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| Institution: University of East Anglia | | |
| Unit of Assessment: 7 – Earth Systems and Environmental Sciences | | |
| Title of case study: Informing Policy for A Greener Brexit | | |
| Period when the underpinning research was undertaken: 1/1/2000 – 31/12/2020 | | |
| Details of staff conducting the underpinning research from the submitting unit: | | |
| Name(s): | Role(s) (e.g. job title): | Period(s) employed by submitting HEI: |
| Andrew Jordan | Professor | 1992 – present |
| Tim Rayner | Research Fellow | 1/6/2006 – present |
| Brendan Moore | Senior Research Associate | 1/8/2018 - present |
| Viviane Gravey | Research Associate | 1/1/2015 – 31/9/2016 |
| Period when the claimed impact occurred: 1/8/2013 – 31/7/20 | | |
| Is this case study continued from a case study submitted in 2014? No | | |
| 1. Summary of the impact | | |
| <p>The EU referendum was the largest democratic exercise ever held in the UK. But when it was first mooted in 2013, there were few experts who fully appreciated what was potentially at stake for UK environmental policy and governance. By establishing a new think tank (<i>Brexit&Environment</i>), one of them - Jordan - drew on decades of his own highly cited research to directly shape policy debates during and after the 2016 referendum. Through repeatedly informing discussions in parliaments at EU level and across the breadth of the UK, as well as within the Greener-UK alliance of NGOs (which has a combined membership of 9 million people), he directly shaped several 'once in a generation' laws (including the 2018 EU Withdrawal Act and a new environment act) and triggered the establishment of new regulatory watchdogs, covering all four nations, which are transforming the landscape of UK environmental policy and governance. According to the <i>Chair of the House of Commons Environmental Audit Committee</i>, Jordan “undoubtedly shaped the post Brexit environmental regulatory environment at the highest levels of parliament and government ... through a tumultuous period of British political life” [S2a].</p> | | |
| 2. Underpinning research | | |
| <p>When the UK joined the EU in 1973, environmental policy was largely determined in a national setting [R1, R2]. Over time, the locus of policy making shifted slowly to Brussels [R2, R3]. From the mid-1990s, Jordan was instrumental in pioneering a new sub-area of research which sought to understand how, why and with what effect national decision making had been systematically 'Europeanised' by the EU [R1, R3], as well as probing the reciprocal links with international environment and trade policies.</p> | | |
| Key research findings | | |
| <p>Jordan's research employed a range of theories and methods to generate six original Research Findings:</p> | | |
| <ol style="list-style-type: none"> 1. <i>The EU chiefly influences its Member States via its policies rather than its spending decisions:</i> in 2016 around 500 EU policies addressed the environment, constituting around 80% of the total number of UK environmental policies [R1, R3]. 2. <i>These policies were guided by fundamental policy principles (precaution, prevention, polluter pays etc.).</i> Together they influenced both the detailed design of hundreds of EU (and thus national laws and policies), and the way in which they were enacted [R1, R3]. 3. <i>The EU had established a unique environmental governance system</i> to monitor, update and enforce its policies [R1, R3]. 4. <i>National level policy making systems were significantly reoriented ('Europeanised')</i> to feed into EU level discussions and implement the resulting EU policies [R2, R3]. 5. <i>EU action became progressively intertwined with sub-national policies and politics:</i> in the UK, many areas of EU action (the environment, transport, agriculture and fisheries) were devolved to the four nations after 1998 [R3, R4], producing an even more complex system of multi-levelled governance. 6. <i>As a member state, the UK had no independent trade policy.</i> Therefore, a vote to Leave would necessitate the creation of a whole set of new trade policies and processes with appropriate environmental protections [R4]. | | |

Jordan's research was supported with long term UKRI funding via ESRC Centres (CSERGE and Tyndall) and large grants [e.g. **R6**, **R7**]. It has been very highly cited: **Jordan** is a Web of Science highly cited researcher, one of only 180 social scientists in the world each year. In the three research areas underpinning this case study (environmental policy, environmental politics and the EU), Google Scholar ranks him amongst the four most highly cited in the world.

