



ENVIRONMENTAL LEGISLATION

What are the forthcoming legislative issues of interest to ecologists and conservationists in 2014?

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This is the fourth review of environmental legislation likely to occur on a global scale, in the European Union, and in the United Kingdom and its constituent countries (Sutherland *et al* 2011, 2012, 2013). All previous scans are available on the British Ecological Society website and we assume readers have access to these; we do not repeat previously identified issues. It is aimed at researchers to make them more aware of the legislative framework that may influence their work, so they can carry out relevant work, be aware of changes that may impact on their work, or engage in consultation processes. Beyond that, many advisers, teachers, students and practitioners find this forward look useful. Indeed, many policy makers have said they find these reviews invaluable, which has delighted us.

Since we started this series the impact of science has become more important, for example, through the recently completed Research Excellence Framework, by which UK universities will be assessed. Another major trend is that policies are increasingly being directed towards the 'growth agenda' with a concomitant emphasis on research being relevant to business.

As before, the remit of our review covers forthcoming legislation, developments in existing legislation, White Papers that may result in new or revised legislation, and any key Parliamentary Committee work that has a bearing on our topic. We do not give a comprehensive review of each, but aim to give sufficient information so that readers can identify relevant issues.

GLOBAL

INTERGOVERNMENTAL PLATFORM ON BIODIVERSITY AND ECOSYSTEM SERVICES

Having established the Intergovernmental Platform on Biodiversity and Ecosystem Services (the Platform) in April 2012, member governments, at the second plenary meeting of the Platform in December 2013, successfully adopted an ambitious first work programme and budget for 2014-2018 and have already committed more than half (US\$ 25.4 million) of the total US\$ 43.5 million required. After many years of negotiations on the institutional and programmatic framework of the Platform, the Platform will now commence the work it was created for. The work programme covers a range of assessments, including a set of regional and sub-regional assessments (due end of 2016), a global assessment on biodiversity and ecosystem services (due in 2018) as well as a number of thematic assessments, e.g. on pollinators, pollination and food production (due end of 2015) or on land degradation and restoration (due end of 2016).

The work programme also foresees the promotion and further development of policy support tools and methodologies, addressing in particular the issues of scenario analysis and modeling as well as diverse conceptualization of values of biodiversity. To strengthen the foundations of the science-policy interface three task forces have been established to facilitate the implementation of the work programme: capacity building, knowledge and

data management, and working with indigenous and local knowledge systems. This first work programme is designed to put the Platform on the right path, firmly establishing its working modalities, deliverables, credibility, relevance and legitimacy. It is intended to pave the way for the incremental strengthening of the science-policy interface for biodiversity and ecosystem services across scales, sectors and knowledge systems.

POST-2015 UN DEVELOPMENT AGENDA, SUSTAINABLE DEVELOPMENT GOALS AND BIODIVERSITY

The UN General Assembly's Open Working Group on Sustainable Development Goals, established in January 2013, took up the issue of biodiversity at its eighth session in February 2014. To inform the work of the working group, the Convention on Biological Diversity, together with other UN entities, the World Bank, and the secretariats of other biodiversity-related conventions, set out four complementary recommendations on how biodiversity could be integrated into Sustainable Development Goals.

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

The role of the newly-established Warsaw International Mechanism for loss and damage is to promote the implementation of approaches to address loss and damage associated with the adverse effects of climate change. It will be reviewed at the 22nd Conference of the Parties at the end of 2016. The 19th Conference of the Parties had adopted

a number of decisions on Reducing Emissions from Deforestation and Degradation: the Warsaw Framework for REDD Plus in particular postulates that results-based finance is contingent on safeguards. Instead of the set-up of a 'REDD Plus' body, national entities and financial entities are encouraged to meet annually in conjunction with the meetings of the subsidiary bodies, starting in 2014. This institutional arrangement will be reviewed before 2017. Only very modest progress was achieved in laying the groundwork for the envisioned climate deal in Paris in 2015, in particular that all countries will have to submit their commitments to climate protection until 2015. Regarding climate finance, developed countries only agreed to prepare statements once every two years on how they are planning to scale up their finance to deliver the US\$100 billion per year target by 2020.

UNITED NATIONS WORKING GROUP ON MARINE BIODIVERSITY BEYOND NATIONAL JURISDICTION

At the sixth meeting of this Working Group, delegates agreed to meet at least three times, probably twice in 2014 and once in 2015, to prepare for a decision on an international instrument to conserve marine biodiversity beyond national jurisdiction under the United Nations Convention on the Law of the Sea. In addition, increasing interest in seafloor mining raises a number of environmental, legal and economic challenges for the International Seabed Authority.

NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING

The Nagoya Protocol on Access and Benefit-Sharing is expected to come into force in 2014. A global multilateral benefit-sharing mechanism, which parties agreed to consider under the Protocol, was addressed at the third meeting of the *Ad Hoc* Open-ended Intergovernmental Committee for the Nagoya Protocol in February 2014.

MINAMATO CONVENTION ON MERCURY

Under this Convention, established in 2013, governments have agreed on a range of mercury-containing products whose production, import and export will be banned by 2020, and to draw up national plans to reduce the use of

mercury. The Conference of the Parties of the Basel, Stockholm and Rotterdam Conventions expressed their interest and signaled readiness to cooperate and coordinate with the Minamato Convention on Mercury.

INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

At the fifth session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture, parties adopted a Resolution on Farmers' Rights that may impact plant variety protection laws. In addition, a newly established working group was mandated to develop a range of measures to enhance the functioning of the Multilateral System of Access and Benefit-sharing for consideration and decision by the sixth session of the Governing Body in 2015.

EUROPE

Major reforms in 2013 of the Common Agricultural Policy and the Common Fisheries Policy were driven through the European Parliament and the Council of Ministers, and were implemented at the beginning of 2014. After such broad changes, the focus this year will be on enacting these policies. Across all aspects of policy, 2014 has been described by the European Commission's President José Manuel Barroso as "a year of delivery and implementation".

EUROPEAN UNION 2020 BIODIVERSITY STRATEGY

The implementation of the headline biodiversity target to halt the loss of biodiversity and ecosystem services by 2020 will continue throughout 2014. At the end of 2013, the Commission put forward proposals for a Regulation to address invasive non-native species and protect biodiversity. This will be assessed by the European Parliament and Council of Ministers in 2014 to meet the target of 'tighter controls on invasive alien species'. There will also be a focus on the implementation of the European Union Strategy on Green Infrastructure adopted at the end of last year under the target of 'better protection and restoration of ecosystems and the services they provide, and greater use of green infrastructure'.

In moving towards meeting the target of 'maintaining and restoring ecosystems and their services' in 2014, work will focus on the mapping and assessment of ecosystems and their services in Europe. Initial work should be completed by all European Union member governments by the end of 2014. The UK completed this in 2011 through the publication of the *UK National Ecosystem Assessment*. Further work is anticipated on the 'no net loss' initiative. The Commission is working towards a proposal in 2015 to ensure that there is no net loss of ecosystems and their services across Europe. As a part of this, an initial proposal is anticipated which will develop a methodology to assess the impact of European-funded projects on biodiversity.

ENVIRONMENTAL IMPACT ASSESSMENT DIRECTIVE

A review of this Directive is currently underway. The Directive aims to protect the environment by ensuring that projects that are likely to have significant effects on the environment carry out an impact assessment before work goes ahead. The Commission's proposals aim to reduce administrative red tape and make it easier to assess potential impacts on the environment. The European Parliament's amendments and position were completed at the end of 2013, and negotiations on implementation will continue through 2014.

HORIZON 2020

This is the next EU Framework Programme for Research and Innovation and it will run from 2014 to 2020. The final legislative text for the programme was adopted at the end of 2013, and the budget agreed at €8.6 billion. Horizon 2020 underpins the objectives of *Europe 2020: Europe's growth strategy*, and comprises three main pillars: excellent science, industrial leadership, and societal challenges.

LIFE+

The LIFE Programme is the EU's funding instrument for the environment. The fourth phase of this came to an end in 2013. Proposals for the next funding round (2014-2020) were developed by the Commission in 2011, and agreed late in 2013. The new regulation creates two sub-programmes: environment and climate action, with an overall budget of 3.4 billion.

UNITED KINGDOM

MARINE STRATEGY FRAMEWORK DIRECTIVE

On 8 January 2014, Defra opened a public consultation on proposals for UK monitoring programmes under this directive. Progress on achieving Good Ecological Status by 2020 should be monitored with reference to 11 descriptors that include: biological diversity; non-indigenous species; commercially exploited fish and shellfish; and hydrographical conditions. The consultation closes on 2 April 2014. There will be a further consultation in 2015 covering the UK's proposals to achieve Good Ecological Status.

