

## Submission to the House of Lords EU Energy and Environment Sub-Committee short inquiry exploring the future of environment and climate change policy following the vote to leave the European Union.

### Summary

1. The Society wishes to remind the subcommittee of the important role played by professional individuals and professional bodies in the delivery of aspirational outcomes on climate change mitigation and adaptation. Environmental professionals are a very important resource.
2. The Society identifies the need for clarity of the boundary of what can be delivered by regulations and what can be delivered by good behaviour in green culture. Improving communication must be part of this.
3. The result of the Great Repeal Act as part of the Brexit process must ensure that the delivery of aspirational outcomes on climate change are maintained. We advocate processes of reregulation as the next steps.
4. Organisational Leadership is crucial. The Society advocates an additional value in public life on sustainability and a combined Code of Governance for all Directors. All issues on climate change should be dealt with, with the same level of commitment as health and safety.

### Background, the Society and its Policies

5. First may we introduce the Society for the Environment. The Society is a partnership of 24 professional bodies representing individuals practicing in environmental and natural resources management, ranging from chemists and engineers to ecologists and biologists, and ranging from front delivery to the very highest levels of leadership. Our Royal Charter provides us with the responsibility to oversee the award of the status of Chartered Environmentalist of which there are over 7000. Through the professional bodies licensed to award the Chartered Environmentalist and Registered Environmental Technician professional qualifications, the Society has access to some 500,000 individual members. It is our focus to raise the common standards of competence in individual professionals practicing in natural resources management, to bring a harmony of understanding, but not necessarily uniformity of the diverse views within the bodies belonging to the Society, and to provide leadership in the green cultural contribution to the delivery of sustainable natural resources management
6. We are aware that you have not invited written comments but we believe that we can provide information to the Inquiry that will bring some benefits to its conclusions. We share a common view that action is needed on the adaptation and mitigation of climate change although there may be different views amongst the bodies within the Society on how we achieve these.
7. The purpose of this submission is to remind the Inquiry about the importance of professional individuals in the delivery of sustainability, and that as individuals and in combination, we are an

important resource of practical wisdom and of effective operations at all level. This is not a comprehensive treatise on climate change, per se.

8. It will not be a surprise that the Society is already focusing on the implications of Brexit. In July the Society welcomed the new Government appointments with a six-point framework for moving forward

*A. The Society recognises that our Nations face a challenge in moving forward in the wake of the decision to leave the European Union. As members of the European Union, we have made significant progress with the quality and quantity of our natural resources over the last 40 years. The Society wish to help protect that progress and maintain it going forward. But, we believe that there is the now the opportunity to enhance environmental mitigation and protection.*

*B. Excessive bureaucracy can be inimical to the objectives of legislation. So we would be pleased to work with the Government in finding ways and means of transposing national legislation made in pursuit of European Union legislation into purely UK driven legislation, which sustain the objectives but which are at the same time efficient and effective. It is essential that this wisdom is applied to new legislation in future. This will add additional impetus to current efforts for better regulation and the work of the Regulatory Delivery team in the Department of Business, Energy & Industrial Strategy. However, we urge the Government not to deregulate essential environmental and natural resources management.*

*C. Threats to our natural resources do not recognise national boundaries. For the last 40 years, the UK has shared wisdom with Continental colleagues in pursuit of better environmental standards across Europe. The Society will continue maintain our European contacts. We urge the Governments of the UK to also continue conversing with their colleagues from across the EU and striving for the betterment of Environmental standards.*

*Because of the international nature of environmental and natural resources management, we have believed that it must be a key component of pan-European policy. This is our description of the Policy which recognises that the UK is part of the 'Great European Project', but as an independent nation and not part of the EU. The objectives shared with the EU and other components of Europe must be in pursuit of the highest principles of individual and environmental wellbeing which transcends the needs of a common trading agreement.*

*The Society will continue to pursue our European partnerships on that basis and we would be pleased to assist the Government in helping to maintain relationships between environmentalists and decision makers across the EU.*

*D. The relationship of the UK with the EU has been a Reserved Matter which has restricted the flexibility of devolved administrations to implement appropriate national legislation. We believe that appropriate devolution of environmental and natural resources legislation to better approach issues at a more local level would be beneficial and will be a key component of the way forward.*

