

Changing times

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the environmentalist

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Transforming the world to sustainability

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November 2016

Delivering infrastructure

Regulators learn lessons from port development



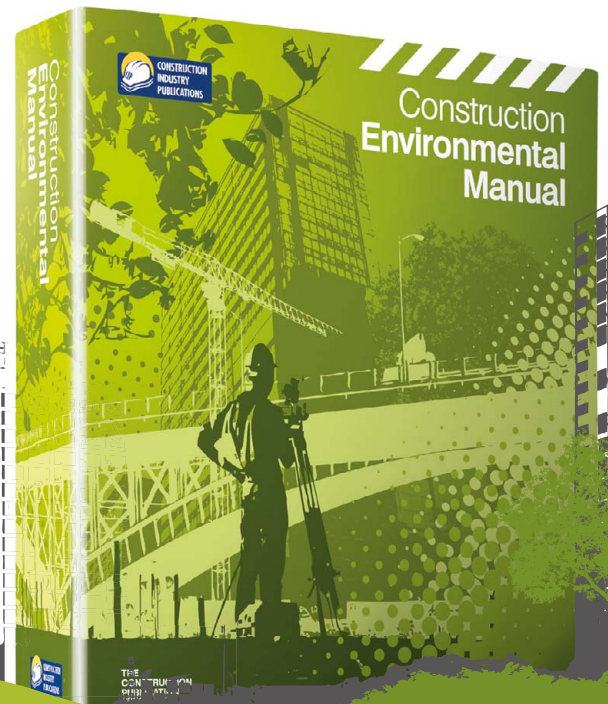
The Construction Environmental Manual helping McNicholas.....

Construction Environmental Guidance

Emma Ward, Group Sustainability Manager at McNicholas, shares how the CIP Environmental Manual has helped her team.

"Hannah Kelly joined McNicholas as a Graduate Environmental Advisor in 2014. Her role was to assist the operational teams in achieving environmental compliance on site which, for a rookie into the construction industry, is no mean feat! The sheer volume of subject areas she was expected to have knowledge on was vast – from badgers and great crested newts, to waste management and nuisance control, so her introduction to the CIP Environmental Manual during week one was essential!" explained Emma.

Hannah commented "One of my first tasks was to review the McNicholas waste management procedure so I used the manual to top up what I'd learnt in my degree but most importantly, work out how the legislation applied specifically to the construction industry."



It is so important to make sure the guidance documents we produce are simple, and easy to understand. The break-down of each chapter throughout the manual is clear, concise and practical which exactly complemented the style we wanted to adopt. Each chapter also features appendices which provide real and current examples specific to the construction industry to support the text in the chapters. This makes understanding the processes all the more clearer."

Emma continues "Colloquially known as 'the environmental bible' in the Safety and Sustainability office at McNicholas, the CIP Environmental Manual is the first port of call to verify the current status of legal requirements and best practice across the industry. Things change so quickly that it can be hard to stay on top of it all, but knowing there is an expert panel behind the publication gives us confidence that we are giving the right advice and guidance to our teams."

Available as a Manual, CD or Online. To get your copy or to find out more visit www.cip-books.com or call 0870 078 4400



Hannah Kelly - Environmental Advisor

November

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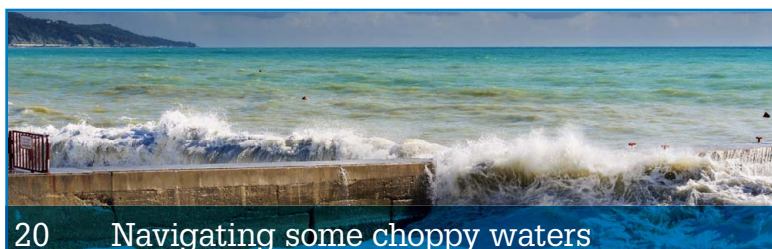
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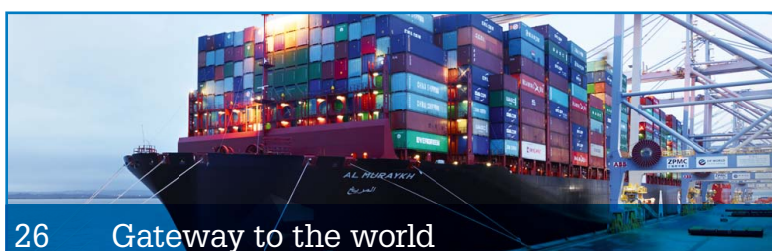
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The Modern Slavery Act came into force last year. Gordon Miller on how the construction sector is tackling human rights abuses in its supply chain

Real, practical and useful

Our epoch is one of rapid political, economic and, above all, environmental change. It is a period in which individuals, groups and organisations feel uncertain. However, it also creates the conditions for innovation and getting to the root of what is needed to succeed and survive; necessity is the mother of invention, after all. That is why IEMA has itself undergone significant change this year. The organisation has had to move with the times, but keeping up is not always easy.

We recently asked members what they want and need from their membership to ensure it remains valuable today and into the future (p8). We aimed to drill down to find out what elements helped you to stay informed, ahead of the game and able to contribute.

If there was one resounding theme that sang out from the survey results, it was the strong desire for a constant supply of practical, 'how to' professional help and guidance. Given the shifting sands of global sustainability challenges, political shifts and Brexit that is not at all surprising. Members made it clear they were looking to IEMA more than ever for reassurance, learning and practical advice. That is what we will provide.

Some 87% of members across all grades said wanted IEMA to prioritise more briefings and guidance notes. We are working on that and members can expect to see more in 2017. More than three-quarters (79%) wanted webinars to remain as a mainstay of IEMA's support portfolio because the format, accessibility and topical nature help them to stay informed about changing practice. Again, we will keep that up and work to further develop the programme. It is good to know IEMA is hitting the mark with *the environmentalist*. Some 90% valued reading the monthly magazine as a key continuing professional development (CPD) activity. We will ensure that it continues to be useful – almost 70% said they'd like more practical "how to" information in every issue, and 48% said wanted more articles that they can count as CPD, so we are working on making that happen.

IEMA is using the survey results to shape its plan on delivering valuable, practical tools across all membership benefits. We do not plan to park any of the thought leadership activities; in fact, we seek to strengthen those areas. But you can expect to see more of what you asked for in 2017 and beyond.

Members made it clear they are looking to IEMA more than ever for reassurance, learning and practical advice. That is what we will provide. Expect to see more of what you asked for in 2017



Tim Balcon,
CEO of IEMA

IEMA is the worldwide alliance of environment and sustainability professionals, working to make our businesses and organisations future-proof. Belonging gives us the knowledge, connections and authority to lead collective change, with IEMA's global sustainability standards as our benchmark. By mobilising our expertise we will continue to challenge norms, drive new kinds of enterprise and make measurable progress towards our bold vision: transforming the world to sustainability.

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Third of EU environment law will require new mechanisms

Around one third of EU environmental legislation will be difficult to transfer directly into UK law, according to environment secretary Andrea Leadsom.

Giving evidence to the inquiry by the House of Commons' Environmental Audit Committee on the impact of Brexit, Leadsom said the environment department (Defra) had been analysing 'line by line' how to bring EU environmental legislation into UK law through the Great Repeal Bill. Around two-thirds of EU law would be 'relatively easy' to transfer, she said. The remainder would be more difficult, since new laws or mechanisms would be needed to implement the various pieces of legislation.

Leadsom refused to be drawn on which laws would come into this category, saying that work was continuing. But she added that some laws would, in effect, repatriate work that is currently done by the EU, such as monitoring. Defra was assessing the resource implications of this.

Leadsom said she did not support the idea of adding a sunset clause to the repeal bill to automatically scrap EU laws that had not been transferred within five years of leaving the bloc. The idea was proposed



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by minister for international development Grant Shapps. In an article for *The Times*, Shapps wrote that the repeal bill was more of a 'great continuity bill'. He wrote: 'While it isn't practical for parliament to debate every clause of EU legislation before we leave, a five-year sunset would allow MPs to scrutinise former EU law, removing job-destroying clauses before the sunset.'

But Leadsom said now she wanted to see legislation brought into UK law through the repeal bill, after which it could be changed, repealed or strengthened 'at our leisure'.

Leadsom also rejected the idea that the UK would need a specific environmental court to enforce the law when Britain breaks it ties with the European Court of Justice.

Holes in Scottish climate change data

Scotland needs to do more to ensure that measures to adapt to climate change are effective and that the risks are being adequately managed.

In its first assessment of progress to prepare Scotland for global warming, the Committee on Climate Change (CCC) said there was a lack of evidence to assess whether the country's vulnerability to the effects was increasing, remaining constant or decreasing.

Lord Krebs, chair of the CCC's adaptation sub-committee, said: 'A lot of action is under way to prepare for the impacts of climate change but it's not clear what's being achieved and whether risks are being adequately managed.'

The committee said it had been able to assess progress in only three areas. It concluded that, although ambitious plans were in place to protect Scotland's natural environment from the impacts of climate change, more needed doing to ensure

the Scottish government's ambitions were realised. It highlighted continuing problems with deep peat soils, with one-third showing signs of erosion and an estimated 16% completely bare of any peat-forming vegetation.

The CCC acknowledged recent action to improve flood protection and that steps had been taken to improve the resilience of Scotland's infrastructure in severe weather. However, existing datasets were insufficient to judge whether enough progress was being made to counter the impacts of climate change, it concluded.

The other measure the committee evaluated was the risks from extreme weather to people, and to the health and social care system. It said these had not been adequately studied. It also advised policymakers to better understand the support business might need to take advantages of the opportunities arising from climate change.

Short cuts

REACH sector maps

Sector use maps are crucial to the efforts of authorities, industry and other stakeholders to ensure the safe use of chemicals, according to a joint announcement by the European Chemicals Agency (ECHA), the European Chemical Industry Council (Cefic) and the Downstream Users of Chemicals Co-ordination (DUCC) group. With final registration under the EU REACH Regulation just 18 months away, the three organisations said use maps, templates on which sectors can share how they are using different chemicals, would be increasingly important as smaller chemical companies become affected by the legislation. The final registration deadline for chemicals already on the market is 31 May 2018 and covers companies that manufacture or import substances in low volumes, namely between one and 100 tonnes a year. The agency expects up to 60,000 registrations will be prepared for around 25,000 substances, which is three times more than for either of the previous deadlines in 2010 and 2013. It pledged to help industry by hosting maps on its website and promoting their application. Meanwhile, DUCC and Cefic promised to raise awareness and encourage companies to use information in the maps in their 2018 registrations and when updating registration dossiers.

Clean energy growth

The International Energy Agency has boosted its five-year growth forecast for renewables due to strong policy support in key countries and sharp cost reductions. The agency's latest forecast predicts that renewables will grow 13% more between 2015 and 2021 than it forecast last year, as policy backing in the US, China, India and Mexico firms up. Over the forecast period, costs are expected to fall by 25% in solar PV and 15% for onshore wind. However, renewable energy capacity in the EU is forecast to grow by 23% by 2021, compared with 62% in the past six years. Policy uncertainty, weak electricity demand growth and pending EU legislation are cited as the main reasons for the drop-off.