Knowledge translation and refinement

To achieve lasting Impact, research must first be translated into policy relevant knowledge. **Jordan** was a prime mover in three of the most important knowledge exchange processes after 2013:

- i. In 2013-2014 **Jordan** contributed to the *Balance of Competences Review*. This pre referendum Cabinet Office-led exercise was the largest stock take of Europeanisation ever undertaken by an EU member state. The **UEA** Tyndall Centre's submission, led by **Jordan**, was cited 14 times in the Environment/Climate Change chapter [**S1**].
- ii. When a referendum was announced, **Jordan** quickly teamed up with *Green Alliance*, the leading UK environmental charity, and the ESRC's *UK in a Changing Europe* Impact initiative to spearhead a *systematic review of research* [**R5**]. Encompassing c. 700 references it directly addressed questions formulated by an advisory group of practitioners.
- iii. After the shock referendum result in June 2016, demand for impartial knowledge rocketed and **Jordan** was again a prime mover in the creation (with Burns, by then Sheffield) and **Gravey**, now QUB) of a dedicated think-tank – *Brexit&Environment (B&E)*. With additional ESRC funding, *B&E* quickly established itself as the 'go to' destination for impartial, authoritative research on the environmental implications of Brexit. With associates located across the four UK nations, it offered a uniquely 'UK-wide' perspective. It has since produced influential knowledge refinement reports for *inter alia* *Friends of the Earth*, the *Royal Town Planning Institute*, the *Soil Association* and the ESRC *UK in a Changing Europe* think tank.

Research-based policy prescriptions for Impact

Through these activities, the original Research Findings were gradually refined to inform the urgent policy challenges posed by the unexpected vote to Leave. Thus, *B&E* evolved the six original Research Findings into six research-based Policy Prescriptions that aimed to:

1. Retain in UK law the c.500 EU level policies to *minimise the appearance of 'policy gaps'*;
2. *Preserve the core policy principles* – again to avoid 'policy gaps';
3. *Invent new governance systems at the national level* such as watchdogs to prevent 'governance gaps' from appearing;
4. *Fundamentally re-orientate existing policy processes* to cope with the shift in policy steering from Brussels down to Whitehall, Westminster and the devolved administrations;
5. *Systematically re-think UK-wide systems of governance* to ensure harmonious working with the devolved administrations and prevent existing policies from 'zombifying', that is sitting on the UK statute book but not being actively updated and implemented;
6. *Design a completely new external trade policy* with sufficiently stringent environmental protections.

3. References to the research

Underpinning research: The underpinning research outputs have been published in competitive, international, peer-reviewed journals or monographs with an established publisher and form part of a larger body of such published work. [Citations from Google Scholar]. **UEA authors** in bold.

[**R1**] The Europeanization of British Environmental Policy.

Jordan, A.J. (2002) *Palgrave: Basingstoke*. ISBN: 978 1 349 42634 8. [137 citations]

[**R2**] Environmental Governance in Europe: A Comparative Analysis of New Environmental Policy Instruments.

Wurzel, R.K., Zito, A. and A.J. **Jordan** (2013) *Edward Elgar: Cheltenham*. ISBN: 978 1 84980 466 0 [158 citations]

[**R3**] Environmental Policy in Europe.

Jordan, A.J. and D. Liefferink (eds.) (2004) *Routledge: London*. DOI: 10.4324/9780203449004

[**R4**] De-Europeanizing or Disengaging? EU Environmental Policy and Brexit.

Burns, C. Gravey, V. **Jordan**, A.J. and Zito, A. (2019) *Environmental Politics* 28, 2, 271-292. DOI: 10.1080/09644016.2019.1549774 [26 citations]

- [R5] The EU Referendum and the UK Environment: An Expert Review. Burns, C., A. **Jordan**, V. **Gravey**, N. Berny ... B. **Moore** ... T. **Rayner et al.** (2016) *Brexit&Environment*. (saved on file at UEA)
- [R6] ESRC Funding: *Learning to 'Think European'? The Europeanisation of UK Environmental Policy*. **Jordan** and O'Riordan. Project dates: 3/99 - 9/01. Grant value: GBP43,805.
- [R7] ESRC Funding: *CSEERGE: the ESRC Centre for Environmental Decision-Making*. Turner, Adger, Bateman, Brown, **Jordan et al.** Dates: 10/01 - 9/06. Grant value: GBP2,146,170