*E. We recognise that the result of the EU referendum highlighted a need to re-engage with communities in decision making, in order to replenish their trust in experts, governments and decision making bodies. The wellbeing of society is paramount to a thriving economy. With this in mind, we would welcome an opportunity to discuss potential models for to promote wellbeing, such as the Welsh Wellbeing of Future Generations Act, and how that might be adapted to strengthen community resilience across the UK.*

*F. Our preferred structure for political leadership of confronting climate change is that there should be a distinct position within the Cabinet, but we can see opportunities for the new Department of Business, Energy and Industrial Strategy (DBEIS) in embedding climate change awareness and action for adaptation and mitigation at the highest levels in business.*

*The creation of a link between climate change and business must be beneficial and DBEIS is well placed to properly embed climate change policy within the UK 's Industrial Strategy and to help develop a sustainable circular economy and promote proper natural resource management. We call upon DBEIS to honour the commitments made by the former Department Energy and Climate Change.*

*There are number of Corporate and Director codes on governance; we would like to see these revised to ensure that those in a position of power, wherever and whatever that might be, will act in the best interests of our future on sustainability.<sup>1</sup>*

9. The Society has used this framework in preparing submissions to the Parliamentary Committees for Environmental Audit and for EFRA. We also made a submission to the Parliamentary Committee on Business Innovation and Skills on corporate governance and called for a convergence of all Codes of Good Governance for Directors of all organisations, and called for sustainability to be a Value in such governance and this re-iterated what we said on World Environment Day. We have further applied this framework when addressing an Environmental Audit inquiry into domestic delivery of the sustainable development goals. The relevant papers are available on our website.<sup>2</sup>
10. We are developing the framework further through consultation of CEnvs and with the benefit of a Brexit summit organised by Castle debates and sponsored by DLA Piper in September. The intention is to produce report to be launched in Spring 2017 entitled 'Our vision for Excellent Environmental Policy & Practice' and that it becomes a go-to reference tool of widely supported recommendations and practical examples, providing invaluable insight for those tasked with reviewing future environmental policy and regulation. We will champion this report through our professional networks, drawing out supported priorities to be communicated to Government to ensure that UK environmental policy and practice maintains its integrity and leadership position on the world stage, whatever the nature of our future relationship with the EU.

The role of Green Culture and, in particular, organisational leadership

11. There are deep roots on UK legislation which provide clear boundaries between what the Crown Government, Parliament, Parliamentary laws, and individuals alone, and in corporate

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<sup>1</sup> [www.socenv.org/Brexit](http://www.socenv.org/Brexit)

<sup>2</sup> [www.socenv.org/Policy](http://www.socenv.org/Policy)

combination, can do. So a very important point in the delivery of sustainability is to decide where the boundary lies between legislation and behaviour in the delivery of aspirational goals; nothing demonstrates this more than how we deliver responses to climate change. We commend the initiatives of the Welsh Government in its Environment Act of 2016.

12. The challenge is that when the needs are of immediately demonstrable urgency - legislative action and behavioural change can be swift. A good example is the way that the Deposit of Poisonous Wastes Act in 1972 followed the dumping of cyanide wastes near a school. But where the effects are in the future, it is much more difficult to mobilise legislatures and personal behaviours.
13. With the benefit of complex evidence, legislators can bring in frameworks which define the way forward but leave scope for behavioural contributions. The Society recognises that a cultural shift is required and that regulation alone cannot fully alter behaviour. The boundary between culture and legislation has deep roots in our jurisprudence and is sometimes not so simple, so behaviours can be changed by incentives and disincentives outside of penalties - for example through the taxation system. The Society has already made recommendation on green taxation, for example.<sup>3</sup>
14. This certainly came out in the American Presidential election, where although the environment was not in the top 12 electoral issues for supporters of either campaign, there have been reports of rural support for Donald Trump's call to abolish the Environmental Protection Agency.<sup>4</sup> Whilst there is currently no data to clearly quantify the impact of these issues on voter intention, over regulation and perceived ineffectiveness by these agencies was a part of both the Leave and Trump campaigns. It can leave us to reason, however, that the environment is not on the agenda in the correct way; the burden is a bigger issue than the protection. So a crucial part of the way forward after Brexit is to ensure that our national communications strategies are as clear as they can be.
15. For example, highlighting that hundreds of millions of years' worth of buried oil and coal has been reintroduced into the atmosphere in the span of 200 years is easier to digest than scientific climate change models which, whilst based on sound science, can have their accuracy questioned or ignored by those without a scientific background. And to talk about the uncertainties of turbulence of weather in simple terms, like watching the effects of slowly heating a bowl of water, is more powerful than talking about jet stream models. Whilst we have given two brief examples, the scope for imagination and innovation in climate change communications is as vast as the issues facing us are.
16. A significant strand of the green culture is in the quality of leadership in all organisations. As one part of our role in cultural leadership, we are of a strong view that commitment to sustainability is a key enabler of corporate success. We believe that it would be beneficial to add an additional value for sustainability to those values required for appointees to public roles and we submitted this idea to the Cabinet Office as a response to the report by Sir Gerry Grimstone on the public appointments system and the commitment by the Cabinet Office to review the Governance Code. We extended this notion by recommending to the Committee on Business Innovation and Skills, as part of its Inquiry into corporate governance, that there should be a combined Code of

