

WHAT ARE THE FORTHCOMING LEGISLATIVE ISSUES OF INTEREST TO ECOLOGISTS AND CONSERVATIONISTS IN 2020?

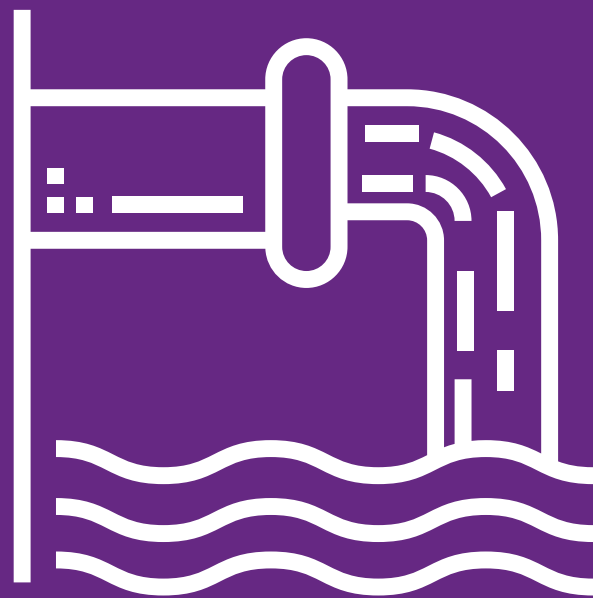


This is our tenth assessment of the forthcoming legislation that we consider is likely to have consequences for ecologists or the environment. We review issues ranging from a global scale, those in the European Union, those in the United Kingdom and constituent countries.

Our aim is to encourage greater interest and awareness of policy changes both so that readers may become involved and so they can be aware of opportunities and challenges. There is a parallel annual process identifying technological, societal and biological changes that are likely to have impacts on conservation; this is published in *Trends in Ecology and Evolution*.

Although the UK election provided some clarity over Brexit, there is an enormous amount to be sorted out, which is still likely to dominate much of the discussion in the UK.

The previous legislative scans (Sutherland 2011–19) are available to download for free on the British Ecological Society website. The issues described in those scans are not repeated here, even if still relevant.



ILLUSTRATIONS: CREATIVE MANIA / NOUN PROJECT

GLOBAL

2020: The super year for nature

The year 2020 has been termed the ‘super year’ for nature due to the anticipated adoption of major international policy decisions, including a new agreement to protect biodiversity in the high seas, commercial mining regulations for exploitation in the international seabed area, and a new global biodiversity framework. In order to create a momentum for the adoption (and implementation) of ambitious global biodiversity targets at the UN Biodiversity Conference, not only meetings under the Convention on Biological Diversity are key, but also the outcome of other meetings. These include the upcoming Conference of the Parties to the Convention on Migratory Species, the World Biodiversity Forum in Davos, the Global Symposium on Soil Biodiversity, the UN Ocean Conference, the UN General Assembly’s Biodiversity Leaders’ Summit, and the IUCN World Conservation Congress.

At the IUCN World Conservation Congress a global standard for nature-based solutions will be launched. The concept came under the spotlight with the 2019 Nature-Based Solutions for Climate Manifesto and the declaration of the UN Decade on Ecosystem Restoration 2021–2030, the strategy of which will be finalised in 2020. The need for a better alignment of the climate, biodiversity and land agendas with a sharpened focus on land restoration and nature-based solutions was also a key message from the 2019 Conference of the Parties to the UN Convention to Combat Desertification, which also established an intergovernmental working group to address drought.

For the oceans, accepted IUCN motions for the upcoming IUCN World Conservation Congress ask the international community to pursue a global agreement to combat marine plastic pollution; to protect the deep-ocean ecosystems and biodiversity through a moratorium on seabed mining unless or until specific environmental safeguards have been agreed upon; and urge state members of IUCN to take initiatives to ensure the effective protection of the oceans through a change in the current legislation on ocean pollution from ships. New sulphur regulations under the International Maritime Organisation just came into force in 2020, and at this year’s conference of the organisation cutting greenhouse gas emissions from shipping will be high on the agenda.

Finally, in 2020, parties to the Paris Agreement on climate change will communicate their plans for climate action in time for the Glasgow Climate Change Conference in November. Expectations for this Conference to raise ambition in addressing

the climate crisis are high, partly due to the lack of agreement on a number of key issues at the 2019 UN Climate Change Conference, but also with regard to progress on nature-based solutions.