4. Details of the Impact

Sir Jeremy Heywood, while head of the UK civil service, famously described Brexit as the “biggest and most complex challenge” Whitehall had faced in peacetime. In the period after 2015, the UK’s relationship with the EU made headline news more or less on a daily basis. Prior to the COVID-19 pandemic, it was widely regarded as *the* defining political issue of our time. But when the referendum was originally mooted in 2013, there were very few people who fully appreciated how deeply the EU had Europeanised UK-wide environmental policy and governance – and thus the full enormity of the policy choices that lay ahead.

During the EU referendum

Pre-referendum, **Jordan** had led UEA’s contribution to the 2014 Cabinet Office Balance of Competences Review [S1]. **Jordan**, Burns, **Gravey**, **Moore** and **Rayner** (drawing on [R5, R6]) were again influential in shaping the context in which the environmental sector prepared for and participated in the referendum.

1. **Jordan** was appointed as a specialist advisor by the influential *Environmental Audit Committee* (EAC) in the House of Commons, which fast tracked a report. According to its Chair **Jordan** “briefed me... helped non-specialist committee staff with witness selection and drafting of questions and authored committee briefings and much of the final report” [S2a]. The report’s headline conclusion, which was informed by the Balance of Competences exercise [S1], was that “little appears to have been done by way of planning” for a vote to Leave. Such a vote would raise “significant unanswered questions” in relation to future UK policy and governance [S2b, page 29]. According to the Committee Chair, “[f]rom this landmark report a series of other inquiries flowed” [S2a] in both Houses, including a written briefing on the future of environmental and climate change policy [S3]. **Jordan** provided expert evidence to many of the following inquiries, including shaping the Environment Bill and associated 25 Year Environment Plan [S4].
2. A *Systematic Evidence Review* [S5a; R5] was co-produced and launched with *Green Alliance*, a long established and influential hub of environmental NGO thinking and action. At the launch event in April 2016 the Chief Executives of several large NGOs used its headline findings to engage more directly with their members (until that point, many had adopted a ‘wait and see’ strategy). *Environmental Data Services Ltd* (the publisher of the main trade magazine ‘*ENDS Report*’) awarded it ‘Insight of the Year’ in its 2017 *National Environmental Impact Awards* [S5b].
3. **Jordan** provided expert advice to a third report (*Potential Policy and Environmental Consequences of Brexit*, 2016) funded by three of the largest environment charities, including *WWF*, and written by the Institute for European Environmental Policy (IEEP), a highly respected think tank [S6a].

According to the Head of Advocacy at *WWF*, these three reports constituted the “robust evidence base” on which the sector based its entire referendum campaign [S6b]. They were instrumental in convincing the largest charities to alter their ‘wait and see’ approach mid-way through the campaign and openly advocate for Remain [S6b, S6c]. They used the three reports to convince the PM, David Cameron, “to make his only environmental intervention in the [referendum] debate” [S6b] and announce an important policy change (towards supporting EU nature policies).

After the EU referendum

Within days of the shock referendum result, **Jordan** and Burns were invited to advise the influential *House of Lords EU Energy and Environment Sub-Committee* on the timing, content and scope of future inquiries [S7a]. The evidence they provided at a private session in July 2016 and a subsequent public session in October 2016 [S8] drew on their previous research [R1, R5, R6] and significantly shaped many of that Committee’s subsequent reports. **Jordan** drew their Lordships’ attention to the importance of UK devolution, advising them that in addressing potential policy and governance gaps the UK risked undermining its own internal market. The specialist advisor to that

inquiry said *“I can confirm the value that members put on the evidence provided by Andrew **Jordan** and the emphasis on the lack of oversight by the Commission and its consequences. Relatively few witnesses were qualified to address this topic, giving it greater significance.”* [S6a]. According to the Lord that Chaired the Committee, **Jordan’s** *“evidence ... led to our central conclusion that ‘an effective and independent domestic enforcement mechanism will be necessary, in order to fill the vacuum left by the European Commission in ensuring ... compliance ... with environmental obligations”* [S7a].