Businessplans

Almost all **Starbucks** company-owned stores in Europe are now powered by renewable sources. More than 550 outlets in the UK, France, Switzerland and the Netherlands source their energy from renewable sources, with stores in Austria soon to follow. The coffee retailer said it had identified energy suppliers that could offer renewable energy tariffs. The power that lights, heats, cools and runs equipment in the stores is matched against these contracts.

Coca-Cola Hellenic Bottling Company has set seven new sustainability targets for 2020 aimed at minimising its environmental footprint and improving production efficiency, and supporting developing communities. They include: purchasing 40% of the energy it uses from renewable and clean energy sources; investing 2% of annual pre-tax profits in communities; and recovering for recycling on average 40% of packaging placed on its markets. The company operates in 28 countries, including most of eastern Europe.

Electronics company **Panasonic** and energy management firm **Schneider Electric** have announced a partnership to help improve energy efficiency in commercial buildings. The two firms have developed a wireless solution that enables direct communication between Schneider Electric's building management system and room controllers and Panasonic's heating and air conditioning (HVAC) equipment. It allows owners to view their core building systems including HVAC, lighting, security, power and electrical distribution anytime, anywhere using a single interface and delivers insights into what action can be taken to reduce energy consumption and drive savings.

The company transforming Battersea Power Station has announced that around 180,000 tonnes of material from the site's main energy building will be removed by barge over the next ten months. **Battersea Power Station Development Company** and contractor **Skanska** said taking the material by river to sites in Essex, where it will be recycled or reused at nature reserves, would save more than 16,000 lorry journeys.

Demand for energy to peak

Global demand for energy, which has more than doubled since 1970, could peak by 2030, according to a report from the World Energy Council.

It says efficiencies created by new technologies and more stringent energy policies will slow growth for primary energy demand worldwide and cause per capita energy demand to peak before 2030. 'Historically people have talked about peak oil but now disruptive trends are leading energy experts to consider the implications of peak demand,' said Ged Davis, the council's executive chair of scenarios.

Deploying more efficient energy resources, combined with the effect of digital technologies to enable smart grids, buildings and cities, will reduce demand, says the report. At the same time, advanced manufacturing, automation, telecommuting and other technologies will disrupt traditional energy systems.

The report contains three scenarios to illustrate potential changes to the energy sector before 2060. The projections include a large increase in solar and wind energy. These account for about 4% of power generation, but are forecast to rise by between 20% and 39% before 2060. By contrast, fossil fuels could fall to as little as 50% of the primary energy mix



in one of the scenarios. Although oil will continue to play a significant role in the transport sector, representing between 60% and 78% of the mix in all three scenarios before 2060, and natural gas will continue to increase at a steady rate, coal will peak in 2020 in two scenarios and in 2040 in the other.

However, in all three scenarios the carbon budget is likely to be broken within 30 to 40 years. Limiting global warming to no more than a 2°C will require an exceptional and enduring effort, says the report, far beyond already-pledged commitments and with very high carbon prices.

Young distrust business on SDGs

Millennials do not trust companies to help achieve the UN sustainable development goals (SDGs), while most businesses are still failing to engage with the aims one year on from their launch.

Some 81% of people born between 1980 and 2000 surveyed by consultancy Corporate Citizenship said firms had an important role in addressing the global challenges set out in the 17 SDGs. However, there was much scepticism among respondents that companies would respond effectively, with about two-thirds agreeing with the statement, 'Businesses will prioritise short-term profit ahead of longer-term sustainability'.

Corporate Citizenship urged firms to overcome what it described as the 'distrust gap' to appeal to millennials, who will account for at least half the global workforce by 2025. Companies must move beyond corporate social responsibility (CSR) as usual and develop radical new business

models that deliver products or services that address social and environment challenges if they are to attract the best talent from this pool, the consultancy said.

In separate research among CSR practitioners that repeated questions first posed when the SDGs were launched, Corporate Citizenship found that most companies were only at the exploration stage and were yet to take significant action. 'A growing number of firms are mapping their strategies retrospectively to the goals,' said Mike Tuffrey, co-founder of Corporate Citizenship. 'It's a good start. But what we haven't yet seen is much evidence of companies taking to heart all 17 goals and asking searching questions internally about the changes needed to respond to the challenge they present.'

Goal eight, on promoting decent work and economic growth, was the SDG practitioners said their organisation was most likely to address.

Companies to freeze HFC use

More than 400 global businesses have pledged to stop using hydrofluorocarbons (HFCs), a greenhouse gas found in aerosols, refrigerants and air-conditioners.

The global warming potential (GWP) of these chemicals is thousands of times higher than carbon dioxide. They are also the world's fastest growing greenhouse gases, increasing by up to 10% each year, said the United Nations Environment Programme.

In October, members of the Consumer Goods Forum (CGF), which includes SABMiller, GSK and Sainsbury's, pledged to install only equipment that uses natural refrigerants or those with a low GWP.

However, in some countries similar ambitions are hampered by technical and regulatory barriers, such as lack of local maintenance capacity, the CGF said. It plans to engage with suppliers, civil society and governments in these countries to overcome the barriers so that HFC-free refrigerants can be installed everywhere by 2025. CGF members have committed to improving the energy efficiency of existing refrigeration systems and to minimise leaks. Members will set individual targets and report regularly on progress, the CGF said.

Campaign groups welcomed the commitments, but Greenpeace's Paula Tejon Carbajal said many CGF members



had continued to use HFCs in new equipment in preference to other solutions.

The CGF pledge came ahead of a global deal on phasing out HFCs agreed by the 197 signatories to the Montreal protocol on ozone layer depletion. Under the latest agreement, there will be a freeze in production and consumption in most countries by the middle of the next decade. Developed countries will begin the phase-out in 2019, with most developing countries following suit by 2024. By the late 2040s, all countries are expected to consume no more than 15%–20% of their respective baselines. The deal is expected to reduce global levels of HFCs by between 80% and 85% by 2047.

Firms reporting indirect emissions

More FTSE 100 companies are disclosing information about indirect emissions, with almost half going beyond reporting those from business travel.

The sixth annual study of sustainability reporting by the UK's top 100 quoted firms by consultancy Carbon Clear found that two-thirds reported scope 3 data in 2016, up ten on 2015. Overall, 47 firms disclosed information on indirect emissions that did not focus exclusively on those from travel but included data on their supply chain.

'FTSE 100 companies are showing improvements in their approach to indirect emissions,' said Carbon Clear. 'The highest number of companies to date is now reporting scope 3 emissions, with more than 70% of these reporting beyond business travel alone.'

The consultancy scored public reports in five areas: measurement, reporting and verification (MRV), carbon strategy, carbon reduction, engagement and

innovation. To achieve the highest MRV score, a firm must have performed a materiality assessment of its scope 3 footprint. Despite more firms disclosing data on indirect emissions, Carbon Clear found that only a quarter of firms were undertaking such assessments, however. This, it said, suggested that in many cases the reported scope 3 categories were probably the ones that were the most readily available rather than those most significant to the businesses.

BT and Marks & Spencer retained their hold on the top two positions in the sustainability reporting performance league table, scoring 89% and 88% overall respectively. The telecoms giant scored 100% in the MRV and engagement categories, while the retailer was the best performer (95%) in the carbon reduction section. Other firms scoring highly overall were Unilever (86%) and the Coca-Cola Hellenic Bottling Company (83%).

Short cuts

PRN reform proposed

The waste industry has published options for revamping the market-based system of tradable certificates. The packaging recovery note (PRN) system could be reformed by using elements of different approaches used in other EU countries, the Environmental Services Association (ESA) suggested. A report for the trade body assumes that UK recycling targets for packaging waste will rise, irrespective of the country's future relationship with the EU. Changing the current system would almost certainly involve an increase in producers' costs, the ESA said. If producers are expected to bear the full cost of the system, they should also be able to design it, it reasoned. The report was produced by waste consultancies Perchards and 360 Environmental. Meanwhile, resource efficiency specialist Ecosurety has launched an online platform to show companies governed by regulations on producer responsibility obligations where and how money from packaging recovery notes is being invested.

Clean air rule in US

The US state of Washington has introduced a clean air rule to cap and reduce carbon pollution. Businesses that emit at least 100,000 tonnes of carbon pollution a year must cap and then gradually reduce their emissions. The rule, which entered force on 17 October, covers natural gas distributors, petroleum fuel producers and importers, power plants, metal manufacturers, waste sites, and state and federal facilities. They will need to show their emissions are declining by 1.7% on average, from next year. Businesses unable to meet the target can develop projects, such as energy efficiency programmes, that reduce pollution in the state, or buy carbon credits from others or from other approved carbon markets. Several gas companies have mounted a legal challenge. They warned that the process would have the unintended consequence of increasing carbon emissions because the electricity sector would switch to coal-fired generators and less efficient natural gas plants outside Washington.

Aviation opts for offsets to curb emissions

A deal to halt the growth in carbon emissions from international flights has been agreed by the International Civil Aviation Organization (ICAO).

Under the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA), any increase above average baseline emissions in 2019 and 2020 will be offset. Aviation contributes to around 2% of annual carbon emissions and, with levels of global air traffic forecast to rise by 5% a year, so-called 'carbon neutral growth from 2020' between 142 and 174 million tonnes of CO₂ should be offset in 2025, and between 443 and 596 million tonnes in 2035. The ICAO said offsetting could cost the industry up to \$23.9bn or 1.4% of total revenues from international aviation in 2035, although the actual amount will depend on carbon prices.

Sixty-six countries, covering more than 86% of global aviation activity, have agreed to participate in CORSIA from the outset. It will begin with a pilot phase between 2021 and 2023, with the first phase starting

in 2024. Both phases will be voluntary. Most countries will have to join phase two, from 2027 to 2035. Under the scheme, one emissions unit represents one tonne of carbon. There are two main types of emissions units: offset credits from crediting mechanisms and allowances from emissions trading systems. Around 80% of the emissions above 2020 levels will be offset by CORSIA between 2021 and 2035.

Tim Alderslade, chief executive of the British Air Transport Association, the trade body for UK airlines, said the scheme would play a pivotal role in enabling UK aviation to meet its goal of achieving carbon-neutral growth from 2020, and halving net emissions by 2050.

Conservation group WWF welcomed the ICAO deal, but called for more action. 'We are far from the finish line in curbing carbon pollution from international aviation. This is the starting block. It's a foundation we must build on over time,' said Lou Leonard, interim deputy leader for the NGO's global climate and energy practice.



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The European Commission also endorsed the agreement and said it would consider what changes the deal would require of the EU emissions trading system (ETS). Since the start of 2012 emissions from all flights from, to and within the European Economic Area (EEA) have been included in the ETS. Flights to and from non-European countries were exempted from the system to allow the ICAO to agree its own market-based approach to tackle aviation emissions.