Protecting the environment in conflict situations and in outer space

In July 2019, the International Law Commission adopted a set of draft principles aimed at protecting the environment before, during and after armed conflicts. The adoption of the principles is expected to take place in 2021 following consideration of comments and observations from governments, international organisations and others, received by the end of 2020.

Furthermore, the United Nations’ Committee on Peaceful Uses of Outer Space adopted guidelines for the long-term sustainability of outer space activities, including policy and regulatory frameworks for space activities.

EUROPE

Following the European Elections in May 2019 the EU institutions are seeking to set out a new forward-looking agenda for the EU, agree on a new budget (2021–2027 Multiannual Financial Framework) by the end of 2020, whilst at the same time trying to navigate the political and financial implications of the UK leaving the block.

European Green Deal

Ursula Von der Leyen, President of the European Commission, has set out an ambitious environmental agenda. Her European Green Deal defines the key political objectives of the new Commission for the next five years. Executive Vice-President Frans Timmermans has been tasked with leading the Commission’s work on the European Green Deal and is the Climate Action Commissioner, he has also been put in charge of both the environment and agriculture portfolios. It remains to see whether this can bring some coherence to the EU’s policymaking in these areas.

Brexit

The UK left the EU at the end of January 2020 and the transition period has begun: unless extended this will conclude at the end of 2020, with or without a new deal. The EU has appointed Michel Barnier, who was formally the EU’s chief negotiator for the UK’s exit under Article 50, to oversee the next phase. He is now in charge of the ‘Task Force for

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UNITED KINGDOM

Relations with the United Kingdom’. Environmental standards are expected to be an important strand of the negotiations, closely related to other key trade issues, such as tariffs and market access, but this is not inevitable and risks remain for both the UK and EU environment.

Common Agriculture Policy

The European Parliament failed to agree a position on the reform of the Common Agriculture Policy before the European elections and work has resumed on the three files. In early 2019 the Environment committee voted though an environmentally ambitious opinion on the ‘CAP Strategic Plans’ file, in contrast the Agriculture Committee agreed on a position which sought to weaken the environmental elements. The two committees are engaged in fresh negotiations to try to reach compromise position before a final vote in Plenary in June 2020.

Farm to Fork Strategy

The ‘Farm to Fork’ Strategy, to be published in the spring, aims to prepare a roadmap towards a more environmentally friendly food system. It reflects a dramatic shift in framing of agriculture and food policy in response to several reports on the impact of the food and agriculture system on climate and biodiversity which highlighted that the EU is not on track.

EU Forest Strategy

Building on the 2030 biodiversity strategy, the Commission plans to prepare by the end of 2020 a new EU forest strategy covering the whole forest cycle and promoting the many services that forests provide.

European Climate Law

In March 2020, the EU plans to propose a European Climate Law, which is envisaged to enshrine the 2050 climate-neutrality target into law.

EU Biodiversity Strategy and the UN Convention on Biological Diversity

In March 2020, the EU will set out its new Biodiversity Strategy and simultaneously it will work on agreeing an EU position towards an ambitious new global framework to protect biodiversity at the UN Conference of the Parties to the Convention on Biological Diversity in Kunming, China. Discussions are underway on the development of an 8th Environmental Action Programme to be proposed in 2020.

Chemicals

Uncertainty hangs over the future of the UK’s chemical regulations, pending the delivery of the long-awaited Chemicals Strategy, which was significantly delayed due to Brexit preparations and uncertainty. A call for evidence is expected this spring, with a formal consultation expected towards the end of the year. Little is currently known about the Government’s intentions, but stakeholders have suggested it should extend beyond the current EU Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regulations to cover pesticides and biocides, and possibly polymers and medicines too.

Energy and climate

In November this year, Glasgow will hold what is likely to be a defining UN Climate Change Conference, as world leaders thrash out plans for bringing the Paris Agreement into full effect. As the host country, there will be increasing pressure on the UK to get its house in order and start closing the gap between its net-zero ambitions and current emissions.

Following Brexit, the UK will also need to re-establish its relationship with the EU Emissions Trading System (EU ETS). Following a consultation last year, a linked UK and EU ETS remains the preferred option for a carbon trading market post-Brexit. However, in the event of no EU deal, it would introduce a carbon price of £16 per tonne for sectors that require allowances, with the exception of the aviation industry.