NEW RURAL DEVELOPMENT PLANS

Agreement on the Common Agricultural Policy for 2014–2020 was reached in Brussels in June 2013. The UK received a reduced budget for both Pillar 1 (direct subsidies to farmers) and Pillar 2 (Rural Development funding), with flexibility to transfer up to 15% of the Pillar 1 budget into Pillar 2. As the largest single pot of money available, the Rural Development budget is highly significant for conservation in the UK. Scotland, England and Wales have each decided to transfer 9.5%, 12% and 15%, respectively, of the funds to help ensure the continuation of vital agri-environment schemes. Following a legal dispute, Northern Ireland has been left with the default option of zero budget transfer.

COMMON FISHERIES POLICY REFORM

Following the reform mentioned above, the UK has concluded a sustainable fishing deal to begin implementing the new policy. The framework has the objectives that decisions and activities will follow available scientific advice, achieve sustainable fishing levels (Maximum Sustainable Yields), and reduce discards.

CHALARIA FRAXINEA – ASH DIEBACK

During 2013, Defra convened a summit and action group to tackle this disease. A plan to manage *Chalara* was published in March 2013 and, amongst other things, work is underway to find genetic resistance in the native tree stock.

STATE OF NATURE

Twenty-five UK nature conservation NGOs joined together to publish the first *State of Nature* report in May 2013. This report headlined the decline of 60% of species assessed over the previous 50 years. This reporting will probably be repeated periodically over coming decades, and there is an intention to improve the quality of monitoring data across broad groups of taxa.

REVIEW OF THE BALANCE OF COMPETENCES

In July 2012 the Government launched a *Review of the balance of competences*, looking at the division of powers between the UK and the European Union. The Government is consulting with stakeholders, the public and the EU institutions. The review of the environment and climate change was led by DEFRA in 2013. In 2014, the review will look at a number of related EU competences, including energy, agriculture and fisheries.

ENGLAND

DEREGULATORY AGENDA

A significant overarching issue is the Government's commitment to deregulation. The Red Tape Challenge is focused on removing what is termed 'unnecessary bureaucracy'. The latest step is the publication of a draft Deregulatory Bill, which will be taken through Parliament this year. The concern is that this process removes regulations that may be providing environmental protection, with very little impact assessment.

OPEN DATA

Following consultation during the year, Defra published a revised Open Data Strategy on 19 December 2013. This sets out a continuing commitment to making data open, and presents a set of principles that Defra and its agencies will apply to embed transparency and the publishing of open data as part of day-to-day business.

TRIENNIAL REVIEW OF AGENCIES

Defra concluded its reviews of the Environment Agency, Natural England and the Joint Nature Conservation Committee (JNCC). The outcome stopped short of a single environment

body in England, although there is a strong requirement for working together between the first two. Against a background of continuing public sector funding cuts, Natural England is reassessing its remit and functions. JNCC retains its role as Defra's independent evidence provider, with minor adjustments to address improved services.

MARINE CONSERVATION ZONES

Defra's consultation in 2013 on proposals for designation of Marine Conservation Zones received 40,000 responses. The site designations and summary of site-specific consultation responses were published in November 2013. The focus for the future will be on delivering measures to support the designations, and ensuring the remaining tranche of designations come to fruition. The Environmental Audit Committee will launch an inquiry on Marine Protected Areas.

NATURAL CAPITAL COMMITTEE

This Committee published its first report, *The State of Natural Capital* in April 2013. The report recommends a new framework to measure and account for changes in natural capital assets, and to improve valuation of those changes to feed into decision-making processes. Their second report, focusing on natural capital accounting for companies and landowners, is expected in early 2014.

FOURTH CARBON BUDGET REVIEW

A review of the Fourth Carbon Budget (covering the period 2023–27) will take place in 2014, under Section 4 of the Climate Change Act 2008. The budget can then only be altered if there has been a significant change affecting the basis upon which it was set. The Energy and Climate Change Select Committee is undertaking an inquiry into the appropriate level of the Budget and the Committee on Climate Change has recommended to Government that the Budget should not be altered.

DAVIES COMMISSION

The independent Airports Commission (known as the Davies Commission) produced an Interim Report in December 2013, concluding that there is a need for one additional runway to be in operation in the south east of the UK by 2030 in order to maintain the

UK's status as an international hub for aviation. The Commission will publish a final report by summer 2015. The findings of the Commission are likely to have an important impact on the UK's decarbonisation agenda and, potentially, major ecological impacts at any site chosen.

ENERGY ACT 2013

This legislation received Royal Assent on 18 December 2013. The Act will establish the legal framework for delivering secure, affordable and low-carbon energy, and includes provisions on decarbonisation, pipelines and storage, and nuclear regulation.

