



**NEW ENVIRONMENTAL PROTECTION ACT NEEDED AFTER BREXIT**

# The Future of the Natural Environment after the EU Referendum

In the autumn of 2016 the Parliamentary Environmental Audit Committee [EAC] launched an inquiry into the future of the natural environment after the EU referendum. There were four public hearings with academics, farming bodies, conservation groups and Ministers from the Departments for Exiting the European Union and for Environment, Food and Rural Affairs [DEFRA], as well as over 160 submissions of written evidence as well as oral evidence.<sup>1</sup>

MPs had warned the Government that environmental protections must not be weakened during the process of leaving the EU or afterwards. The EAC called on the Government to introduce a new Environmental Protection Act during Article 50 negotiations to maintain the UK's strong environmental standards.

On 4th January 2017 the EAC, acknowledging that a new environmental protection act was needed after Brexit, published a document – *The Future of the Natural Environment after the EU Referendum*<sup>2</sup> – that included a number of recommendations.<sup>3</sup>

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<sup>1</sup> <http://www.parliament.uk/business/committees/committees-a-z/commons-select/environmental-audit-committee/inquiries/parliament-2015/future-of-the-natural-environment-after-the-eu-referendum-16-17/publications/>

<sup>2</sup> <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmenvaud/599/599.pdf>

<sup>3</sup> <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmenvaud/599/59909.htm>

In the following paragraphs I have picked out a few sections of the Report that can relate to the campaign objectives of Save Penwith Moors.

The Report recommendations include:

- Before Britain leaves the EU the Government must have clearly established the environmental objectives and governance model to be used for any future land management payments. Objectives should be clearly linked to the public goods that are to be achieved through funding rather than simply providing income support to farmers: these public goods should be supported by strong evidence of the benefits they provide and the market failure they correct.

Under the section Financial issues the Report states:<sup>4</sup>

- It is not clear whether there will be subsidies for farmers after we leave the EU. Any new farm subsidies which the Government introduces to replace CAP [Common Agricultural Policy] should provide a better balance between support to agriculture and environmental protection. New subsidies should have clearly defined objectives linked to the delivery of public goods, like the promotion of biodiversity, preventing flooding and storing carbon ... The determination of which public goods to support should be evidence-based, with the aim of addressing market failure. Any possible

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future scheme should be more able to allow innovative technologies for protecting the environment.

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Written evidence from the Ramblers made the points that:<sup>5</sup>

- Although some of the opportunities offered by Higher Level Stewardship have been beneficial, the scheme has some fundamental flaws: the recreational opportunities it funds are only temporary; rules for publicising access opportunities are weak; the access provided did not have to link up to the wider, permanent access rights of way network (and therefore was often of little use to the public); and the quality of routes varied considerably.
- They call for a new subsidy system that supports and encourages farmers to deliver public access, ensuring the provision of both local economic benefits and population public health benefits. A major independent study concluded that spending farming subsidy funds on improving access to attractive countryside, protecting wildlife and cutting greenhouse gases could produce annual benefits of over £18billion, for a loss of less than £0.5billion in UK agricultural production.
- They also call for redevelopment of the subsidy system that provides an opportunity to fund permanent improvements to England's recreational access infrastructure,

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<sup>5</sup> <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environmental-audit-committee/the-future-of-the-natural-environment-after-the-eu-referendum/written/37460.html>

boosting rural growth and development and improving public health. Financial support for landowners and managers to both complement existing public access on foot and fund the development of new access could ensure long lasting economic benefits.

- Funding should be directed towards areas where there is clear demand, e.g. areas for improvement as identified through Rights of Way Improvement Plans or Local Community Plans.
- Investment should be made in existing rights of way and open access network, which may potentially provide more public benefit than providing new routes particularly as local government budget cuts impact on access.
- Permanent access provision should be favoured over temporary, thereby providing maximum benefit for public subsidies as spending on infrastructure is not wasted when the temporary agreement ends.

