

<b>Institution: Queen's University Belfast</b>		
<b>Unit of Assessment: 17 Business and Management</b>		
<b>Title of case study: Addressing Governance Gaps after Brexit in a Devolved context: Environment and Agriculture</b>		
<b>Period when the underpinning research was undertaken: 2015-2019</b>		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b> Dr Viviane Gravey Dr Mary Dobbs	<b>Role(s) (e.g. job title):</b> Lecturer in European Politics Lecturer in Law	<b>Period(s) employed by HEI:</b> September 2016 – ongoing 2013 – August 2020
<b>Period when the claimed impact occurred: 2017–2020</b>		
<b>Is this case study continued from a case study submitted in 2014? No</b>		
<p><b>1. Summary of the impact</b> (indicative maximum 100 words)</p> <p>Gravey and Dobbs conducted research on environmental governance as part of the work of the academic Brexit &amp; Environment network. The research highlighted the importance of independent institutions and the dangers of over-centralisation. The impact of the network's research was recognised through a prestigious UK environmental sector award. The research has raised public awareness of key challenges which the UK's departure from the European Union (EU) poses for environmental governance in the UK, particularly with regard to the devolved territories. It has also helped to inform crucial aspects of policy and legislation in the UK, Wales and Northern Ireland.</p>		
<p><b>2. Underpinning research</b> (indicative maximum 500 words)</p> <p>The underpinning research was produced by Gravey and Dobbs both independently, and as part of the Brexit &amp; Environment academic network investigating Brexit's impact on ecological and agricultural policy in the UK and the EU. While at Queen's University Belfast (QUB) (since September 2016), Gravey has been one of the network's three Co-Chairs (with Professor Charlotte Burns, University of Sheffield, and Professor Andrew Jordan, University of East Anglia), and has played a leading role in the group, including acting as Co-I in a major Brexit &amp; Environment research project, funded by the ESRC and led by Burns. This project, which ran from April 2017 to March 2019, investigated how Brexit was leading to a repoliticisation of UK environmental governance.</p> <p>Gravey and her colleague, Dr Mary Dobbs (who was at QUB until August 2020), have led Brexit &amp; Environment's research on Northern Ireland, and have contributed to the network's research on UK governance arrangements, and on future public policy with regard to the environment and agri-business. Dobbs formally joined the network as an Associate in December 2018.</p> <p>The approach adopted by Brexit &amp; Environment has been one of constructive and collective participatory action research (1). Given the fast-moving and fluid nature of the UK-EU negotiations on the UK's exit from the EU, the group felt that it was very important to input as proactively as possible into the democratic process while also carrying out their research. The contribution which Gravey and Dobbs have made to the network's research builds on their long-standing interest in the dismantling (i.e., diminution or removal) of public policy, the resilience of environmental public policy (Gravey, (2)) and the quality of environmental governance (subsidiarity, environmental principles) (Dobbs, (7)).</p>		

Gravey, together with colleagues from Brexit & Environment, has developed a number of key arguments in her research. Firstly, with her colleagues, Jordan, Burns and Anthony Zito (Newcastle University), she has argued that the repatriation of environmental policy and governance after Brexit would create new opportunities for public policy dismantling and environmental degradation. While dismantling policy at EU level required a high level of consensus among a variety of institutions (2), the Westminster majoritarian model made quick and profound changes both upward or downward possible. However, upward differentiation from EU environmental norms was already allowed under the EU treaties (and rarely used in the UK) (3); Gravey has warned that Brexit creates first and foremost an opportunity to be less ambitious, with continued environmental action reliant on (fluctuating) UK political ambition compared to European legally binding commitments (4).