Fisheries Bill

The Fisheries Bill 2017-19 provision about policy objectives in relation to fisheries, fishing and aquaculture, including access to British fisheries, failed to complete its passage through Parliament and fell at prorogation. The Fisheries Bill 2019-20 was announced in the Queen’s Speech on 19 December 2019, and no date has yet been set for the second reading.

There is considerable concern in the environment movement that negotiations to secure necessary trading partnerships for the UK following exit from the EU on 31 January, will trump the significant Government ambition for environmental improvements.

ENGLAND

Environment Bill

The Environment Bill 2019, published on 15 October 2019, sits alongside the Government’s longer-term objectives for “this to be the first generation to leave the environment in a better state that that which we inherited”. Many of the provisions in the Bill are in line with *A Green Future: Our 25-year plan to improve the environment*. The first part of the Bill provides measures to address environmental governance gaps following withdrawal from the EU on 31 January 2020. We trailed various aspects of this landmark Bill in last year’s summary. It is likely that the following will be contained in the Bill:

- A new legal mechanism called an ‘environmental review’ will enable the Office for Environmental Protection (OEP) to take enforcement action against public authorities
- The OEP will also be able to take action against the government if it fails to meet its legally binding climate change targets

- There is a requirement for legally binding targets on air, water quality, biodiversity and waste efficiency

- The list of environmental principles is trimmed to five

- Biodiversity net gain will apply to all developments in England that require Environmental Impact Assessment (EIA) and must be maintained for 30 years: exempt are national Infrastructure projects, and irreplaceable habitats

- Conservation covenants will be introduced
- Local nature recovery strategies will be a duty on Local Authorities to support government’s ambition for a Nature Recovery Network

- The NERC Act 2006 is strengthened so that all public bodies must now have regard to the conservation and enhancement of biodiversity

- The conservation of water resources will include the requirement for water resource management plans to be statutory, and by powers to allow the Environment Agency to vary or revoke abstraction licences without the need to compensate

- There will be provision for making regulations that introduce charges for single-use plastics

- Powers will be introduced to make producers responsible for 100% of packaging waste

SCOTLAND

Agriculture Bill

The Agriculture Bill 2019-20 was announced in the Queen’s Speech on 19 December 2019, and introduced to Parliament on 16 January 2020. The principle of public money for public goods drives the provisions of the new Bill. It retains plans for a new Environmental Land Management scheme which emphasizes the importance of protecting soils, as a new public good. Provisions in the Bill are expected to contribute to the government’s commitment to reach ‘net zero’ by 2050.

In Scotland, 2020 will be characterised by debates and action centred on two issues: the UN COP 26 in Glasgow (November) on tackling climate change (with significant earlier inputs to the Convention on Biological Diversity [CBD] COP 15 in Kunming), and the proposed second Scottish Independence Referendum (‘#indyref2’) in part triggered by EU Exit, on which we offer no comment.

2019-2020 Programme for Government

Protecting Scotland’s Future: The Scottish Government’s Programme for Government 2019-2020 is very much the greenest ‘Programme for Government’ yet. It strongly reflects the Spending Review themes of climate emergency, sustainable inclusive economic growth, wellbeing, and child poverty. There is a strong emphasis on Scotland’s place in Europe and dealing with the consequences of EU exit, which is likely to influence the planned legislative programme with four environmental Bills:

- Circular Economy: measures to encourage the re-use of products and reduce waste; further action on single use products

- Continuity: to maintain alignment with EU law in devolved areas after EU Exit including a ‘keeping pace’ power and will replace, where necessary, powers in connection with existing EU law lost in consequence of the repeal of the European Communities Act 1972. Will also make provision to maintain the role of environmental principles and effective and proportionate environmental governance after EU exit

- Good Food Nation: continues - responsibilities on Scottish Ministers and selected public bodies to set out and enact statements of policy on food

- Rural Support: regulation-making powers for Scottish Government to amend or replace the EU Common Agricultural Policy elements of retained

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EU law and provide new powers for the collection of agricultural data required to simplify and improve CAP legislation for its operation beyond 2020 and EU exit

Having adopted the UK Climate Change Committee's recommended targets in the Climate Change (Emission Reduction Targets) (Scotland) Act in autumn 2019, the Scottish Government will update its Climate Change Plan in the spring. This is expected to continue the closer alignment of climate change and nature, especially for the 'land use' and 'nature-based solutions' sectors. The nature-based solutions are likely to be a strong theme at CoP 26 in Glasgow including interest in local 'offsetting' of the conference's carbon footprint in Scotland in addition to any formal arrangements.