From environmentalisonline.com...

EA cuts advice

The Environment Agency has suspended a service that advised businesses on whether they could create new products out of their waste. The waste industry is concerned the move will damage the drive towards a circular economy. Companies that want to turn waste materials into a new product, for example a playground surface from waste tyres, have to meet EU End-of-Waste Regulations. The legislation requires firms to submit evidence to the agency that the material does not need to be treated as waste. The Definition of Waste (DoW) panel consisted of up to eight experts who helped businesses with this process. However, staff losses after budget cuts have left the team with only one or two members, forcing the regulator to suspend the service. The agency plans to review the closure later this month. Businesses can still use the EU-funded online self-assessment tool, which was introduced in 2014.

bit.ly/2d5s

Energy threat

The final report from the House of Commons' Energy and Climate Change Committee (ECCC) highlighted future threats and opportunities to UK energy policy post-Brexit. Because it had little time to assess the possible impacts on energy policy, comments in the report are largely speculative, but set out where several policies could be affected. A key consideration is whether the UK should join an EU-wide single market for energy, which the committee argued would create 'a larger, harmonised energy market with fewer trade barriers'. It would also promote competition, reduce consumer prices, and increase security of supply. On energy security, the committee concluded that the UK was heavily dependent on Europe for its electricity and gas imports and that the government should seek to build investor confidence. The ECCC has been replaced by the Business, Energy and Industrial Strategy Committee.

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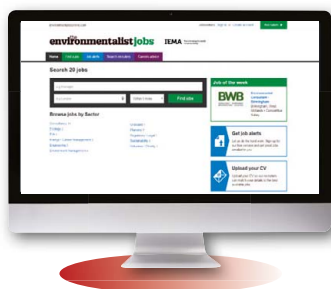
14001 growth

The number of certifications to ISO management system standards increased by 3% worldwide last year, according to the international standards body. The annual survey of valid certificates for standards found that, in 2015, the quality management system, ISO 9001, remained the most popular. There were more than one million 9001 certifications in operation worldwide last year. ISO 14001, the environmental management system standard, had almost 300,000 registered certifications in 2015, an 8% increase on the previous year. There were around 12,000 registered certifications last year to the energy management system standard, ISO 50001. This was 77% higher than in 2014. 50001 has benefited from policy initiatives, such as the energy savings opportunity scheme in the UK. Fully 1,519,952 ISO certificates were issued in 2015, compared with 1,476,504 the previous year, up 3%.

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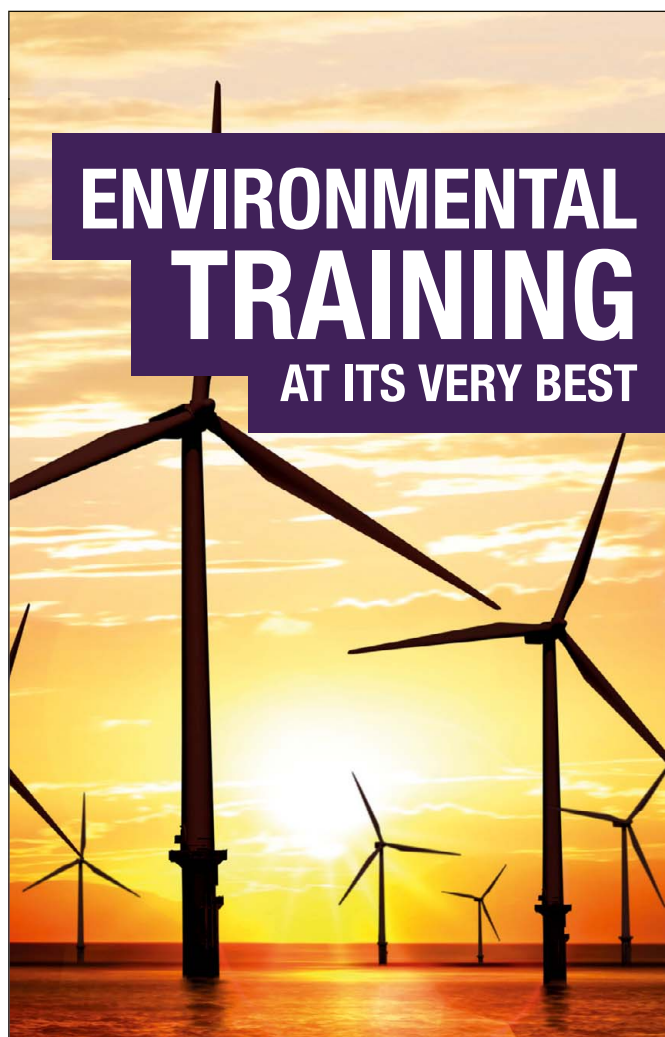


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Survey reveals value of IEMA membership

A poll on what members value about their IEMA membership received almost 1,000 responses from people in 60 countries.

Question areas included the value of *the environmentalist*, how membership provided the right professional recognition and the impact of IEMA's new brand. The results were largely positive, with 72% of members saying that they valued the professional recognition IEMA offered, and half also stating that as their reason for becoming a member.

Some 82% of the respondents said IEMA membership was viewed by employers as either desirable or a necessity. Around 80% said they would recommend IEMA membership to colleagues. Also well received were IEMA's range of practical advice tools and opportunities, including guidance documents and webinars, with 75% of respondents rating these highly valuable.

However, the findings also revealed that most members would like further practical updates and guidance from IEMA. Respondents also wanted to see more articles that would be useful for



continuing professional development (CPD) and for gaining and recording CPD to be simpler (p10).

IEMA will use the results to shape its goals and activities for next year to help members to remain up to date. The organisation also has plans for more opportunities, guidance documents and other resources for members to use.

Tim Balcon, chief executive at IEMA, said: 'I'd like to thank all the members who used their free time to respond to

the survey. We received an incredible response rate, which is not only really encouraging, but gives us enormously helpful and high-quality information. We'll now use the results to inform all future IEMA activities, so we can continue to deliver membership with the most value.'

Survey participants had a chance to win their renewal fee for the next year. The winner, chosen at random, was Gordon Watts, PIEMA, a self-employed consultant.

TRAINING

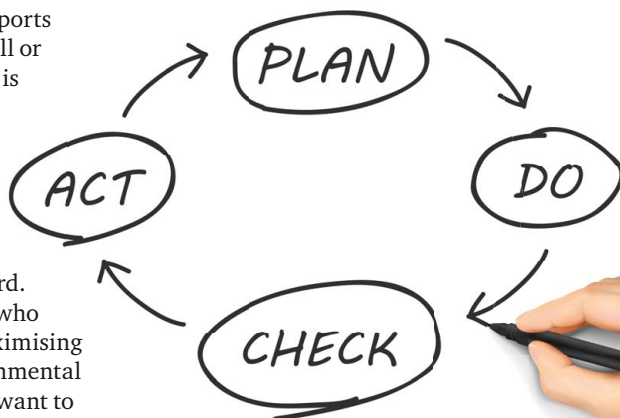
New 14001: 2015 course for auditors

A course to support assessors to conduct effective audits for ISO 14001: 2015 is now available, with the first taking place this month. Titled Auditing to ISO 14001: 2015, the course is for those with responsibilities and experience of auditing environmental management systems, and will enable them to master the principles of the revised international standard.

The launch of the course comes as the International Organization for Standardisation (ISO) confirmed an 8% increase in uptake of 14001 during 2015 (p6), bringing the number of certifications to more than 300,000 worldwide. Many organisations will now be working to switch to 14001: 2015, which will create a huge demand for auditors who can deliver effective assessments against the standard.

The one-day course supports auditors who need to upskill or refresh their knowledge. It is designed to give assessors with experience in EMS auditing all they need to know in order to fully undertake, plan and develop an internal audit to the revised standard. It is also suitable for those who have a keen interest in maximising the effectiveness of environmental management systems and want to understand both the theoretical and practical aspects of the standard.

The course was created with extensive input from Martin Baxter, IEMA's chief policy advisor and the UK's appointed expert on the ISO 14001 revision working group. Learners completing it will be able to describe the key new requirements of 14001: 2015, explain how organisations may respond to the new demands, and develop, implement, manage and undertake a full audit.



The course is available from the Green Business Centre and the first course dates are 16 November (Cardiff), 7 December (Manchester) and 15 December (London). Learners must have completed the IEMA's Making the Transition to ISO 14001: 2015 course or be able to demonstrate suitable knowledge of the revised standard.

For more information or to book a place go to training.iema.net.

New IEMA board members confirmed at 2016 AGM

Three new non-executive directors – Simon Catford, Eileen Donnelly and Paul Leinster (see panel) – were appointed at IEMA's annual general meeting on 21 September in London.

The minutes of the previous AGM were approved as were the directors' report and accounts for 2015. Accountancy firm Streets LLP auditors was reappointed and its remuneration fixed for next year.

Members also supported a special business agenda item: to consider a special resolution to change the articles of association to enable the reappointment of a non-executive director for a third term of three years under exceptional circumstances.

The resolution was proposed by the IEMA board as a measure to support and continue the organisation's current direction and development. After it was adopted, members voted in favour of reappointing IEMA chair Diana Montgomery as a non-executive director



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for a third term. She will remain in post as chair for an additional term of up to three years.

The full articles of association have been updated to incorporate the changes voted for by members and can be viewed along with the draft minutes at iema.net/agm2016.

The IEMA board

Chair – Dr Diana Montgomery, chief executive, Construction Products Association.

Vice-chair – Richard Powell, chair of Wild Anglia.

Executive directors – Tim Balcon, chief executive of IEMA, and Martin Baxter, IEMA chief policy advisor.

Non-executive directors –

- **Ian Bamford**, commercial director, Centre of Industrial Sustainability, University of Cambridge Institute for Manufacturing.
- **Martin Bigg**, professor of Environmental Technologies Innovation, UWE.
- **Simon Catford**, HR and regulatory director, Viridor.
- **Eileen Donnelly**, head of values and ethics, The Co-operative Bank.
- **Gillian Gibson**, managing director, Gibson Consulting & Training.
- **Colin Lewis**, group chief financial officer, 3Si Safety.
- **Paul Leinster**, professor of Environmental Assessment, Cranfield University.



Great Repeal Bill – what is at stake for environment and sustainability?

The government has announced that, after it notifies the European Council that the UK will leave the EU, it will put forward a Great Repeal Bill. This will revoke the 1972 European Communities Act and replace the European Court of Justice with the UK Supreme Court as the final court of appeal.

The planned legislation will have the effect of transposing EU directives and regulations into UK law immediately after Brexit. This seems a sensible approach, as it will provide an element of legal certainty over a range of topic areas, including the environment. However, some provisions established in the EU treaties will not necessarily be directly transposed, and this gives cause for concern.

Article 3.3 of the Treaty on European Union sets out that the basis of the European single market is established on sustainability principles. It states: 'The union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment

and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.'

Environmental protection and sustainability are further reinforced in the Treaty on the Functioning of the EU, where Art 11 states: 'Environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development.' Key environmental principles are set out in Art 191: 'Union policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the EU. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.'