Secondly, Gravey, with a number of other Brexit & Environment colleagues, has argued that the Brexit environmental challenges were as much a question of governance as public policy, and that Brexit raised the possibility of major governance gaps. In October 2018, in a research-based briefing document funded by the ESRC, they contended that the lack of a Northern Irish government voice in discussions on a post-Brexit environmental settlement raised the risk that policies and structures might not suit the Northern Irish context (5). They further argued that the key group designed to coordinate policy between the four UK nations, the Joint Ministerial Committee, was not fit for purpose and should be reformed. They also suggested that new environmental governance structures should be coordinated across the UK's nations, and should be transparent and accountable to their respective legislatures and citizens (5). These arguments were further developed in an article by Dobbs and Gravey, together with Ciara Brennan (Newcastle University), which investigated some of the specific risks and issues pertaining to Northern Ireland, and made a number of specific suggestions for strengthening environmental governance in a post-Brexit Northern Ireland (6).

### 3. References to the research (indicative maximum of six references)

1. Stewart, B., Burns, C., Gravey, V. et al (2019) "Making Brexit work for the environment and livelihoods: Delivering a stakeholder informed vision for agriculture and fisheries." *People and Nature*, 1 (4): 442-456. [doi.org/10.1002/pan3.10054](https://doi.org/10.1002/pan3.10054)
2. Gravey, V. and Jordan, A. (2019) "Policy dismantling at EU level: Reaching the limits of 'an ever-closer ecological union'?" *Public Administration*, 98(2): 349-362. [doi.org/10.1111/padm.12605](https://doi.org/10.1111/padm.12605) (Peer-reviewed journal)
3. Gravey, V. (2019) "Finally free to green agriculture policy? UK post-Brexit policy developments in the shadow of the CAP and devolution." *Eurochoices*, 18(2): 11-16. [doi.org/10.1111/1746-692X.12234](https://doi.org/10.1111/1746-692X.12234) (Peer-reviewed journal)
4. Burns, C., Gravey, V., Jordan, A., Zito, A. (2019) "De-Europeanising or disengaging? EU environmental policy and Brexit." *Environmental Politics*, 28(2): 271-292. <https://doi.org/10.1080/09644016.2019.1549774>
5. Burns, C., Carter, N., Cowell, R., Eckersley, P., Farstad, F., Gravey, V., Jordan, A., Moore, B. and Reid, C. (2018) [\*Environmental policy in a devolved United Kingdom: Challenges and opportunities after Brexit\*](#), Brexit & Environment.
6. Brennan, C., Dobbs, M., Gravey, V. (2019) "Out of the frying pan, into the fire? Environmental governance vulnerabilities in post-Brexit Northern Ireland." *Environmental Law Review*, 21(2): 84-110. <https://doi.org/10.1177/1461452919843646> (Peer-reviewed journal)
7. Dobbs, M. (2016) "Attaining subsidiarity-based multilevel governance of genetically modified cultivation?", *Journal of Environmental Law*, 28(2): 245-273. <https://doi-queens.ezp1.qub.ac.uk/10.1093/jel/eqw008>

The research to which Gravey has contributed has received the following peer-reviewed research funding:

- ESRC £148,515 September 2017 – March 2019 '[Divergence, Dismantling and Contestation: Brexit and the Repoliticisation of UK Environmental Governance](#)', PI: Professor Charlotte Burns (University of Sheffield). Gravey was one of the Co-Is.
- ESRC £197,504 April 2017 – August 2017 '[Divergence, Dismantling and Contestation: Brexit and the Repoliticisation of UK Environmental Governance](#)', PI (Professor Charlotte Burns, then University of York). Gravey was one of the Co-Is.

#### 4. Details of the impact (indicative maximum 750 words)

The research of Gravey and Dobbs has had an impact in limiting the potential for over-centralisation in the **UK Environment Bill**, informing **UK policy** on effective devolved environmental governance, and **Welsh** and **Northern Ireland** government policy on appropriate levels of centralisation. The Brexit & Environment network to which they belong has also won a **national environmental award for thought leadership** on Brexit and the UK environment, **raised public awareness in the UK and globally of the potential impact of Brexit on environmental governance**, and **helped both the media and politicians to hold the government to account on this issue**.