In addition to these positive steps submitted by the Ramblers there were a number of interesting observations made in written evidence sent in by the Cornwall and Isles of Scilly Local Nature Partnership and the Cornwall Area of Outstanding Natural Beauty Partnership. Observations. The two Partnerships make the points:

- That despite investment in local agri-schemes, there has been a sharp decrease in biodiversity with many species still declining,
- That the current agri-schemes in Cornwall are ineffective or have made no difference;

- That there is too much emphasis on biodiversity to the detriment of other environmental issues such as landscape, heritage and access;
- That current agri-schemes are too inflexible to take account of local circumstances – [i.e. one-size-fits-all];
- That there is a lack of resources to effectively monitor schemes which is a critical activity that has not so far been done effectively, so that it cannot be said if a scheme is successful or not;
- That most tourism is generated via the attractiveness of coast and countryside. Therefore it is critical that we achieve a system post Brexit which supports our farming economy but also conserves and enhances the landscape and its natural and cultural environment;
- That schemes have been too complicated and difficult to administer for the smaller farmer.

Many of these issues are ones which SPM has, over many years, persistently brought to the attention of Natural England (and others). And it is disturbing – as well as ironic – that there are a large number of organisations within the AONB Partnership who have been complicit in aggressively combating the views and activities of SPM, in particular our recent campaign to re-register common land.

Natural England (Truro) was asked to comment on this Partnership evidence but only responded that: “The document does not reference data or sources to support the conclusion about HLS therefore I cannot offer further comment with regard to this particular document.”

This is odd since the Report, written by the AONB Partnership Manager, must, presumably, have been read and accepted by Natural England who are one of the organisations within the AONB Partnership. The author of the Report was asked (2/12/2016): “You state that: “I'm afraid I'm not in a position to comment on the effectiveness or not of local schemes since I'm not aware of the schemes, the options, the monitoring or otherwise and shave (sic) no day to day dealings with agri environment schemes”. Yet despite this comment the Manager affirmed in the Audit evidence that: “It is clear that the current agri-schemes in Cornwall (are) either ineffective and/ or the levels of investment and activity are not enough to make a difference...”

SPM asked on what evidence do you base your remark that current agri-schemes in Cornwall may be ineffective? And how does this conform with the remark that you don't think it is agri-schemes that are poor in themselves?

A response the same day stated: “I'm well aware of the research that has been carried out in Cornwall which shows that Biodiversity is declining at an alarming rate. Therefore the only conclusion that can be drawn from this is (a) the agri schemes are not being effective and/or (b) there isn't enough of them. If they were being effective/there was enough of them, then we would see wildlife populations stabilised or increasing. We're not seeing that.”

## SAVE PENWITH MOORS NOW CALLS FOR:

1. Mandatory public consultation with local affected communities and organisations for all new agri-environment schemes which include permanent new works on open access land. We consider this would be in accordance with the spirit of the Aarhus Convention Pillar 1: Public access to information about the environment, and Pillar 2: Public participation in environmentally relevant decisions.<sup>6</sup>
2. With significant financial cut-backs of council funding by the Government and consequent inability to maintain public rights of way in a satisfactory condition, new agri-environment schemes – funded out of the public purse – should include a mandatory requirement for agreement holders to keep all public rights of way on their land (footpaths and bridleways) clear of all obstructions and in a walkable/riding condition, with all stiles and gates maintained in a good and safe condition.

This would, we consider, be in keeping with the ‘mantra’ expressed by the RSPB – public money for the public good – whereby Natural England specifically highlighted public good(s) to include enhancement and connectivity of wildlife habitat, improving public access, protecting and enhancing landscape character and heritage.<sup>7</sup>

Save Penwith Moors Co-ordinator  
January 2017

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<sup>6</sup> <https://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf> See Pillar 2 Article 6 Annex 1 (20)

<sup>7</sup> <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmenvaud/599/599.pdf> #51 & 52





Late 20<sup>th</sup> century stile and waymark on a permissive footpath along the Tinnors Way near the Iron Age settlement of Bosulow Trehylls.