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<sup>3</sup> [http://c.ymcdn.com/sites/socenv.org.uk/resource/collection/E2DB0A72-17F9-4FA4-B770-99A18C8E39A0/SocEnv\\_response\\_to\\_EAC\\_inquiry\\_of\\_the\\_role\\_of\\_HM\\_Treasury\\_in\\_relation\\_to\\_sustainable\\_development\\_and\\_environmental\\_protection.\\_Version\\_2\\_7.7.16.pdf](http://c.ymcdn.com/sites/socenv.org.uk/resource/collection/E2DB0A72-17F9-4FA4-B770-99A18C8E39A0/SocEnv_response_to_EAC_inquiry_of_the_role_of_HM_Treasury_in_relation_to_sustainable_development_and_environmental_protection._Version_2_7.7.16.pdf)

<sup>4</sup> [http://www.gallup.com/opinion/polling-matters/197108/issues-critical-trump-clinton.aspx?g\\_source=energy%20and%20environment&g\\_medium=search&g\\_campaign=tiles](http://www.gallup.com/opinion/polling-matters/197108/issues-critical-trump-clinton.aspx?g_source=energy%20and%20environment&g_medium=search&g_campaign=tiles)

Governance for all directors incorporating sustainability.<sup>5</sup> In simple terms a director committed to sustainability is unlikely to behave irresponsibly in other areas of responsibility. So sustainability is important in its own right can be a general driver of good governance

#### The relevance of this thinking for the Inquiry

17. We consider that no matter what the drivers for action on climate change have been through legislation, the impact of what will become the Great Repeal Act must ensure that our commitments at that time continues. So we must continue with the national commitments to the EU Climate Adaptation Strategy and with the targets which derive therefrom. However, as we have articulated, the review of patriated legislation must then provide an opportunity to make the legislation more effective and efficient. We submit that we should think in terms of re-regulation. This term emerged in the financial sector after the events of 2008. It includes the replacement of existing statutes with new or additional legislation and can also refer to the process of reversing deregulation where this turns out to be impractical or unmanageable. This seems like a basis for a better overall term for what we want and what is needed. And then environmental deregulation becomes a small and consequential part of a much bigger process of environmental reregulation.
18. The Sub Committee should contribute its thinking on what must be achieved by statute and what will be achieved by cultural change. A very good example is the determination of how we should manage the design of new, and retrofitting of old, houses to meet these challenges. What can be achieved in greening the culture of building design and what can be achieved by regulation of building regulations?
19. We have articulated our suggestions for ensuring that appropriate behaviours by organisational leaders contributes to the adaptation and mitigation of climate change. We now wish to extend our thinking further to embedding responsibility for climate change in organisations. This follows on from there commendations of the RCEP report in 2010 on Adapting Institutions to Climate Change.<sup>6</sup> It recognised that if progress is to be made, then commitment to climate change management must be dealt with at the same level as health and safety. Hence there must be a board champion for climate change and regular agenda items dealing with reports on progress and substantive recommendations for continuous improvement.

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<sup>5</sup> [http://c.ymcdn.com/sites/socenv.org.uk/resource/collection/E2DB0A72-17F9-4FA4-B770-99A18C8E39A0/SocEnv\\_response\\_to\\_BEISC\\_Corporate\\_Governance\\_inquiry.pdf](http://c.ymcdn.com/sites/socenv.org.uk/resource/collection/E2DB0A72-17F9-4FA4-B770-99A18C8E39A0/SocEnv_response_to_BEISC_Corporate_Governance_inquiry.pdf)

<sup>6</sup> [http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation\\_final\\_summary.pdf](http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_summary.pdf)