##### Raising public and stakeholder awareness

In 2017, the Brexit & Environment network, including Gravey, received the '**Insight of the Year**' award in the annual **ENDS Environmental Impact Awards** for their research on the UK's exit from the EU and the UK environment. The judges said their work "...showed great thought leadership which will deliver real and clear benefits." (A) The awards are organised by the ENDS Report, a leading website and magazine for professionals in the UK environmental sector.

As a member of the Brexit & Environment network, Gravey has frequently drawn on her research to help raise public awareness of the network's concerns through the media. For example, in January 2019, she was interviewed for an article on one of the world's most popular news websites, the Independent, on the risk of a no-deal Brexit to the UK's largest wetlands, Lough Neagh and Lough Beg, in Northern Ireland (B). The research also raised public awareness in Northern Ireland of the specific challenges regarding environmental governance in Northern Ireland in the light of Brexit. In April 2019, Gravey was interviewed for a BBC News Northern Ireland item on this issue. The report also cited a Brexit & Environment briefing paper by Dobbs and Brennan (B).

In April 2018, key findings from a report commissioned from Brexit & Environment by the Friends of the Earth campaign group were covered in an article on another world-leading news website, the Guardian, prompting a response from the UK Government. The report, *UK Environmental Policy Post-Brexit: A Risk Analysis*, was co-authored by Gravey, with her Brexit & Environment colleagues, Burns and Jordan. Kierra Box, from Friends of the Earth, was quoted in the article issuing this warning in light of the findings:

"We were promised that Brexit wouldn't harm our environment – but this analysis shows that under all scenarios currently on the table, this promise will be broken," said Kierra Box of Friends of the Earth. "We hope this report will spur parliament to make much needed changes to the withdrawal bill currently in the process of going through parliament, to lock in guarantees for our environment that the report authors have found lacking so far." (B)

Responding to the Brexit & Environment report, the UK Department for Environment, Food and Rural Affairs promised that a "Green Brexit" would enhance the nation's

environmental standards, according to the Guardian. The website also quoted the Department as saying:

“We will soon consult on an independent, statutory body to hold the government to account on the environment and on a new statement of environmental principles.” (B)

From January 2018 to June 2019, Brexit & Environment’s research featured on 12 different occasions in both print and online media outlets, and on two BBC Radio 4 programmes, including *Costing the Earth*. In addition to the outlets already mentioned, other media featuring the network’s research and insights included BBC News, *Farmers Weekly*, *The Observer*, and a number of articles in the ENDS Report (K).

### Impact on policy and legislation

In addition to attracting media coverage, the research has also helped inform a number of important developments in policy and legislation. Firstly, the research **helped inform a crucial change in the UK Environment Bill** to a provision which would otherwise have accorded more powers to the UK government. In October 2019, the government announced it would remove a critical sub-clause (Clause 1 (6) (c)) from the draft Environment (Principles and Governance) Bill (originally published in December 2018), after the House of Commons Environment, Food and Rural Affairs Committee recommended that the clause should be revised (C, D). In its report on the draft legislation, the Committee had accepted and reiterated an argument made to the Committee by Gravey that the power delegated to the Secretary of State for the Environment, Food and Rural Affairs in this sub-clause offered the Secretary of State a “get out of jail free card” to determine that environmental principles were inapplicable to a particular policy area (D). The sub-clause in question would have enabled the Secretary of State to add further items, at a later date, to a list of exclusions to the application of environmental principles.

In its response to the Committee’s report, the government said it was responding to the Committee’s recommendation to revise the sub-clause (C). The omission of this original sub-clause, as previously worded, was maintained in the Bill when reintroduced in January 2020 (Environment Bill 2020) and after being reviewed by a House of Commons’ Public Bill Committee in November 2020 (E).

The research has helped to **inform the UK government’s policy on environmental governance in the four UK nations**. In November 2018, the UK government said that the key body set up by government to consult with the devolved administrations, the Joint Ministerial Committee (EU Negotiations), had recently agreed that officials should consider the need for stakeholder engagement in further developing its framework proposals for environmental governance (F). This point was made in response to a recommendation by the House of Commons Environmental Audit Committee that the government engage with the devolved administrations to establish common frameworks. This recommendation drew on evidence from the Brexit and Environment Group which highlighted the lack of co-ordination and co-operation mechanisms between the four nations (G).