At risk, therefore, are the constitutional safeguards that have guided policymakers in driving high standards of environmental protection and enhancement, and broader sustainability principles in how the EU and the UK economy functions.

The proposed bill also raises significant questions on where authority will lie for subsequent amendment or repeal of key environment and sustainability protections after the UK leaves the EU. This raises fundamental questions that need to be addressed:

- Are the core concepts that have guided environment policy development, namely the principles of precaution, polluter pays and proximity, appropriate for the development of UK environmental policy in the future? If so, how best can they be safeguarded?
- Should power to amend or repeal EU-derived environment and sustainability laws be vested in parliament or the government?

Feedback on these questions and other issues relating to Brexit will help to establish IEMA's position. We would welcome members' thoughts and perspectives. Please email them to m.baxter@iema.net. IEMA will consult on its position as it develops.

Martin Baxter is chief policy advisor at IEMA.

Palm oil is the most widely consumed vegetable oil on the planet and is in everything from shampoo and cosmetics to chocolate and bread. But its use is linked to deforestation, with oil palm trees often cultivated in some of the world's most biodiverse areas.

In September, conservation body WWF released its latest Palm Oil Buyers scorecard. Rating companies on their use of sustainable palm oil, it revealed that UK organisations are leading the way on sustainable palm oil sourcing. Associated British Foods, Boots, The Co-operative, Marks & Spencer, Morrisons, Premier Foods, Reckitt Benckiser, Sainsbury's, Waitrose, Warburtons and Young's all scored full marks.

Sustainable sourcing of palm oil is a major challenge. This was highlighted by a report from Friends of the Earth published earlier this year, which drew attention to investment by US companies that often led to 'land grabbing' and human rights abuses in relation to the production of palm oil.

What if there was a way to produce palm oil in the UK from waste plant-based material? As part of an Industrial Biotechnology (IB) Catalyst project, Dr Sophie Parsons from the IEMA Futures team and her colleagues at the University of Bath are producing palm oil from waste lignocellulosic material (biomass) and yeast commonly used in the South African wine industry. Her role is to ensure the process is as environmentally sustainable as possible. 'This is a fantastic opportunity to contribute to the circular bioeconomy by utilising waste plant material and turning it into palm oil, along with a number of other useful products,' Parsons said.

The project uses the yeast *metschnikowia pulcherrima*, which can be found in tree leaves, fruits and flowers, and gives a similar lipid profile to palm oil. The yeast can use a carbohydrate feedstock without needing expensive enzymes to break down the plant material into sugars. As the process moves towards commercial expansion, understanding the environmental implications from scaling up the process is important.

To find out more about the project visit chuckgroup.wordpress.com.

Changes to recording CPD

IEMA has launched a new approach to continuing professional development (CPD), making the process mandatory and meaningful for all members with a professional grade. The new process aims to support members to set personal career goals and reflect achievements.

It consists of two new forms, intended to be used alongside other membership tools, such as the IEMA skills and benefits maps. Together the tools can be used to identify areas for development and ambition, and to identify relevant CPD opportunities before recording all learning, and reflecting on the value and impact of each activity on the forms throughout the year.

Results from IEMA's recent membership survey – which closed just before the new CPD approach was launched – revealed that just 43% of members actively maintained a CPD record (p8). Of those, 58% said their primary reason for partaking in CPD was that it encouraged them to keep their knowledge and learning up to date. A further 19% of respondents said it helped to achieve their career goals.

Reading *the environmentalist* each month came out as the most popular CPD activity, with reading other relevant materials second. Participating in webinars also scored highly as learning and development opportunities. CPD activities that are easy to access, such as webinars, and which quickly help members to be up-to-date (specifically reading *the environmentalist*) scored the highest in terms of value.

Members have been granted a one-year head-start on goal-setting and recording CPD. From September 2017, members will be asked to show they have maintained a CPD record in order to renew their professional membership grade. A random sample will also be called in each year. Members are encouraged to begin setting their development goals now, and are invited to send in their forms so IEMA can assess the demand for specific CPD activities.

To set your goals and start your CPD record, visit iema.net and log into the MyIEMA section.

Official recruitment partner

'Shirley Parsons Associates is pleased to announce it has teamed up with IEMA to become official recruitment partner.

Having supplied specialist professionals to the environmental and sustainability sector for the past 11 years, Shirley Parsons Associates has come together with IEMA to offer a new dynamic to its members. The partnership itself is about bridging a gap between IEMA, its members and everything relating to 'careers'. As the partnership develops, Shirley Parsons Associates will work closely with IEMA and chief executive Tim Balcon to provide specialist information; supporting members with career changes, career events, webinars and more. With countless synergies between the two parties, the partnership is good news for all IEMA members.

The first step for the team at Shirley Parsons Associates has been to work with IEMA on its student campaign, providing content for webinars for both

students and graduates. For students, talks focus on how to prepare for employment, with an emphasis on identifying potential career paths early. For graduates, the discussions are mainly on how to get internships that can lead to a first job and being specific in a job search. They can be accessed at iema.net.

At Shirley Parsons Associates, we are excited to be working with the environmental and sustainability sector's leading professional body. The partnership adds an extra dimension for members; it now gives them a reference point to build and further their development and careers. It is an exciting time for IEMA, its members and the team at Shirley Parsons Associates.'

For more information contact matthew.bransby@shirleyparsons.com or lisa.toms@shirleyparsons.com.



Javid decision gives green light to fracking

Communities and local government secretary Sajid Javid has overturned Lancashire County Council's refusal to grant Cuadrilla permission to extract onshore gas from a site near Preston.

Javid agreed with the conclusions of the planning inspector, Wendy McKay, that three of the four appeals by Cuadrilla should be allowed and planning permission granted, subject to conditions. Two of the successful appeals relate to plans by the company for a site off Preston New Road. The other relates to the time constraints imposed by the council on activity on a site at nearby Roseacre Wood. A second appeal for Roseacre was dismissed, although Javid said he was minded to grant permission if concerns about highway safety were addressed.

In a letter outlining the reasons for agreeing the appeals, the secretary said he was satisfied that the environmental statements for the Preston New Road site were adequate and met the minimum requirements of Sch 4, Pt 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Javid also examined the inspector's assessment of matters covered by the Habitats Regulations, agreeing with her conclusion that the proposed developments would not have significant effects on two special conservation areas nearby, either alone or in combination. 'Like the inspector, [the secretary] is satisfied that



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the necessary mitigation measures have been identified and can be secured by planning conditions and those measures would operate effectively,' states the letter.

It says Javid further considered what impact extracting and burning shale gas would have on climate change, concluding that it was a matter for future national policy and not for the appeals. He decided the projects were consistent with the aim of the national planning policy framework to support the transition to a low-carbon future in a changing climate.

Former Dclg secretary Greg Clark had called in the planning applications in November 2015, appointing McKay in January 2016 to carry out an inquiry. The reason given for the direction was

because two appeals involved proposals for exploring and developing shale gas, which Clark said were developments of major importance that had more than local significance. For reasons of efficiency, the two other appeals, which relate to monitoring shale gas sites, were considered at the same time.

Councillors rejected Cuadrilla's planning application to drill, fracture and flow test four shale gas wells at Preston New Road in June 2015 on the grounds of noise and visual impact. The council's planning officers had recommended approval. They refused the proposal for Roseacre in line with the advice of planning officers, which centred mainly on local traffic issues.



Impact assessment practice update with IEMA's Josh Fothergill

Transposing the revised EIA Directive – latest developments from across the UK

- **Scotland:** Consultation on transposing the directive across eight of Scotland's 11 EIA regimes ended on 31 October. They are: planning; energy; marine; transport and works projects; trunk roads; land drainage; agriculture; and forestry. IEMA responded to the consultation based on member views provided at the workshop on 8 September in Glasgow and the Scottish government consultation event on 5 October in Edinburgh.
- **Wales:** Consultation closes on 11 November on the Welsh town and country planning EIA regime

(bit.ly/2bbk9wu). IEMA will respond based on member views expressed at the workshop held on 6 October in Cardiff. Representatives from the Welsh government, local authorities, consultation bodies and the Planning Inspectorate in Wales as well as IEMA members attended the event.

- **England:** IEMA held a pre-consultation workshop attended by around 70 members in London on 13 October. The event was held gather views and enable members to speak with a representative from the Department for Communities and Local Government (Dclg). A consultation is planned, but no dates were available as the time *the environmentalist* went to press.

- On 31 October, IEMA held a roundtable of leading practitioners on transposing the directive in England and plans to organise further workshops across the country when the consultation starts. It is understood that other EIA regimes will also hold consultations, and that these may be co-ordinated with the Dclg process.
- **Northern Ireland:** It is understood that a consultation is planned, but had not been launched at the time of publication. IEMA plans to respond to the consultation and will look to organise a member workshop after further details emerge.



In court

Plymouth City Council receives planning reprimand

The Local Government Ombudsman (LGO) has reminded local authorities in England that its powers are on a par with those of the High Court. The warning came after Plymouth City Council ignored recommendations made by the LGO after errors made by its planning officers.

An investigation by the LGO into complaints by two separate homeowners about mistakes made by city planners when approving a second application on an uncultivated field uncovered a series of failures. It found that officers had failed to publicise the new application properly in the neighbourhood and to ask the Environment Agency for a flood risk assessment. They had also included the wrong plans in the report to the planning committee and had significantly misrepresented how the new proposals would affect neighbours.

Both homeowners reported that their properties were prone to flooding because of inadequate consideration of drainage of surface water from the site, while the construction of a new two-storey house overlooked one of them.

A report on the case by the LGO concluded that the council had been obstructive and had challenged the ombudsman's findings. It also noted that the council had had various opportunities to acknowledge the errors made by its officers but had refused to do so or to follow the recommendations made. Local Government Ombudsman Dr Jane Martin said: 'The role of the LGO to hold councils to account when they get things wrong is well established and has a statutory basis. Authorities can and do have the chance to comment on LGO decisions before they are finalised, including providing evidence if they wish to challenge the findings, but they should co-operate with the investigation process.'

The council has been asked to apologise to both householders, pay both families £500 compensation and the difference between the valuation of the properties before and after the new development was built. It has also been told to ensure adequate drainage is in place before winter and to arrange for all members of its planning committee to have at least one day's training from qualified and independent planning professionals so that they can challenge planning officers' views before taking decisions.

Fines on companies total £3.6m

The Environment Agency has revealed that businesses in England were fined a total of £3.6m in 2015 for environmental offences. At the same, the agency said changes to how it regulates had saved businesses £32m in the 2015-16 financial year, against a target of £20m.

It has also reported that serious pollution incidents across England had fallen by 56% since 2000, with a 19% decline between 2014 and 2015. The agency said the results indicated that regulated businesses were becoming more environmentally responsible. Statistics from the agency also reveal that total greenhouse-gas (GHGs) emissions from companies had declined by 24% since 2000, while methane emissions from the landfill sector had fallen by 61% since 2002.

