

Speech: The Natural Laws of Brexit

Emma Howard Boyd, Chair of the Environment Agency

Westminster Energy, Environment and Transport Forum, Thursday, 17 January 2019

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Good morning.

The tennis champion, Billie Jean King, said: “Pressure is a privilege”.

Standing in front of you today, beginning a 10 minute speech about what will happen with Brexit...

...I’m not sure that pressure always feels like a privilege.

But, I am lucky to represent the Environment Agency.

There, I see collaboration everyday as Government, NGOs, businesses, and local communities work together to enhance the natural environment, and manage the biggest political issue of our time: climate change.

Talking about that work – certainly is a privilege.

People react to pressure in different ways.

Around the world in 2019, we can see a kaleidoscope of human responses to political uncertainty.

Not all of it is as generous to our fellow citizens as we’d like – but pressure does strange things to people.

In these times, I would like environmentalists to set an example – by not rushing to judgement – on social media, or anywhere else – and working constructively with others to realise our shared, long term goals.

Like you – public servants are under pressure.

Despite a decade of austerity, my colleagues apply themselves with dedication and good humour. They create an organisation that is passionate about its purpose, and capable of much more besides.

In 2019, it is one of my priorities to make sure they are properly supported.

Their work to protect the country from the physical impacts of climate change protects people from severe weather, and makes the UK economy a safer place to invest in.

At the same time, our regulatory work provides ordinary people with a safeguard against unlawful business practices – (and, I am interested to read

the details of the Labour Party's report on regulation this week, to see how their proposals could help this work).

"Environmental principles and governance" may sound legalistic, but this is not an academic exercise.

The consultation on the first Environment Bill in 23 years received 176,746 responses.

We think there's a lot to celebrate in it. We are ready to collaborate to turn the 25 Year Environment Plan's ambitions into action.

We look forward to working with the Office for Environmental Protection, as we work with the Committee on Climate Change – which plays a similar role.

We recognise outstanding questions about its resource and ultimate powers, but we think the Office's proposed approach – investigating complaints about environmental law and bringing about compliance through legal proceedings – could hold Government and public bodies to account effectively.

By putting the 25 Year Environment Plan on a statutory footing, the Bill takes a world-leading step forward for environmental law, just as the Climate Change Act did 10 years ago.

Environmental principles influence the substance of law and policy, and guide decision-makers about how to apply the law.

Without them, deregulatory duties from other Departments could override environmental protections from Defra.

The inclusion of principles – along with Environmental Improvement Plans – means we would like to see this Bill play a role in the long-term management of the environment, regardless of what happens in politics in the short-term.

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That said, there are risks.

Clause 4 of the Bill ensures that Ministers must "have regard to" the principles when making policy decisions.

However, those policy decisions risk being narrowly defined. We would like to be certain all Ministers will respect the principles.

Embedding them in our domestic framework of policy and law would ensure that law and policy makers respect environmental principles, and decision makers – including courts – may refer to them.

This Bill can help foster the collaborative working environment we aspire to.

The inclusion of a broad and transparent legal mechanism – to set environmental standards – would require business, government, regulators and NGO representatives to work together to establish what is achievable from an

economic, social and environmental perspective.

Without it, standards could be set in Whitehall alone. But with it, wider civil society would be able to help safeguard environmental protection for generations to come.

We look forward to long term goals on specific ambitions in part two of the Bill.

For example:

Proposed legislation concerning the assessment and management of environmental risks – could help the country manage water better: by reducing damaging abstraction from rivers; by making improvements to long term planning for drainage and waste water; and by improving regional planning for water resources.

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On waste, modernising the regulatory framework could allow us to take even more effective enforcement action against waste criminals.

We also think making businesses more accountable for the environmental impacts of their products would bring significant change – and we would welcome legislation making it easier for businesses and ordinary people to recycle.

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Legislation for mandatory biodiversity net gain would be welcome. We would like to see Environmental Net Gain as a long term ambition. The Bill has the flexibility to make this happen in the future.

Finally, speaking in my capacity as UK Commissioner to the Global Commission on Adaptation, I would like to see hard targets on climate change adaptation.

The Intergovernmental Panel on Climate Change report said we have 11 years to limit global temperature rise to 1.5°C above pre-industrial levels.

But, the World Economic Forum's Global Risks Report 2019 – prepared for Davos next week – says: "Global risks are intensifying but the collective will to tackle them appears to be lacking. Instead, divisions are hardening."

If we don't come together to deal with climate change, the impacts will tower over our present political disagreements. The accelerating physical risks mean environmental management and adaptation must be given more focus, alongside essential efforts to reduce emissions.

There is no point in building low carbon, energy efficient infrastructure that could be washed away in a flood or destroyed by heat.

This Environment Bill is a close relative of the Climate Change Act, and both are still relatively young.

By helping them to develop together – reducing emissions; making our country more resilient; and allowing continued prosperity – the UK can be a leader in a new and challenging global climate.

I began this speech by quoting a hero – Billie Jean King – but often it's not the "pressure" itself that is the "privilege".

The Environment Agency is a Category 1 responder, helping people in life-threatening incidents.

Last year, Environment Agency colleagues were part of the response to the Skripal poisoning in Salisbury.

They said:

"We come to the aid of other Category 1 responders (like Police, Fire and Rescue) when they lead a major incident. They, in turn, come to ours."

"We all had to deal with a situation which was unprecedented whilst being unable to speak about it due to security restrictions."

"Many hadn't worked together before... We pulled together and relied on each other. People were approachable, caring, absolutely 100% there for the team. Sometimes it's the small things that help – like humour and good spirits. We became a close group and have met socially since."

"I'm a firm believer in staying positive: that's what saw us through."

The laws and policies discussed today are only two elements of a project that everyone in society has a stake in.

In a world where bitter disputes flair-up at the swipe of an i-phone, I would like us to apply the kind of inclusive and collaborative attitude displayed in Salisbury to our long-term environmental ambitions.

If Government, politicians, businesses, regulators, and NGOs, recognise that our environmental goals are more alike than not – and we can work together...

even if our methods may sometimes appear incommensurable

...then – in years to come – we may come to look back at January 2019... and say that the pressure was a privilege.

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Thank you very much.