In 2018, the research also **had an impact on Welsh government policy** with regard to centralisation of UK government powers. The Welsh Government accepted a recommendation from the Welsh Assembly’s Climate Change, Environment and Rural Affairs Committee that the Joint Ministerial Committee should be reformed or replaced (H). This recommendation was informed by Gravey’s research-based argument that the body in question, the Joint Ministerial Committee (EU Negotiations), met infrequently, and lacked openness and transparency. This point was highlighted in the Committee’s report (I).

In Northern Ireland, the research **helped to inform the development of Northern Ireland's first overarching Environment Strategy**. The Strategy is being prepared by the Department of Agriculture, Environment & Rural Affairs (DAERA) with a view to seeking Northern Ireland Executive endorsement. Gravey (with Dobbs) was invited to sit on a working group set up by DAERA to help shape the main components of the draft Environment Strategy for Northern Ireland which, as of December 2020, was still being finalised. The public discussion document on a proposed future Environment Strategy, published in September 2019, reflected key recommendations made by Dobbs; namely, the inclusion of a chapter on environmental governance, and content which addressed cross-border issues (J).

#### 5. Sources to corroborate the impact (indicative maximum of 10 references)

(A) ENDS Report '[ENDS Environmental Impact Awards 2017 winners announced](#)', 5<sup>th</sup> May 2017

(B) See collated media coverage summary impact source document which provides a reference and link to the three media items mentioned: article on Independent website, published on 27<sup>th</sup> January 2019; article on BBC News NI website published on 16<sup>th</sup> April 2019, and article on Guardian website, published on 12<sup>th</sup> April 2018. Information on the Independent's reach is also provided.

(C) House of Commons Environment, Food and Rural Affairs Committee [Pre-legislative scrutiny of the Draft Environment \(Principles and Governance\) Bill: Government Response to the Committee's Fourteenth Report of Session 2017–19](#), 15<sup>th</sup> October 2019. See response to paragraph 43 of the Committee's report.

(D) House of Commons Environment, Food and Rural Affairs Committee [Pre-legislative scrutiny of the Draft Environment \(Principles and Governance\) Bill. Fourteenth Report of Session 2017 – 19](#), 23<sup>rd</sup> April 2019, paras 39, 42 and 43.

(E) UK Parliament [Environment Bill \[as amended in Public Bill Committee\]](#), 27<sup>th</sup> November 2020.

(F) House of Commons Environmental Audit Committee [The Government's 25 Year Plan for the Environment: Government Response to the Committee's Eighth Report](#), 4<sup>th</sup> October 2018. See the government's response to Recommendations 16 and 17.

(G) House of Commons Environmental Audit Committee [The Government's 25 Year Plan for the Environment. Eighth Report of Session 2017 - 19](#), July 2018, paras. 83-4 & 87 pp. 31-2.

(H) Senedd Wales '[Written Response by the Welsh Government to the Climate Change, Environment and Rural Affairs Committee's report: Common Frameworks for the Environment after Brexit](#)', September 2018. Government's response to recommendation 1 in the Committee's report.

(I) National Assembly for Wales Climate Change, Environment and Rural Affairs Committee [Common frameworks for the environment after Brexit](#), July 2018, para. 8, p.2 and Recommendation 1, p. 8.

(J) Department for Agriculture, Environment and Rural Affairs, Northern Ireland Executive [Environment Strategy for Northern Ireland: Public Discussion Document](#). See especially Chapter 9 'Environmental Governance'. The contribution of the research to the development of the Environment Strategy can be corroborated by the Policy Lead, Environment Strategy, DAERA.

(K) Screenshot of Brexit & Environment website's previous summary of media coverage, now archived. Some information on the project's media coverage is still available at: <https://www.brexitenvironment.co.uk/contact/>