Jordan was cited on the very first page of the Committee’s 2017 report *“Brexit: Environment and Climate Change”*, and (with Burns) on a further 11 occasions [S7b]. Other influential bodies quickly took note. *Greener UK* – which was headquartered in the Green Alliance – switched its tactics. Its Head noted that **Jordan** had *“attended a pivotal [internal] workshop... to develop solutions. By the end of the workshop we had agreed that a new body – or watchdog – would be needed to hold the UK government to account, and that environmental principles should be embedded into domestic law [via the EU Withdrawal Act]. These became two of Greener UK’s top objectives.”* [S6c]. Under sustained pressure from their Lordships and *Greener UK*, the Secretary of State, Michael Gove, eventually conceded that there was a risk and announced a slew of new policy proposals (informed by our research-based Policy Prescriptions 1-6, see Section 2) (i.e., a new environment act; a new national environment watchdog; measures to embed EU policy principles in UK policy making; and a new system of long term target setting and policy planning – building on the 25 Year Environment Plan). These proposals were enacted in two flagship bills.

Delivering a Greener Brexit

1. The EU (Withdrawal) Act (2018)

This Act was arguably the most important legislative action discussed in parliament since 1973, because without it the UK could not extricate itself from the reach of EU legislation. **Jordan’s** seminal Impact work coupled to *Greener-UK’s* repeated referencing of post Brexit ‘governance gaps’ directly informed public and parliamentary debate. For example, they were debated live on national radio (e.g., the *BBC Today Programme* 7 July 2017) by MP Caroline Lucas, an influential member of the *EAC*. In turn, these debates informed a series of important amendments [S9]. Some of the most influential amendments (principally NC (New Clause) 27 and 28) were tabled by members of the very committee – the *EAC* (specifically MPs Mary Creagh and Caroline Lucas) - that **Jordan** had earlier advised [S2a]; another was tabled by Lord Krebs, who was an active member of the Lords committee that **Jordan** had appeared before in 2016 [S8]. Crucially, NC 27 and 28, which are now enshrined in Clause 16 of the Withdrawal Act (specifically 16(1)(a) and (d)), implemented our research-based Policy Prescriptions 2 (policy principles) and 3 (a new watchdog) (see Section 2).

In anticipation of these amendments, the Environment Secretary Michael Gove announced the creation of a brand-new watchdog for England and Northern Ireland, which eventually will be staffed by around 200 civil servants (*Financial Times*, 1/11/17). In fact, he admitted to their Lordships that *“there’s a responsibility on [DEFRA] to address the so-called ‘governance gap’”* via a new, once in a generation environment act. The Chair of the House of Lords EU Environment Committee recalls that **Jordan’s** input to his committee’s 2016-17 inquiry [S7b] *“resulted in the creation of the Office for Environmental Protection”* [S7a]. According to the Head of *Greener-UK*, *“[l]ike the grain of dust around which a snowflake forms, [Jordan’s] case for filling the Brexit governance gap established the heart of the Environment [Act]”* [S6c].

2. A new Environment Act and watchdog

The EU (Withdrawal) Act was a key stepping stone towards a new ‘once in a generation’ environment act. During the parliamentary scrutiny of the Environment Bill, the Chair of the *EAC* repeatedly cited the risk of gaps to push the Government to provide much greener legal protections [S2a]. She and others repeatedly cited the risk of “zombie” legislation (see Policy Prescription 6), which **Jordan** had originally used in his July 2016 appearance before the *House of Lords* [S8] to justify strengthening the independence and enforcement powers of the *Office of Environmental Protection*.

B&E associates **Jordan**, Burns, **Gravey** and Reid participated fully in the pre-legislative scrutiny of the Environment Bill [S4]. Their submitted evidence was referenced over 30 times in the *EAC’s* report on the Bill [S4c]. According to its Chair, *“Jordan’s written and oral evidence was of the*

highest quality and helped us shape our final recommendations to government” [S2a]. Similar evidence was fed into (and published by) equivalent inquiries in the four nations. Subsequently, the Welsh and Scottish Governments announced similar bodies, the latter via the EU (Continuity) (Scotland) Act 2021.