BADGERS AND BOVINE TUBERCULOSIS

Badger cull pilots ran in two areas between August and December 2013, though were terminated early before the required proportion of badgers had been culled. Defra will hear from an independent panel as to the outcome of these pilots, and further recommendations.

BIODIVERSITY OFFSETTING

A consultation on this took place in 2013. The Government is considering a range of proposals to implement this measure, though the debate is complex, with little alignment between stakeholders. Scale, the mitigation hierarchy, a voluntary or regulatory approach, and measures to ensure effectiveness in perpetuity are key issues yet to be resolved.

INVASIVE NON-NATIVE SPECIES

The Law Commission will produce a draft Bill this summer as part of its review of Wildlife Management Law covering the conservation, control, protection and exploitation of wildlife in England and Wales. The Government has one year to respond in full, but one element of the proposals, Species Control Orders (for tackling invasive non-native species), may be introduced into law sooner. A ban on the sale of five invasive non-native aquatic plants comes into force in April, under the Wildlife and Countryside Act. The Government's Environmental Audit Committee is undertaking an inquiry on the prevention and management of the introduction and spread of invasive non-native species.

WATER

Implementation of new requirements for sustainable drainage systems, already delayed, is expected in 2014 and will affect new and existing housing. Sustainable drainage systems provide opportunities to better manage local flood risk and water quality while enhancing local biodiversity. Statutory consultations on draft River Basin Management Plans are expected in June.

LOBBYING BILL

The Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Bill could significantly affect the ability of charities, community groups and other organisations to work on environmental issues in the year leading up to an election.

SCOTLAND

THE REFERENDUM

Scotland's Referendum on 18 September 2014 will dominate Scotland's political and environmental agenda in 2014. The Scottish Independence Referendum Bill makes little reference to the environment, though implications for the environment will be discussed by several Westminster and Scottish Parliamentary Committees.

BEYOND THE YEAR OF NATURAL SCOTLAND

2013 was formally designated 'The Year of Natural Scotland', which helped raise the political and public profile of nature. This continues into 2014 (The Year of Homecoming). One major event will be the opening of a new John Muir Way in April 2014, which will consolidate significant effort going into raising awareness of the outdoors and the wide range of benefits brought.

MARINE ISSUES

The Scottish Government's consultations on marine issues closed in November 2013. This covered proposed new Marine Protected Areas, marine planning, and the future of marine renewables. A draft National Marine Plan will be laid before the Scottish Parliament in summer 2014. This is a major component of the Marine (Scotland) Act, and for the first time will set out policy objectives for marine ecosystems, as well as for social and economic aspects.

PLANNING ISSUES, COMMUNITY EMPOWERMENT AND RURAL ISSUES

The draft National Planning Framework 3 will be laid before the Scottish Parliament early in 2014. This has wide ranging influences on climate change targets being met and the Climate Adaptation Programme. The Community Empowerment Bill's consultation closed in January 2014, and will be considered by Parliament. This has implications for 'communities' to buy out or influence the management of land and other assets. The Rural Affairs, Climate Change and Environment Committee deals with a wide range of environmental issues. In November 2013, it took evidence on deer management, and is preparing advice on this for the Scottish Government to consider early in 2014. Red and roe deer, in particular, have many impacts on wildlife, habitat, landscape and socio-economic interests, and it is possible that there will be important steers for government agencies and the land management sector arising from this.



THE 2020 CHALLENGE FOR SCOTLAND'S BIODIVERSITY

This strategy was published in 2013, and new governance has been put in place to take it forward – involving Government, agencies, and a wide range of sectors. There is heavy emphasis on achieving a step change for helping nature and broadening its benefits. The 'ecosystem approach' and development of a natural capital asset index are prominent. It is intended that 'Delivery Agreements' will commit Scottish Government departments and agencies to work taking forward the strategy.

Species conflict issues continue to have a high political profile, and Sutherland *et al* (2013) mentioned the introduction of 'vicarious liability' in the Wildlife and Natural Environment (Scotland) Act 2011. In this, a new offence of vicarious liability in relation to the persecution of wild birds was introduced, allowing for the prosecution of those landowners or managers who fail to take appropriate steps to ensure their employees and contractors act within the law. This has not been tested in the courts, but has implications for wider socio-ecological work on human-wildlife conflicts.