Towards a 'Green Bank'

The Scottish National Investment Bank will become operational in April 2020, with its primary mission to facilitate the transition to a net zero economy. An Infrastructure Investment Plan is expected, informed by advice from the Infrastructure Commission for Scotland, which took evidence on the importance of investing in nature for a net zero, resilient and nature-rich economy. The Scottish Government is also compiling a £3bn Green Investment Portfolio for projects supporting the response to the Climate Emergency.

Planning Framework and Regional Land use strategies

Consultation on the fourth National Planning Framework (NPF4) is expected in the autumn. This is likely to be very different from previous plans, with a longer time-horizon, fuller regional coverage, and improved alignment with wider programmes and strategies, including the transition to net zero. By incorporating Scottish Planning Policy, the Framework will acquire more 'teeth' as part of the statutory development plan.

The Scottish Land Commission is leading the development of Regional Land Use Strategies as part of the response to the 'Climate Emergency'.

Consultation on vision, outcomes and knowledge accounts for the Environment Strategy are expected in the spring, with the Strategy published later in the year, with a monitoring framework probably published in 2021.

Biodiversity Challenge Fund and related work

In autumn 2019 the Scottish Government announced that a 'Biodiversity Challenge Fund' would be doubled to £4m running over two years, concluding in 2020 to help meet international biodiversity commitments and address the drivers of biodiversity loss, tackle the climate emergency and including marine as a priority area for action.

A CBD 'Subnational Workshop' on cities and regions will be held early in 2020 to devise an 'Edinburgh Declaration' for consideration at the COP 15. The Scottish Government and Scottish Natural Heritage are leading a 'Biodiversity Programme Board' to channel energy and resources into concerted action to meet the Aichi targets, and to devise the impetus and action to meet the 2030 ambition.

Grouse and deer

Two Scottish Government-instigated reviews will be discussed in detail during 2020: the Grouse Moor Management Review (published on 19 December 2019) led by Professor Alan Werritty, and the Deer Working Group Review, led by the late Simon Pepper (published 5 February 2020). Both reviews may have a significant impact on the Scottish Government's policy and legislative proposals for rural Scotland.

Finally...

After 28 years of existence, Scottish Natural Heritage shall be renamed 'NatureScot' (Scotland's Nature Agency) on 1 May 2020. NatureScot will continue to prioritise restoring and enriching our biodiversity, with an ambitious programme of activity including:

- Creating vital greenspace in urban areas
- Tackling invasive non-native species
- Restoring habitats – notably peatlands and coasts
- Promoting 'environmentally friendly' farming and sustainable species management; and
- Increasing public knowledge and access to the natural world, prominently through National Nature Reserves

WALES

Protecting and enhancing Wales' natural resources and maintaining current standards in environmental protection post-Brexit is a Welsh Government priority. The 2019 consultation on *Environmental Principles and Governance in Wales Post European Union Exit* highlighted different gaps and starting positions across the UK, and referenced Wales' unique legislation, especially the Environment (Wales) Act 2016, guided by the Well-Being of Future Generations (Wales) Act 2015. It also recognised the importance of the four UK administrations working more collaboratively post-Brexit and agreed to have a common set of environmental principles.

The Welsh Government made its own Climate Emergency Declaration in April 2019, emphasizing the public-sector ambition of being carbon neutral by 2030. The Welsh Government 20-21 budget to some extent reflects the funding needed to tackle this, embedding the requirements of the Well-being of Future Generations Act and starting to demonstrate how the budget process reflects spending priorities to support people's well-being, encourages nature-based solutions, and avoids problems for future generations.

Environment (Wales) Act reports

The second *State of Natural Resources Report* will be published in late 2020. The recent interim report released by Natural Resources Wales (NRW) explains current approaches and encourages increased stakeholder collaboration. NRW will also publish seven Area Statements by Spring 2020. These "living documents" describe place-based approaches to managing Wales' natural resources, following the ecosystem approach. They will also inform, and be informed by, the local Wellbeing Assessments and Wellbeing Plans produced by the Public Services Boards.