3. Impacts on business and wider civil society

*B&E formally aligned itself with Greener UK in 2017 [S6c]. Its work was regularly cited in Greener UK’s risk tracker analyses, each time generating debate in the media and amongst practitioners. Its Head states that B&E “created an important platform for authoritative commentary and analysis ... able to scrutinise in detail not only the government’s activities but the work of Greener UK and other influencers ... B&E ... helped us to be more rigorous in developing our policies and strategies” [S6c]. In October 2017, B&E joined a new network, the *Broadway Initiative* [S10], comprising environmental NGOs, business associations and professional bodies; it produced an agenda setting blueprint for a new environment act which **Jordan** and others discussed with the Prime Minister’s environment team at 10 Downing Street in October 2018 [S10].*

*Subsequently, B&E co-hosted an event at the QE2 Centre in February 2019. In his keynote speech Gove made a new policy announcement that binding long term targets would be added to the Bill. When it eventually appeared in the Queen’s speech (October 2019), the Prime Minister, Boris Johnson, described the Bill as “the huge star of our legislative programme... which will guide our country towards a cleaner and greener future”. The Convenor of the *Broadway Initiative* [S10] confirms that **Jordan** “was again instrumental in helping to organise and advise on a large scale dialogue with the business community ... Evidence from the [QE2] event was used in a subsequent meeting to persuade the Chancellor of the Exchequer that environmental targets should be included in the Bill.”*

5. Sources to corroborate the impact

- [S1] HM Government (2014), Review of the Balance of Competences between the UK and the EU: Environment and Climate Change. Cabinet Office, London.
- [S2] **a)** Testimonial from MP and Chair of the House of Commons Environmental Audit Committee, 30/1/21. **b)** House of Commons Environmental Audit Committee, EU and UK Environmental Policy, HC Report 537, 2016.
- [S3] House of Lords Library Note (2016), Leaving the EU: Environment and Climate Change, LLN 2016/050.
- [S4] **a)** Oral evidence given by **Jordan**: House of Commons, Environmental Audit Committee (2018) 25 Year Environment Plan, HC Paper 803, **b)** Oral evidence given by **Jordan**: House of Commons Environmental Audit Committee (2019), Scrutiny of the Draft Environment Bill, HC Paper 1951, **c)** House of Commons Environmental Audit Committee, Scrutiny of the Draft Environment (Principles and Governance) Bill (2019).
- [S5] **a)** Burns, C., A. **Jordan**, V. **Gravey**, ... B. **Moore** ... T. **Rayner**, *et al.* (2016). The EU Referendum and the UK, Environment: An Expert Review. Executive Summary, **b)** Environmental Data Services Ltd (2017) Environmental Impact Awards, ‘Insight of the Year’.
- [S6] **a)** Testimonial from Director of Institute for European Environmental Policy (1998-2016); Special advisor to the House of Lords EU Committee (2016-7); Specialist Advisor to Greener UK (2017 - current), 12/2/21, **b)** Testimonial from Director of EU and UK Advocacy, WWF, 24/11/16, **c)** Testimonial from Head of Greener UK, 12/2/21.
- [S7] **a)** Testimonial from Chair of the House of Lords EU Energy and Environment Sub-Committee, 1/2/21; **b)** House of Lords, Energy and Environment Sub-Committee report (2017) Brexit: Environment and Climate Change, HL Paper 109, 2017.
- [S8] Held on file at UEA: **a)** Oral evidence given by **Jordan**: House of Lords, Energy and Environment Sub-committee (2016), **b)** Oral evidence given by **Jordan**: House of Lords, Exiting the EU: Environment and Climate Change, (2016)
- [S9] House of Commons, Notices Of Amendments for the European Union (Withdrawal) Bill given up to and including Thursday 14 September (2017).
- [S10] Testimonial from the Convenor, The Broadway Initiative, 7/2/21