WALES

FUTURE GENERATIONS (WALES) BILL (PREVIOUSLY NAMED THE SUSTAINABLE DEVELOPMENT (WALES) BILL)

The Minister for Communities and Tackling Poverty leads on this Bill. Following the White Paper consultation, the Government decided that the purpose of the Bill was more effectively communicated by changing its name to the Future Generations Bill. This reflects an emphasis on tackling the generational challenges Wales faces in a more integrated way – ensuring Welsh public services make key decisions with the long term well being of Wales in mind. A 'national conversation' on the challenges faced by communities across Wales is planned in early 2014 to engage as wide a variety of the public as possible on what the Bill will mean for them; the Commissioner for Sustainable Futures will help begin this conversation. The Bill will be introduced to the National Assembly for Wales in the summer 2014.

ENVIRONMENT (WALES) BILL

The Welsh Government's White Paper consultation on Wales' Environment Bill, *Towards the Sustainable Management of Natural Resources* closed on 15 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, a series of additional duties and powers. This would help it to deliver more fully its statutory purpose, namely 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 in 2015 and, if the Assembly passes the Bill, it will enter into force in early 2016.

WELSH GOVERNMENT NATURE FUND

A £6million Nature Fund was announced by the Minister for Natural Resources and Food in mid-2013 to support practical ideas for improving biodiversity whilst supporting multiple benefits to society. Ideas for its use were sought across diverse stakeholders at events linked to the Environment Bill consultation meetings; details of how to apply for funding are expected in the near future.

THE MARINE AND FISHERIES STRATEGIC ACTION PLAN

As part of a new approach to integrated marine fisheries policy in Wales, the Minister for Natural Resources and Food published the *Welsh Marine and Fisheries Strategic Action Plan* in November 2013. This sets out how Wales can provide comprehensive, integrated marine governance in Wales for the first time. Its aim is that, by 2015, key elements of an integrated approach to managing Welsh seas will be in place. These would encompass marine management, fisheries, marine energy, tourism, transport and more, link with the *Welsh National Marine Plan for Inshore and Offshore* to support the sustainable use of seas and coasts.

'MAKING THE MOST OF EVERY DROP'

Running from mid-December 2013 to 28 March 2014, this consultation asks whether the water abstraction management system in Wales needs to change and explores options for

reforming the current system. Following the consultation, detailed policy in relation to future water management in Wales will be set out in the Welsh Government's final Water Strategy, intended for publication in late 2014.

PLANNING (WALES) BILL

This draft Bill and consultation paper *Draft Planning (Wales) Bill and associated proposals to reform the planning system in Wales* were published in December 2013. Comments were sought on proposals to modernise the planning system through changes to legislation, policy and guidance. The Bill should be introduced to the National Assembly for Wales in late 2014.

ENVIRONMENTAL IMPACT ASSESSMENT DIRECTIVE

In November 2013, the Minister for Housing and Regeneration outlined the Welsh Government's position on the UK's negotiating strategy for the proposed amendments to the Environmental Impact Assessment Directive. He highlighted that, in Wales, separate consent regimes exist applying EIA in agriculture, forestry, highways, land drainage, land use planning, marine and water sectors. Around 80% of all cases where environmental reports are produced are determined through the land use planning system.

NORTHERN IRELAND

THE NORTHERN IRELAND MARINE ACT (2013)

The long-awaited Northern Ireland Marine Bill became the Marine Act in 2013. After years of campaigning and lobbying, a framework has been put in place that will lead to the creation of marine protected areas off Northern Ireland's coastline. New Marine Conservation Zones will be created as part of the Act to protect the most important and vulnerable habitats and species. A plan will also be put in place to decide how the sea is used by people, and to balance the demands for development with the need to protect important marine ecosystems.

VALUING NATURE CONSULTATION ON A BIODIVERSITY STRATEGY FOR NORTHERN IRELAND TO 2020

The Northern Ireland Environment Agency is consulting on a Biodiversity Strategy to 2020. *The Northern Ireland Biodiversity Strategy*, published in 2002, provided a focus on action that could be taken to protect vulnerable and threatened habitats and species. The major change within the current strategy will be looking towards valuing ecosystems in their entirety. There will also be an emphasis on reflecting the benefits society at large derives from the environment in economic decision-making, to help improve the performance of the economy.

LONG-TERM WATER STRATEGY

The Northern Ireland Government has now begun work on a long-term water strategy. The vision of this strategic work is to improve and protect the natural water environment and create a more sustainable and secure means of delivering wholesome water. Some of the key aims of the strategy will be to protect and improve the quality of the aquatic environment and manage inland and coastal waters to support tourism, recreation and biodiversity. The strategy is being led by the Department for Regional Development, and it is anticipated that the draft will be published for public consultation in the summer of 2014.

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