Low Carbon Plan

The Environment Act requires greenhouse gases emissions in Wales to be reduced by at least 80% by 2050. Wales expects to reduce overall emissions from buildings and fixed infrastructure by at least 30% during 2020 against a 2010 baseline. Wales' national trajectory for this, separate from the wider UK, is described in the 2019 *Prosperity for All: A Low Carbon Wales*, which sets out Wales' approach to transition to a low carbon nation, to cut emissions and increase efficiency in a way that maximisers wider benefits for Wales, ensuring a fairer and healthier society.

NORTHERN IRELAND

Air Quality

The National Assembly for Wales' Climate Change, Environment and Rural Affairs Committee's *Inquiry into Air Quality* in Wales had a response deadline of 7 February.

The Welsh Government's consultation on the *Clean Air Plan for Wales: Healthy Air – Healthy Wales* closed on 10 March. The plan sets out policy direction and proposed actions to reduce air pollution to improve public health and the natural environment, including enhancing air quality monitoring and assessment capabilities. It also commits the Welsh Government to publish a White Paper this Assembly term on a *Clean Air Act for Wales*.

Circular economy

The Welsh Government's consultation on their *Circular Economy Strategy for Wales* closes 3 April. It proposes that Wales moves towards zero waste by 2050, encourages reuse, repair and remanufacture of products and materials, and maximises the economic and social opportunities of a more circular economy. Wales is already third in global league tables for household recycling.

Welsh National Marine Plan

The first Welsh Marine Plan was published in November 2019. It sets out the policy for the next 20 years for the sustainable use of Welsh seas.

In January 2020 the Northern Ireland Assembly agreed a deal which has restored devolved powers to the Northern Ireland Executive after a 1090 days hiatus. The Assembly collapsed as a result of a botched renewable heat incentive scheme in January 2017. The draft Deal, entitled 'New Decade New Approach' was approved by the Parties on Friday 10 January and approved by the Northern Ireland Assembly on its first sitting on Saturday the 11 January.

The Restoration of the power-sharing Executive in Northern Ireland

The New Decade New Approach deal includes a number of significant environmental commitments such as the creation of an independent Environmental Protection Agency and commitments towards creating legislation on climate change. No timetable has been set out for either of these commitments.

As outlined in the new deal Climate change will become a priority area for the new Programme for Government which will last until 2022.

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The deal states that “*The Executive will tackle climate change head on with a strategy to address the immediate and longer term impacts of climate change and that The Executive will introduce legislation and targets for reducing carbon emissions in line with the Paris Climate Change Accord.* There is an ambition to create a new Energy Strategy will set ambitious targets and actions for a fair and just transition to a zero-carbon society. This is followed up by a statement which includes “The Executive **should** bring forward a Climate Change Act to give environmental targets a strong legal underpinning”. The deal also commits to an Economic Strategy which will support clean and inclusive growth and create jobs as part of a Green New Deal. The creation of an Independent Environmental Protection Agency is sure to be a controversial element for the new Department of Agriculture Environment and Rural Affairs Minister. Northern Ireland remains the only part of the United Kingdom and Ireland not to have one established, and it shows through Northern Ireland’s poor environmental governance record.

Other environmental commitments include a plan to eliminate plastic pollution and the closing down of the Renewable Heat Incentive scheme (that caused the collapse in government) and replaced with a scheme that effectively cuts carbon.

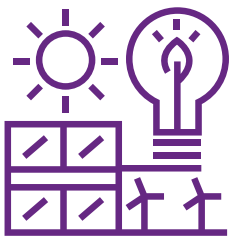
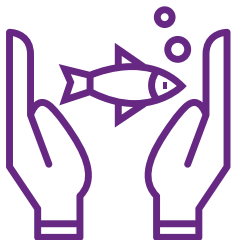
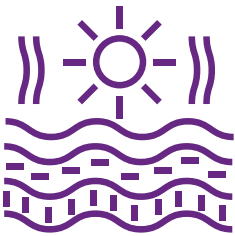
The Environment Strategy

The Department for Agriculture Environment and Rural Affairs are currently developing a long-term plan for the Environment. The Environment Strategy will seek to set ambitious targets for Northern Irelands Environment that can deliver real improvements to the quality of the environment with an additional focus of improving the health and wellbeing of people in Northern Ireland, create opportunities to develop the economy and for Northern Ireland to fully play its part in protecting the global environment for decades to come. The form of the Environment Strategy will be for the Minster to decide, but the public engagement exercise has been popular with over 1500 responses from the public to date.

