



UKELA Brexit Task Force (TF) meeting minutes
Tuesday 10 January 2017 at 2pm

King's College, London

Task Force members

Richard Barlow	NatureConsWP
Karen Blair (apologies)	Trustee/NI
Andrew Bryce	Private Practice
Jill Crawford	EnvLitWP
Cate Davey (apologies)	WaterWP
Haydn Davies	Trustee/Wales
Paul Davies	Private Practice
Angus Evers	WasteWP
Peter Dixon (apologies)	Planning/SusDevWP
Patrick Duffy	Planning/SusDevWP
Begonia Filgueira	Private Practice
Peter Harvey	WasteWP
Stephen Hockman QC	ClimateChangeEnergyWP
Sir Francis Jacobs (apologies)	Patron
Anne Johnstone	Trustee/Vice Chair
Penny Latorre	Trustee/WP Co-Ordinator
Bob Lee (apologies)	Academic
Richard Macrory QC	Patron
Bridget Marshall (apologies)	Trustee/public sector
Francis McManus (apologies)	NoiseWP
Nina Pindham	WaterWP
Colin Reid	Academic, Scotland
Kenneth Ross (apologies)	Trustee/Scotland
Eloise Scotford	Academic
Stephen Sykes	UKELA Chair
Sarah Thomas	EnvironmentAgency observer
Stephen Tromans QC	Barrister
Richard Wald	Trustee/Barrister
Andrew Wiseman (apologies)	ContamLandWP

UKELA Staff Support

Linda Farrow
Rosie Oliver
Alison Boyd

1 Introductions and Welcome – Stephen Sykes

Apologies were noted and all members of the TF were welcomed to the meeting. A warm welcome was extended to the special guest speaker, Stanley Johnson.

2 Confirmation of 2 Co-Chairs

Richard Macrory and Andrew Bryce were confirmed as the Co-Chairs for the BTF by unanimous vote.

3 Guest Speaker – Stanley Johnson

SJ gave a short presentation on the political dimensions of Brexit and how UKELA might engage to best effect. The key points were:

- Consider endorsing EAC report call to introduce a new Environmental Protection Act after Brexit.
- Consider extent to which Supreme Court could fulfil current role of the European Commission and ECJ in enforcing environmental law, given the limitations of judicial review.
- Make sure that any comment from the BTF is authoritative and timely to ensure maximum impact.
- Farming policy should not be overlooked as it is crucial.

BTF response:

- Important to leverage practical expertise of UKELA members; agree timing crucial.
- Note that Defra wants to roll over the current EU environmental acquis. UKELA very keen to ensure this. Defra's understanding appeared to be that 2/3 of all legislation could be rolled over under a Great Repeal Bill, with the remainder dealt with separately.
- Would be helpful to have a sense of the priorities between different government departments.
- The role of business will be important as some may view Brexit as an opportunity to dilute regulation.
- New domestic legislation seems certain to be needed as current EU legislation operates across all 27 states, so is not, by definition, specific to the domestic agenda. But bringing in a new Environmental Protection Act – although a long-term aspiration - may not be the way forward in the short term.
- Note REACH consultation already underway – good opportunity for UKELA comment (work already underway).
- Opportunity also for work on next steps preparing for the Great Repeal Bill.
- Devolution aspect needs to be kept high on agenda.
- Important to watch that some areas of environmental law aren't prioritised over others.
- It was understood that the drafting of the Great Repeal Bill was underway but that complex issues were being sidelined for later consideration.

4 UKELA's work on Brexit to date - Rosie Oliver

See attached slides

Details:

- REACH consultation comments due 20 January- Matt Townsend (A&O) invited to help; Paul Davies offered to help and suggested Doug Bryden (Travers Smith) be approached too. Tim Clare from Ramboll Environ was also suggested. RO to take forward.
- Working Party mapping exercise was taking shape. Responses had been received from Waste, Nature Conservation and CCEWP. Richard Barlow gave an overview of the NC paper – it addressed the mechanisms for enforcement and the impact any removal of past EU case law might have on future case law. Angus Evers noted that in the Waste paper the issue of enforcement was also raised, among other issues such as the possibility on nuclear law of leaving Euratom treaty. Other WPs noted that they were taking this task forward at present. Next steps (more targeted mapping) discussed under agenda item 7.
- Resources – it was noted that an advert for a Research Assistant attached to the Task Force would be issued asap with a view to appointing in February [note advert was circulated 11 January, with deadline 25 January]
- ESRC – Eloise Scotford advised that there was a funding call for priority grants on Brexit work. Grants would be in the region of £100-£300k and would cover a focus on the process. It was agreed that consideration would be given to a bid supporting the work of the Task Force. ES to discuss further with SS/LF with SS to send letter of support to ES

5 Update on UK/Government position – Richard Macrory and Andrew Bryce Great Repeal Bill due to be published May

- Meeting coming up with DBIES
- UKELA may request second meeting with Defra
- DA meetings
- Working to identify key individuals in government departments if they are not specifically covered by the WP
- SJ suggested arranging a meeting with Robin Walker at the Brexit department

RM/ABryce/RO to take forward actions

6 Developments in Devolved Administrations

Colin Reid noted that he was due to appear before the Scottish Government on the impact of Brexit on devolved powers. There were concerns across all devolved admins about this, although it was noted that NI was on hold currently pending the resolution of the NI government issue.

SS/BF will liaise on potential contacts in NI

7 Looking Ahead: UKELA's strategic focus for work on Brexit

- By way of preparation for the Great Repeal Bill, investigate how difficult it will be to roll over our body of environmental law. WPs to be asked to look for examples of provisions/areas of law that will be difficult to roll over, in response to a targeted list of questions to be developed by RO, RM and ABryce.
- Need to be aware of potential for activity on 30% of legislation that may not be covered by Great Repeal Bill (eg REACH).
- Research assistant position to look at more general Brexit-related constitutional matters/reports which will affect environmental law, as well as specific environmental law issues.
- Seek meeting with EA
- Look at what other organisations are doing eg IEEP, CIEEM

8 Other activities

Next event planned for end May/early June. Agreed theme should be Great Repeal Bill (if published by then), issues emerging from WP mapping exercise and the Article 50 Supreme Court case. Possible half day event.

ABoyd/RO to progress

Date of next meeting – end March

ABoyd to book and circulate details