In the 12 months to the end of March 2016, emissions to air from the businesses regulated by the agency declined further,

with GHGs falling 10%, nitrogen oxides down 15%, and sulphur dioxide 23% lower. Other data in three business reports from the agency revealed a 20% fall in the number of poor performing sites between 2014 and 2015, with 97% of regulated sites were rated satisfactory or above.

Odour incurs £26,000 penalty

Scottish Water Horizons, the renewables technology arm of Scottish Water, has been fined £26,000 at Airdrie Sheriff Court. The firm had pleaded guilty to five charges of failing to comply with the conditions of its pollution prevention and control permit for its Deerdykes Composting and Organics Recycling facility during 2012.

Officers from the Scottish Environment Protection Agency investigating complaints from nearby residents found that equipment designed to treat odorous air was not performing adequately.

Case law

Inadequate reasons given for building in AONB

In *CPRE Kent v Dover District Council* [2016], the Court of Appeal allowed a challenge to planning permission for development in an area of outstanding natural beauty (AONB) because the planning committee had failed to give legally adequate reasons for its decision.

Paragraph 115 of the national planning policy framework (NPPF) states that great weight should be given to conserving landscape and scenic beauty in AONBs. Paragraph 116 advises that planning permission should be refused for major developments in such areas apart from in exceptional circumstances and when it can be demonstrated that they are in the public interest.

In this case, Dover District Council granted planning permission for 521 new homes, a resident retirement village, a hotel and conference centre at a site in the Kent Downs AONB. The High Court dismissed a challenge to the decision by the Campaign to Protect Rural England (CPRE) and it appealed to the High Court.

The High Court said a local planning authority authorising a development that would inflict substantial harm on an AONB must give substantial reasons for doing so. In this case, it found that the council's conclusions on viability were not adequately reasoned. It concluded that the planning committee had not properly explained why it had rejected the planning officer's assessment that the development would inflict harm, noting that it had failed to engage with the officer's reasoning. The court also ruled that the council had failed in its statutory duty to give reasons for its decision under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Jen Hawkins

Lexis®PSL

New regulations



In force	Subject	Details
7 Sept 2016 	Financial support	The Capital Allowances (Energy-saving Plant and Machinery) (Amendment) Order 2016 amends the 2001 order to update and replace the Energy Technology Criteria and the Energy Technology Product lists with the new ones issued on 7 September 2016. bit.ly/2ceuX2t
7 Sept 2016 	Taxation	Finance Act 2016 set rates of landfill tax for the 2017 and 2018 financial years. Climate change levy (CCL) rates are set for the 2017, 2018 and 2019 financial years. The act also closes the CCL exemption for outstanding renewable source electricity certificates (for electricity generated before 1 August 2015) on 31 March 2018. bit.ly/2dIhqlM
1 Oct 2016 	Energy	The Energy Performance of Buildings (England and Wales) (Amendment) (No. 2) Regulations 2016 amend the 2012 regulations, allowing bulk energy performance certificate data to be included in a public register. bit.ly/2dhPt17
1 Oct 2016 	Energy	The Energy Act 2016 (Commencement No. 2 and Transitional Provisions) Regulations 2016 bring into force further sections of the Energy Act 2016, including core functions of the Oil and Gas Authority and rights to use upstream petroleum infrastructure. The Oil and Gas Authority (Fees) Regulations 2016 enable the authority to charge a fee when a licence application or consent or authorisation is submitted for an activity. bit.ly/2cOiWhX ; bit.ly/2ckxlRp
1 Oct 2016 	Waste	The Scottish Landfill Tax (Qualifying Material) Order 2016 provides for some materials to qualify for a lower rate of landfill tax. The schedule lists, in eight groups, the description of the qualifying materials and any conditions. bit.ly/1THPZFe
6 Oct 2016 	Financial support	The Capital Allowances (Environmentally Beneficial Plant and Machinery) (Amendment) Order 2016 amends the 2003 order to update the technology and product lists with the new ones issued on 6 July 2016. bit.ly/2cTtg79
9 Oct 2016 	Energy	The Petroleum (Transfer of Functions) Regulations 2016 amend 14 acts to transfer various functions from the former Department of Energy and Climate Change (DECC) to the Oil and Gas Authority. Functions transferred include those for oil and gas taxation. The regulations also manage the interim period in advance of the devolution of onshore oil and gas licensing to the Scottish government. bit.ly/2cCHrm7
10 Oct 2016 	Ecolabelling	Decision 2016/1371 revises ecological criteria for notebook and personal computers and extends the scope of the product group to include tablet computers. It replaces existing criteria established under 2011/330/EU and 2011/337/EU. The revised criteria apply for three years from 10 October 2016 and existing licences remain valid until 10 August 2017. bit.ly/2b2WTnh
10 Oct 2016 	Air quality	The Environmental Better Regulation (2016 Act) (Commencement No. 2) Order (Northern Ireland) 2016 brings into force sections of the Environmental Better Regulation Act (Northern Ireland) 2016, including an amendment to the Clean Air (Northern Ireland) Order 1981. bit.ly/2e6jEag
1 Jan 2017 	Emissions	Regulation 2016/1628 lays down requirements relating to emission limits values and EU type-approval procedures for engines for non-road mobile machinery, which must comply before being placed on the European market. bit.ly/2d4SQKo

This legislative update has been provided by Waterman's Legal Register available at legalregister.co.uk



New guidance

REACH	The European Chemicals Agency has published a list of around 7,000 substances for which a lead registrant has been declared (bit.ly/2dIp1gz). It includes the names of lead-registrant companies that have given their permission to publish. Users can check the list to see which substances are being registered. Companies planning to register any of the substances are advised to contact the lead registrant and begin negotiating to gain access to the joint submission. Under the EU REACH Regulation (1907/2005), all companies registering the same substance must be part of the same registration. The agency said the list would be updated regularly as more information about substances and joint submissions became available.
Climate change agreements	An update to the Environment Agency's operations manual for industry sector associations and operators of a climate change agreement (CCA) is available (bit.ly/2e6unRW). It provides technical advice on how to apply for and maintain a CCA, a voluntary scheme that enables participants to claim a discount on the Climate Change Levy (CCL) charged on some fuels in exchange for agreeing to energy efficiency improvement targets. It includes chapters on eligible energy, setting up a target unit, annual charges and billing, the application process and changing an agreement.
Non-financial reporting	EU Directive 2014/95/EU on the disclosure of non-financial and diversity information (NFR) amends the Accounting Directive 2013/34/EU and requires some large companies to disclose information on policies, risks and outcomes on environmental matters, social and employee aspects, respect for human rights, anti-corruption and bribery issues, and diversity in their board of directors (pp22–24). The Carbon Disclosure Standards Board has produced a handbook on reporting under the NFR (bit.ly/2dYLl11). It includes examples from annual the reports of European companies to show how others could respond to the requirements of the NFR. The 2015 reports from oil and gas company BP, mining business BHP Billiton, utility firm Pennon Group and retailer Marks & Spencer are all featured. The guide offers four recommendations for achieving best practice. They are: strengthen the relationship between environmental matters and overall corporate strategy, performance and prospects; ensure the report is clear and concise; go beyond climate change – environmental reporting is more than about emissions; and apply guiding principles.
Waste resources	The Scottish Environment Protection Agency (Sepa) has published a framework setting out its approach to waste and resources (bit.ly/2d83WwB). It has four aims: businesses to realise the benefits of resource efficiency; waste activities to be compliant; to eradicate waste crime; and to derive maximum value from resources circulating in the economy. The framework includes a section on the key methods and approaches Sepa will use to achieve these aims.
ESOS audits	A guide to help businesses gain value from energy savings opportunity scheme (ESOS) audits has been published by the Buildings Research Establishment (BRE) and the Energy Services and Technology Association (ESTA) (bit.ly/2dUGmEy). The guide aims to help firms that have not installed energy-saving measures to choose between the various ways of complying with ESOS in order to maximise the value they can achieve.
EMS	NetRegs, the provider of free environmental guidance for small and medium-sized businesses in Northern Ireland and Scotland, has updated its guide to environmental management systems (EMS) (bit.ly/2dUKljr). The guide offers an introduction to EMS and the benefits of a system certified to through ISO 14001, BS 8555 or the Eco-Management and Audit Scheme (EMAS). It includes two case studies: CMS Window Systems and Ross-Shire Engineering. There are also links to the environmental toolkits produced by the Scottish Environment Protection Agency and the Northern Ireland Environment Agency.
Paris Agreement	The Climate & Development Knowledge Network and Ricardo Energy & Environment have produced a guide to support planning for the implementation of nationally determined contributions (NDCs) under the Paris Agreement, which entered into force on 4 November 2016 (bit.ly/2dUNIH3). It addresses the process specifically for developing countries, taking into account their diversity and different starting points and looks at how climate action fits with the UN sustainable development goals. The guide is aimed at policymakers at national and subnational levels, and development partners and practitioners supporting the implementation of NDCs.
Emission inventories	The air pollutant emission inventory guidebook from the European Monitoring and Evaluation Programme (EMEP) and the European Environment Agency has been updated (bit.ly/2dZ1g3D). It supports the reporting of emissions data under the UNECE Convention on Long-range Transboundary Air Pollution (CLRTAP) and the EU National Emission Ceilings Directive. The 2016 edition replaces the 2013 version and provides expert guidance on compiling an atmospheric emissions inventory. It includes general information on data collection as well as chapters on specific sectors, from energy and industrial processes to agriculture and waste. There is also a section on emissions from natural sources, such as forest fires.



Laying down the law

When the regulator gets it wrong

Simon Colvin gives an update on recovering damages and financial losses from environmental regulators



The recent cases of *Sebry* and *Mott*, alongside the reported instances of the Environment Agency voluntarily contributing to the clearance of some illegal waste sites – such as at Great Heck in Yorkshire (see panel), and at Orpington in Kent – suggest the prospects of recovering compensation and damages from the regulator might be better now than in the past.

Just two years ago (*the environmentalist*, July 2014, p15), it seemed almost impossible to bring a damages claim to recover any financial losses a business might have suffered as a result of the regulator making a mistake.

A special relationship

The 2013 case, *Dodson v Environment Agency*, illustrated how difficult it could be to show that a regulator owed the person that had suffered a loss a duty of care, which would underpin any damages claim. That is because the courts set the bar very high. They were looking for either a 'special relationship' and an 'assumption of responsibility', or a situation where it is fair, just and reasonable to impose a duty and there is proximity of relationship between the parties.

However, a watershed moment occurred in *Sebry v Companies House and The Registrar of Companies* [2015]. A company described as Taylor and Sons was marked on the Companies House public register as being in liquidation. However, the correct name of the company that had collapsed was Taylor and Son – not Sons.

The effects of this mistake were that Taylor and Sons lost key contracts, supplier credit terms and cash advances from its bank, all of which led to the company filing for its own administration. The owner of the firm, Philip Sebry, successfully pursued a claim against Companies House for

damages. The court decided that the register of companies did owe Taylor and Sons a duty of care on the basis there was a special relationship between the parties and there had been an 'assumption of responsibility' by Companies House towards the company.