Post Brexit Priorities

The Northern Ireland Executive will have to move to ensure key pieces of legislation are included within their future programme. Because agriculture and environment are devolved competencies, it is likely that legislation will come forward on Agriculture and Fisheries to replace both the European Union Common Agriculture Policy and Common Fisheries Policy. Westminster has already made moves to include Northern Ireland in any future legislation through various clauses, however it will be for the Minister to decide on whether to bring forward primary legislation through the Northern Ireland

Assembly or remain included in the Westminster Agriculture and Fisheries Bill. Similarly, the Environment Bill has made provisions to extend the Office of Environmental Protection to Northern Ireland, another decision the new local Minster will have to take. The Office of Environmental Protection will be set up to provide high-level oversight of environmental issues across the United Kingdom, similarly to how the European Union Environment Commission provided scrutiny and recourse for Member States. ✱



THE AUTHORS

William J. Sutherland, Eleanor Burke, Andy Clements, Brendan Costelloe, John Martin, Clive Mitchell, Kathryn A Monk, Katharina Rogalla von Bieberstein and Des B.A. Thompson

ACKNOWLEDGEMENTS

This is an activity initiated by the Cambridge Conservation Initiative and carried out as a collaborative partnership. WJS is funded by Arcadia.

Many colleagues supported this paper. We thank particularly Val Kapos, Will Simonson, Daniela Guarás, Hazel Thornton, Jerry Harrison and Massimo Zortea.

William J. Sutherland is at the Zoology Department in Cambridge; Eleanor Burke is Senior Policy Officer for RSPB; Andy Clements is Chief Executive of the British Trust for Ornithology; Brendan Costelloe is Policy Manager for the British Ecological Society; John Martin is Senior Conservation Officer for RSPB Northern Ireland; Clive Mitchell is Outcome Manager for people and nature in Scottish Natural Heritage (SNH); Kathryn A. Monk is the Principal Adviser for Science for Natural Resources Wales; Katharina Rogalla von Bieberstein is Environmental Legal Specialist at the United Nations Environment Programme World Conservation Monitoring Centre in Cambridge; and Des B.A. Thompson is Principal Adviser on Science and Biodiversity with SNH.

SPECIAL INTEREST GROUPS

Our volunteer groups form communities around the many different areas of ecology and organise meetings and events throughout the year.

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@bes_aeg

Facilitates knowledge exchange between both ecologists and academics working in agricultural systems and those working in the food system in the widest sense including conservationists, farmers, social scientists and policy makers.



@BES_AquaEco

Brings together all areas of aquatic ecology to promote and facilitate interdisciplinary working.



@BEScitSci

Provides a forum for sharing details of current citizen science in ecology, and as a community to foster and support creativity in research via citizen science.



@BESClimate

Fosters a vibrant community of ecologists who are all working on climate change issues. This includes a full range of climate change impacts, adaptation and mitigation and related topics, relevant to ecology.



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Provides a platform for facilitating exchange between theoretical ecologists, applied ecologists and practitioners interested in conservation issues.



@BES_EGG

Develops the community of ecologists working on ecological genetics issues and provides a forum for discussion on ecological genetics.



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Stimulate discussion on all aspects of forest ecology, in biomes from boreal to tropical, including both natural and managed systems.



@BESInvasionSci

Provides a network to connect researchers and practitioners both nationally and internationally, who work in the field of invasion science.



@BESMacroecol

Provide a forum to unite researchers who work in, or are influenced by, macroecology, facilitate inter-disciplinary collaboration and showcase methodological advances.



@BES_Microbial

Guide the synthesis of research investigating the role of microbes in organismal and ecosystem function, achieved through regular meetings and workshops.



@BES_Move_SIG

Provides a platform for facilitating exchange and collaborations in the wide-ranging, cross-disciplinary field of movement ecology research.



@BES_Palaeo

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@PEPG_SIG

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Promote and facilitate communication and interaction between tropical ecologists, practitioners and policy.