 2016-2020

The next cycle of River Basin Management Plans are open for consultation until June 2015, and will determine how Northern Irish fresh water ecosystems will be managed until 2020. This date is significant as it is in line with international commitments made by the UK at Nagoya to at least halve and where feasible, bring to zero, the rate of loss of natural habitats. River Basin Management Plans are a catchment approach to managing water, under the EU legislative banner of the Water Framework. The Water Framework Directive charges Member States with reaching Good Ecological Status in all freshwater bodies by 2026. Northern Ireland had a target to reach 58% Good Ecological Status by 2015. This was missed significantly as at present water bodies are sitting at 28% Good Ecological Status. With significant budget cuts to the Department of the Environment expected, it is difficult to see how the next round of River Basin Management Plans will meet Good Ecological Status targets, leaving the country open to expensive infraction fines.

### DRAFT FLOOD RISK MANAGEMENT PLANS

Rivers Agency is consulting on draft Flood Risk Management Plans for Northern Ireland. The plans are an important step in implementing the EU Directive on the Assessment and Management of Flood Risk. Its aim is to establish a framework that will contribute to the impact of flooding on communities and the environment. The Directive makes allowance for Member States to approach flood risk using sustainable or natural flood risk management methods. Draft plans will also require an Article 6 assessment as they have potential to have significant

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#### FOOTNOTES

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