On the face of it, this case may not seem immediately relevant to environmental regulators. However, the key issue relates to the liability of a government agency for negligence. As such, the fact that Companies House was held to be liable for getting Taylor and Sons' name wrong is relevant when looking at the liability of the Environment Agency for damages for its own negligence.

Human rights

R (Nigel Mott) v Environment Agency [2015] centres on salmon fishing on the River Severn using baskets known as putcher ranks. The case highlighted another possible route to the recovery of damages from environmental regulators: the Human Rights Act 1998 (HRA). In *Mott*, the Environment Agency imposed restrictions on the use of putchers to catch salmon in the Severn. The restrictions had a significant impact on Mott who had a lease of fishing rights on the river where he used the baskets to catch salmon for a living. The agency did not offer Mott any compensation for the resulting impact on his livelihood. He brought an action against the regulator claiming its restrictions were unlawful. Mott sought damages for a breach of Art 1 Protocol 1 of the HRA, which relates to the protection of property.

The Court of Appeal had to consider whether the restrictions amounted to 'control', which did not trigger a right to compensation, or 'deprivation', which did. The court decided that, because the restrictions would ultimately reduce the number of salmon Mott could catch by 95%, this amounted to deprivation. Mott was therefore entitled to compensation and his claim for damages was allowed.

The case is important because the HRA protects companies and individuals. As a result, the agency needs to have regard to the impact of its actions and the

restrictions that it imposes on individuals and companies. If those restrictions can be said to amount to deprivation, compensation may be payable. If it is not paid, the agency may find itself subject to a claim for damages.

The right foundations

The foundations on which to base an action against environmental regulators to recover financial compensation and damages are stronger than they were previously. The courts will always be reluctant to impose a duty of care on the environmental regulators, but the mountain is now a little easier to climb.

Great Heck waste mountain

Work began in November 2015 on clearing more than 10,000 tonnes of waste at a site in Great Heck in Yorkshire, which had been operated by Wagstaff Total Waste Management (WTWM). A joint statement from the Environment Agency, North Yorkshire Fire and Rescue Service, Selby District and North Yorkshire County councils, said the cost of the clean-up would be significant and they would look to recover the costs from those responsible. At York Crown Court in March 2016, two company directors, Stewart and Janice Wagstaff, pleaded not guilty to six environmental charges, including putting human health at risk. The case will be heard next year.

Background

The agency had issued a modified permit for the site in March 2013. However, in October 2013, the agency concluded that the amount of waste held at the site could not be kept in accordance with the conditions of the permit and told WTWM to implement a plan to reduce the quantity. An acceptable plan was submitted in July 2014 but agency officers found that WTWM was failing to comply and enforcement notices were issued in September and December 2014. A suspension notice was served on 2 June 2015. The firm went into voluntary liquidation on 13 July 2015.

Simon Colvin is a partner and national head of the environment team at Weightmans LLP. Follow him on Twitter @envlawyer



Finding the right response

What lessons can the sustainability profession learn from the EU referendum debate and vote? **Paul Suff** reports

Thousands of words and many column inches have been devoted to analysing the UK vote to leave the EU. Environment and sustainability considerations have largely been absent from the discussion, mainly because they were rarely mentioned in the run-up to the referendum and so had little influence on the way most people cast their vote.

However, a group of IEMA members (panel, p17) has started a conversation on understanding the ramifications for sustainability and what the profession can learn from the referendum debate to better communicate messages about climate change, resource depletion and the need to move to a low-carbon economy. The main questions considered to kick off the discussion were:

- Did voters reject arguments put forward by the 'remain' side because the focus was almost exclusively on the negative consequences of Brexit? Are environmentalists guilty of being similarly pessimistic in their messaging?
- Was the outcome partly a rejection of expert opinion? If so, where does this leave the sustainability profession when much of what it does rests on scientific knowledge and evidence?
- Did 'leave' triumph because mainstream politicians repeatedly failed to address local concerns? If that was the case, how can practitioners persuade people to think about global issues like climate change?

Project Fear

Everyone from the then prime minister David Cameron and Bank of England governor Mark Carney to US president Barack Obama warned that a vote to leave would seriously damage the UK economy. The Treasury forecast that the average household would be £4,300 a year worse off if the UK left the EU; the OECD

estimated that leaving would be equivalent to losing one month's income within four years; the IMF said Brexit would hit living standards, increase inflation and reduce GDP by as much as 5.5%; and Obama warned that the UK would be at the back of queue in negotiating trade deals with the US.

Leave campaigners also issued their share of scare stories, such as Turkey's 'imminent' accession to the EU. However, it was the tactics of the remain camp that was labelled Project Fear, the term originally used to describe the Better Together campaign in the Scottish independence referendum in 2014.

It's Good to Talk, a report published in September by the Electoral Reform Society, found that, as the referendum debate wore on, the view was that the campaign to remain had become increasingly negative. 'By the final week before the vote, 51% of respondents felt that the remain campaign was negative, as opposed to 9% who thought it was positive,' it said. The society also found that most of the people polled agreed that having a positive vision should be a key part of any campaign.

The IEMA panel felt this was a lesson environment and sustainability professionals must learn, particularly with regard to climate change when too often the message was of impending doom. Paul Toyne, a London Sustainable Development Commissioner and former group environment and sustainability director at Balfour Beatty, warned practitioners to be wary of pushing fear too far: 'It's a dangerous tactic and can leave people feeling powerless and insular.'

John Dale, director at Lime Tools, which develops and supplies behaviour change tools for businesses, said environment and sustainability professionals had a responsibility to know their audience and to refrain from being alarmist. 'If you are trying to communicate about

climate change, you have to know the level of technical and emotional intelligence of the audience, whether they're in the boardroom or the school classroom,' he explained. 'The message should emphasise potential opportunities and steer clear of fear as much as possible. Too often we get that balance wrong.' He appealed to the profession to ensure messages are digestible and to engage in targeted story telling: 'We can make a difference but we're failing to bring the environment to life.'

Independent consultant Lynne Ceeney agreed: 'It is important to link people and the environment. That's the best way to get your message across.' Toyne said messages should centre on quality of life and public health issues. 'There are lots of examples, such as improving air quality and cleaning up rivers, where we have had an impact and which improve people's quality of life. We need to make our achievements more visible.'

Kirit Patel, environment manager at logistics firm DHL Supply Chain, urged IEMA to do more to help professionals improve how they communicate. IEMA engagement and policy lead Nick Blyth agreed that more positive messages that empower people to take action on climate change were necessary. He stated the urgency for change and the opportunity offered by real world incidents (climate impacts) for mobilising public acceptance for action.

A report last year from consultancy Futerra underlined the apparent failure of environmentalists to communicate effectively. It urged sustainability practitioners to find the 'sizzle' to communicate climate change. 'For years, we've tried to "sell" climate change, but a lot of people aren't buying. Despite a strange recent resurgence in denial, the science is unequivocal. So climate change is no longer a scientist's problem – it's now a salesman's problem,' it concluded. The consultancy explained how in the 1940s so-called 'supersalesman' Elmer Wheeler had advised US businesses to sell the 'sizzle' not the 'sausage'. Wheeler maintained that the secret to successful selling was to focus on the sounds and smells that stimulated people rather than the sausage itself.

Futerra compared climate change to the sausage. It also noted that most messaging on climate change was that the world was going to a hell, consisting of rising seas, scorched earth, failing food supplies, and millions of starving refugees tormented by wild weather. 'Although these armageddon climate scenarios might be accurate and eye-catching, they haven't changed attitudes or behaviours nearly enough. Threats of climate hell haven't seemed to hold us back from running headlong towards it. Hell doesn't sell,' it said. Futerra advised environmentalists instead to build a visual and compelling vision of low-carbon heaven.

We know best

When Cameron advised voters in the run-up to the referendum to heed the warnings of economic experts, such as the OECD, the IMF and the Bank of England before deciding which way to vote, the retort from leave campaigners was to ask why. They pointed out that each organisation had failed to predict the 2008 financial collapse. Meanwhile, leading leave campaigner and Conservative MP Michael Gove declared: 'People in this country have had enough of experts.'

A YouGov poll in early June found that 68% of those planning to vote leave agreed with the statement, 'It's wrong to rely too much on so-called experts and better to rely on ordinary people'. Joe Twyman, the polling organisation's head of political and social research, told the *Washington Post*: 'What we're seeing is a rise in the number of people who are dissatisfied, disapproving, distrusting of political institutions, political parties, the establishment, the media and, wrapped up with that, the experts.'

Alan Knight, general manager for corporate responsibility at steel company ArcelorMittal, is concerned that an apparent willingness to ignore expert opinion could be damaging to the sustainability profession and efforts to address environmental and social issues: 'The demise of the expert is really scary when a lot of what we do is about deep science.'

Panel members thought the seeming disregard for expert opinion came back to the issue of poor communication, in particular an inability to listen so that solutions to environment problems reflected people's concerns. 'We can sound arrogant when we tell people they must do this and they should do that, particularly if we do not know their personal circumstances,' said Ceeney. 'How can you tell a parent struggling to feed three children they must insulate their home? It may save them money in the long term but it is not their priority.'

Sustainability facilitator Penny Walker said the fault lines in the country exposed by the referendum indicated that people in some areas had failed to pay attention to those in others. 'We need to get out and listen more,' she said. Knight agreed that, if the profession is to be effective in changing people's behaviour, its messages must be relevant and accessible.

Environmentalists had to overcome the 'so-what test', said Ceeney, when an expert offered advice. She gave the example of a doctor recommending that a patient loses weight to avoid developing Type 2 diabetes, but is ignored because the benefits are not immediately visible or the initial pain is too great. 'It's the same with solving environmental issues. We point out the problems and expect people to act. But if the costs outweigh the benefits or the payback is too far away they'll turn a blind eye.'

Sunny Pawar, founder of consultancy Green Collar, said practitioners had to improve their portrayal of the 'big

Roundtable participants

Nick Blyth, policy and engagement lead at IEMA
Carl Brooks, head of environment and sustainability at MJ Mapp
Lynne Ceeney, independent sustainability consultant
George Crone, partner at Novus Consulting
John Dale, director of Lime Tools
Alan Knight, general manager for corporate responsibility at ArcelorMittal
Kirit Patel, environment manager at DHL Supply Chain
Sunny Pawar, founder of Green Collar
Peter Sharratt, head of strategic consulting at WSP|Parsons Brinckerhoff
Paul Toyne, London Sustainable Development Commissioner and independent consultant
Penny Walker, facilitator for sustainability

picture'. 'Often we focus on one aspect of the agenda because that's our specialism and people struggle to understand the relevance. We need to show where that knowledge fits with the wider scheme of things and how many issues are linked.'

The panel identified two factors that sometimes hindered whether expert voices were heard above the general noise that accompanies issues such as climate change. The broadcast media's desire for what it perceives as balance was one. Knight said such coverage often created a false debate about the science, and that spread confusion. Attributing scientists and campaigners the same status when debating the science of climate change was criticised in a report in 2014 from the House of Commons' Science and Technology Committee: 'Some editors appear to be particularly poor at determining the level of scientific expertise of contributors in debates, putting up lobbyists against top scientists as though their arguments on the science carry equal weight.'

Peter Sharratt, head of strategic consulting at WSP|Parsons Brinckerhoff, said arguments about the science made people switch off.

Social media was seen as both a blessing and an obstacle to communicating knowledge. 'Suddenly everyone is an expert and can say what they like. If you have enough "likes" and "followers" you get heard,' said Ceeney. 'Having a measured debate on Twitter is very hard.' However, George Crone, partner at Novus Consulting and a member of IEMA Futures, said social media provided opportunities for environment and sustainability professionals: 'YouTube and Twitter are excellent tools to connect with a wide audience.'

Think global, act local

In the aftermath of the referendum, some commentators concluded that, by voting leave, the electorate, especially in former industrial heartlands and parts of the country that had experienced recent rapid change, had taken the opportunity to give the so-called 'elites' a kicking. Many had acted this way because they felt their voices were not heard and their communities had missed out on economic success from globalisation. Church of England priest, journalist and broadcaster Giles Fraser wrote in *The Guardian*: 'They had simply been left profoundly unattended by the political process. Taken for granted, patted on the head – by the Labour Party as much as the Conservatives – and dumped upon by a financial services industry that never paid the price for its own recklessness.'

This is not unique to the UK and may partly explain the popularity of Donald Trump in the US, whose denialist position on anthropogenic climate change is tempered only by his blaming of what there is on China. A 2014 study published in *Perspectives on Politics* looked at the relative influence of US political actors on policymaking. It found that, compared with economic elites, average voters had a low to non-existent influence over policy. 'Not only do ordinary citizens not have uniquely substantial power over policy decisions, they have little or no independent influence on policy at all,' the authors concluded.

The panel was concerned that support for environmental goals could suffer if people were

alienated from the political and policymaking process, which would make it harder for practitioners to win over those with little interest in green issues. Environmental policy, particularly measures to tackle climate change, which is the issue that attracts most attention, is often ridiculed in parts of the media and portrayed as a burden. Whereas policymakers and environmentalists see renewable energy as necessary to achieve climate goals, some customers tend to associate it with higher energy prices. Green policies, such as the carbon price floor, are blamed by some in business, including the Energy Intensive Users Group, for damaging the steel and other industries, which tend to operate in areas already struggling economically. 'Where people feel marginalised their focus tends to be on short-term issues, meaning we struggle to get traction on environmental issues, which are seen as being long term,' said Carl Brooks, head of sustainability at property management company MJ Mapp. 'Some politicians claim action on climate change poses a direct threat to the livelihoods of people, which taps into these immediate fears. The profession needs to find a way of taking back ownership of the issues and of their benefits in the short as well as the long term.'

One issue highlighted by voters in areas affected by rapid change is the strain on resources, from school places to access to medical services (see panel, p19). Walker said this had parallels with the resource scarcity highlighted by environmentalists: 'The resentment some people feel towards migrants is a symptom of the resource squeeze we talk about. People are likely to only get more scared and angry as we get squeezed as a species for water, food and shelter.'

Knight homed in on people who consider themselves marginalised, asking: 'How do we reach people who feel powerless and believe policy is being foisted on them and their communities?' Several panel members said practitioners should adopt an approach that recalled the 1970s environmental slogan of 'thinking globally and acting locally' that was used and popularised at the Rio Earth summit in 1992. Toyne said Agenda 21, the sustainable development plan that came out of the summit and which championed local community input, was one of the best initiatives he had been involved in. 'It consisted of a set of sustainability principles and

'The message should emphasise the potential opportunities and steer clear of fear as much as possible'





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people discussed how they affected their community and what they could do about them,' he said. 'The then government [1998] set a target for every local authority to have an Agenda 21 strategy by 2000.'

Although it acknowledged problems with the policy, a study published in 2003

by the Joseph Rowntree Foundation found that, when Local Agenda 21 practitioners had linked their work with regeneration programmes, there had been examples of delivering social, economic and environmental improvements. Knight recalled how one of his previous employers, DIY business B&Q, had been involved: 'Store managers sat on Agenda 21

committees and provided assistance for community initiatives, such as donating products for use by local schools and offering help from staff.'

The drive for devolution, including the creation of powerful mayors in England as well as the devolved national administrations, was an opportunity for more local decision-making, said Sharratt. 'There is a mistrust of big government, and political responsibility is increasingly being transferred to regions.' He also wondered whether sustainability practitioners should no longer rely on legislation to achieve environmental goals.

Doyle said environment and sustainability practitioners had to identify how to engage people on global issues in ways that suited them. Knight wondered whether, as a movement, environmentalists should consider no longer making climate change the main topic of debate and whether they need to reframe the problems of a warming planet in a local context. In the UK, that could focus on how best to prevent flooding in areas likely to experience an increase in such incidents. 'The reason why people alter their behaviour tends to be close to home,' Ceeney said, adding that Hurricane Sandy, which was one the most destructive recorded when it battered the US eastern seaboard in 2012, enabled her to engage people on climate change in ways she had never been able to before.



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Dissecting the vote

More than 17 million people voted for Brexit and they did so for a myriad of reasons. Researchers have identified some possible explanations for why some areas voted to remain and others to leave. Analysis by the Resolution Foundation think tank identified six key factors in how people voted: living standards, education, migration, culture, social cohesion and geography. For example, a ten percentage point (ppt) rise in the proportion of students in a constituency was associated with a 5ppt fall in the leave vote, while a similar increase in the ratio of over-50s to under-50s was associated with a 0.7ppt increase in the leave vote.

Polling organisation YouGov found similar fissures. Every region of the country except Scotland, Northern Ireland and London voted to leave, and age and education were strong barometers for how people cast their vote. Some 70% of voters whose educational attainment was GCSE or lower voted leave, while 68% of voters with a university degree voted remain. Those with A-levels and no degree were split evenly. Under-25s were more than twice as likely to vote remain (71%) than leave (29%), whereas over-65s voted 64% to 36% in favour of leave. Among the other age groups, voters aged 24 to 49 narrowly opted for remain (54%), while 60% of voters between 50 and 64 chose leave.

Low-income groups and people in areas ravaged by de-industrialisation tended to vote out, at least in England and Wales. Ahead of the referendum, labour market economists Brian Bell and Stephen Machin published findings linking the lack of wage growth with rising electoral support for the anti-EU UK Independence Party (Ukip) at the 2015 general election. They found that, between 1997 and 2015, the median weekly wage in the UK overall had increased from £269 to £426. Although the 58% rise covered the 43% increase in prices over the same period, the improvement in wages amounted to less than 1% a year. The aggregate figure also masked that, in 62 of 370 local authorities, median wages fell in the period, with some experiencing double-digit falls. Ukip prospered in many of these areas in 2015.

The Joseph Rowntree Foundation (JRF) reported that the poorest households, with incomes of less than £20,000 a year, were more likely to support leaving the EU than the wealthiest, as were unemployed people, those in low-skilled and manual occupations, people who felt their financial situation had worsened, and those with no qualifications.

Migration was a major issue in the referendum debate. JRF found that, after controlling for factors such as education, age and the overall level of immigration, communities that over the past ten years had experienced an increase in migration from EU member states were more likely to vote for Brexit. 'Even though areas with relatively high levels of EU migration tended to be more pro-remain, areas that had experienced a sudden influx of EU migrants over the last ten years were often more pro-leave,' it said.

Let's keep talking

The thoughts and contributions outlined here are intended as the start of a conversation about the lessons that environment and sustainability professionals can draw from recent political trends such as the referendum debate and vote. The participants plan to keep the discussion going. If you would like to join the conversation, add your comments at environmentalisonline.com/article/finding-right-response or contact n.blyth@iema.net. The discussion is just one aspect of IEMA's work on Brexit. Workshops, hosted by chief policy advisor Martin Baxter, have been held across the country over the past two months for members to share their views on the implications of Brexit for environment and sustainability policy – see p9.



Navigating some choppy waters

Researchers at the University of Portsmouth ask experts on coastal management what Brexit may bring

The decision to leave the EU will undoubtedly bring significant change for many areas of environmental management in the UK. Surveys before and after the referendum suggested concerns among environment professionals about the downgrading of standards in a post-EU Britain.

No one is yet sure what Brexit will consist of and uncertainty was a recurring theme among respondents to a poll by the Coastal Research Group (CRG) in the Department of Geography at the University of Portsmouth (see panel, p21). Coastal policy and management is one area of environmental planning that has benefited greatly from EU influence. In particular, initiatives from Brussels have helped to develop more integrated policy and management across the many areas, including nature conservation, risk management and sea defence, water quality and fisheries. In reality, Brexit only means withdrawal from the EU, and international collaboration will continue regardless in many areas. Arguably, under the 'Norwegian' model, where the UK would remain part of the European Economic Area, there would be relatively little change, whereas other outcomes could result in significant upheaval.

So the question is whether the UK leaving the EU presents a new dawn for enlightened coastal management or a turning back of the clock on the progress made over the past 20 years or so. Alternatively, is the reality that little will change, at least in the short term?

Funding gap

Both sides in the referendum debate made significant promises on funding. Although some of these have since been retracted faster than an ebb tide, the issue of funding for coastal projects was a recurring theme among survey respondents. Some 40% did not believe the UK government would fill the funding gap left by the EU. In particular, some respondents were worried that money now delivered through the EU would not be replaced. They believed this was because the 'natural reaction of policymakers would now be to reject EU policy to save money' or because 'EU-mandated environmental policy would now be at risk of being watered down in order to redirect previously allocated funds to other priority areas'.

Conservation policy

A key area of coastal management is the conservation of the many threatened habitats, such as salt marsh and sand dunes. Open questions in the survey let participants outline the aspects of the leave decision that worried them most in terms of coastal policy and management. Many of the detailed comments focused on the potential weakening of regulation. In particular, there were concerns about the habitats and birds directives and the loss of environmental designations. Others viewed the potential threat to habitats from relaxed protection and, in particular, the wholesale dismantling of the directives to ease development planning.

However, respondents saw opportunity, agreeing that, although habitats regulations provided a much-needed umbrella to protect species and habitats, the application of habitat regulations appraisal and assessment appraisal could sometimes be something of a blunt instrument. This was illustrated by the support of many respondents for the statement: 'Applying the process can sometimes be a hindrance rather than generate positive outcomes for wildlife. So there may be an opportunity to improve the process.' A number of respondents, including some who voted remain, pointed out that, although potentially negative in the short term, in the longer term Brexit raised the possibility of taking national decisions on coastal habitats if the political will was there.

Local control

A key theme in the referendum debate was the return to more national and local control over many issues. Almost half of survey respondents thought that leaving the EU would lead to greater control over the UK's coastal resources. For many, this reduction in EU control was regarded as a negative outcome, with many agreeing with the statement that 'without the drive of the European directives, UK environmental legislation and policy will be weaker'.

Others reflected familiar themes from the referendum debates, such as 'Issues will be handled by a democratically elected government rather than autocrats in Brussels who are responsible to no one but

Expert analysis

The Coastal Research Group (CRG) in the Department of Geography at the University of Portsmouth consulted 46 coastal specialists in September. They came from the private sector, independent consultancies, academia, and local and national government. Some 70% had voted to remain, while 15% had voted to leave – 9% preferred not to say and the remainder did not vote. Not surprisingly given the voting pattern, most respondents were largely negative about the prospects for coastal policy and management after Brexit.

Almost three-quarters thought the UK's departure from the EU would have negative implications overall for coastal policy and management. However, many 'remainers' said Brexit could provide an opportunity to improve existing environmental management at the coast. Around half agreed with the statement, 'Little will change as a result of Brexit, as we will still have to comply with most European legislation'. This seems to reflect the view across many areas of environmental management.

Key negative concerns were:

- weakening of current environmental standards;
- loss of international collaboration and funding;
- less progressive policy without EU drivers; and
- lack of prioritisation for coastal issues.

The main positive points raised were:

- more local control and initiatives possible;
- potential to improve environmental standards and policies;
- opportunities for more focused research effort, unhindered by EU bureaucracy and a lowest common denominator consensus approach to issues;
- potential reforms to common agricultural and fisheries policies; and
- leaner, faster decision-making and management.

All respondents expressed concern that joint (UK and EU) funding programmes and international collaboration would be weakened after Brexit. Among the remainers this finding was allied with concerns for wildlife protection and conservation as well as pollution. In general, the 'leavers' thought the effect of Brexit on joint funding and co-operation would be negative, but the overall impact would be neutral. In some areas, such as fisheries and commercial opportunities, they could even improve.

In recent years, the importance of integration has been at the forefront of UK coastal policy and management. This entails consultation and collaboration between different stakeholders and management agencies as well as inter-disciplinary co-operation. Given the transboundary nature of many coastal resources, national and regional collaboration has been seen as essential for successful management outcomes. Several survey respondents pointed to the international nature of many coastal issues and expressed a concern about the future, with many agreeing with the statement, 'Our links to Europe have served us well for many years, and in a time of austerity the UK's access to EU-funded projects will dwindle and be discontinued'.

There was a general fear that this money and, more importantly, the outputs from this shared work would not work as effectively if the UK left the EU. Others, including some remain voters, believed collaboration would continue due to interconnectedness of the current systems, with several respondents agreeing with the statement, 'Things will continue to evolve and I don't see Brexit as the factor driving the changes'. Some of those polled expressed the view that losses of co-operation would likely be offset by innovate domestic research on UK-specific challenges.

themselves'. Others still suggested that Brexit would provide greater freedom over policy and management, enabling the UK to disregard European requirements that are deemed contrary to its interests.

A common approach

Overall, those polled were of the opinion that most current environmental measures would, at least in the short term, be directly adopted and that change to the structures would occur only over time. The statement receiving most backing was 'The past European influence on UK coastal policy will not disappear overnight as the content of EU directives has already been transposed into UK laws. Unless these are repealed, the legacy of European law and policy influence will remain.'

Even among leavers, most thought that any changes to legislation would take between two and five years.

The vote on 23 June has left great uncertainty in coastal policy and management. The survey results suggest that many coastal experts expect the overall impact will be negative, particularly in relation to habitat management and international collaboration. Most respondents have little faith that politicians will prioritise coastal policy and management and many fear that standards may be weakened.

However, the findings reflect a degree of uncertainty and division among coastal experts. Many in the remain camp see potential opportunities from Brexit, although they said any positive outcomes would depend on a strong political lead and will. Those who voted leave are generally less pessimistic and see the potential for more control over coastal resources.

Over the next few years it will become apparent what Brexit means for environmental management in general and coastal policy and management in particular. Undoubtedly there is serious concern over what comes next but also a plethora of ideas and potential to improve management of coastal areas.

Dr Brian Bailly, Dr Robert Inkpen and Dr Jonathan Potts are members of the Coastal Research Group in the Department of Geography at the University of Portsmouth. If you would like to participate, the survey remains open at bit.ly/2dcZHgr.

Unwrapping businesses

Environment law expert **Colleen Theron** provides a guide to the EU Non-Financial Reporting Directive



Financial and non-financial reporting provides shareholders and other stakeholders with a comprehensive view of performance and the position of companies. There is a global trend to move away from voluntary disclosure of non-financial information towards mandatory disclosure.

The EU Non-Financial Reporting Directive (2014/95/EU) is one example and a further step towards developing a legal framework that covers environmental and human rights reporting.

Back to basics

The European Parliament acknowledged in 2013 the need to increase companies' accountability and transparency. MEPs backed two resolutions on corporate social responsibility, urging the European Commission to develop a legislative proposal on the disclosure of non-financial information by businesses. The first resolution referred to accountable, transparent and responsible business behaviour and sustainable growth; the other emphasised promoting society's interests and the need for a route to sustainable and inclusive recovery.

The parliament and European Council adopted the directive in 2014. Its purpose is threefold:

- to increase transparency of large companies (these are public interest companies with more than 500 employees – see below);
- improve boardroom diversity; and
- enhance accountability and performance.

The directive also establishes minimum legal requirements on the information that should be available to the public and authorities across the EU.

The directive entered into force on 6 December 2014 with member states given two years to transpose it into national legislation. Non-binding guidelines for reporting non-financial information are expected by the end of this year. Companies subject to the directive will be required to produce a non-financial statement containing information 'to the extent necessary for an understanding' of five matters and how the organisation's performance, position and activities affect each one. The five are: environmental, social, employee, human rights, anti-corruption and bribery.

The statement should include:

- a brief description of the organisation's business model;
- a description of the policies relating to the five matters, including due diligence processes;



Differences with UK legislation

There are several differences between the EU Non-Financial Reporting Directive (2014/95/EU) (NFR) and the UK Companies Act 2006 (Strategic Report and Directors) Regulations 2013 (CA2006), which requires listed, large and medium-sized companies to report on their non-financial information.

Only listed companies have to provide key performance indicators (KPIs) under the CA2006, whereas the NFR directive requires large 'public interest companies' (PIEs) with more than 500 employees to include non-financial KPIs.

The scope of what has to be disclosed differs. The CA2006 requires a fair review of the company's business and a description of principal risks and uncertainties. Under the NFR directive, information relating to at least environmental, social and employee matters, respect for human rights and anti-corruption and bribery matters have to be disclosed. The test for disclosure also differs. Both tests are 'to the extent necessary' but under the NFR directive the test includes the impact of a business activity.

Due to the scope of the NFR directive there is only a small number of unquoted companies that fall within the definition of PIE – around 6,000 across Europe.

Unlike the directive, the CA2006 does not require companies to refer to national, EU or international frameworks. There is also a difference in relation to the disclosure on diversity. The directive takes a broader view of this issue than the CA2006. It requires disclosure to cover age, education and professional background as well as gender. Disclosure must also go beyond board policy, to being one that covers the administrative, management and supervisory bodies.

The directive requires non-financial information to be provided as part of the management report. In the UK, this information is included in the strategic report, which forms part of a firm's annual report and accounts.

There is no reporting requirement in the directive equivalent to the obligation in the CA2006. So, as it stands, failure to provide the statement will not lead to personal liability for directors.

The Institute of Chartered Accountants in England and Wales has stated that the most efficient and effective approach to introducing the new requirements would be to amend the existing UK strategic report requirements and extend them to other entities that are not quoted but will fall within the scope of the directive. The UK standards body, BSI, is considering whether compliance with the directive can be made easier through standardisation.

- the outcome of those policies;
- the principal non-financial risks listed above that are linked to the reporting of a company's operations, including a reference to:
 - business relationships, products or services that are likely to cause adverse impacts in those areas, and how those risks are managed; and
 - non-financial key performance indicators relevant to the business.

Although reporting is mandatory, in built flexibility allows companies to adopt a 'comply and explain' approach. Under this, a company that fails to pursue policies in relation to one or more of the five matters is required to provide a clear, reasoned explanation. According to the European Coalition of Corporate Justice, the national platform for NGOs, trade unions, consumer organisations and academics to promote corporate accountability, this does not free a company from the obligation to identify and disclose principal risks.



Companies can rely in their reports on UN Global Compact, UN Guiding Principles on Business and Human Rights, OECD guidelines for small and medium-sized enterprises or ISO 26000, but they should disclose which framework they use. They can also rely on international, European and national guidelines. The implication is that companies will have to set up policies and procedures that meet the requirements of at least one of these frameworks.

Businesses subject to the directive are also required to provide a description of their diversity policy, including age, gender, geographical spread and educational and professional background. This information must be included in the corporate governance statement. If a firm does not have a diversity policy it must explain why.

Companies covered

The disclosure obligations apply only to large undertakings – firms with more than 500 employees



What should companies be doing?

Businesses should be asking:

- Does it have more than 500 employees?
- Does it constitute a large undertaking that is a public-interest entity?
- What policies does it have in place to address environmental, social, human rights and bribery issues?
- Does it have a diversity policy?
- Has it considered how to have the report audited?

The Climate Disclosure Standards Board believes the EU Non-Financial Reporting Directive (2014/95/EU) will help investors access more relevant information. It has produced guidance on environmental reporting and the directive (bit.ly/1VHe5xl).

and which are deemed public interest entities (PIEs). The European Council defines these as ‘companies, such as listed undertakings, banks and insurance companies, or undertakings which are of significant public relevance because of the nature of their business, size or their corporate status’.

The requirements outlined in Art 19(a) of the directive also apply to public interest entities that are parent undertakings of a large group – ‘exceeding on its balance sheet dates, on a consolidated basis, the criterion of the average number of 500 employees during the financial year’ (inserted as Art 29(a)).

Relatively few large companies in Europe – just 6% or 6,000 – are expected to be subject to the directive, however.

It will be mandatory for auditors to check that the non-financial statement has been provided. It is up to member states whether the information should be included in the non-financial statement or in the separate report and whether it needs to be verified by an independent assurance services provider.

Colleen Theron is director of CLT envirolaw.

Directive and the UK

Member states have until 6 December 2016 to transpose the EU Non-Financial Reporting Directive (2014/95/EU) (NFR), and organisations covered by the legislation will need to start reporting from their 2017 financial year. The UK government published a consultation in February seeking views on implementing the directive. The responses were still ‘being analysed’ as *the environmentalist* went to press.

Since the EU referendum, there have been questions as to whether the UK will transpose the legislation. The UK will remain a member state of the EU until Art 50 is triggered, which the prime minister said last month would be by the end of March 2017 and the exit arrangements are in place. While the UK remains a full member of the EU it retains all the associated rights and obligations. The UK will need to continue to work towards implementing the new EU requirements on schedule.



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Gateway to the world

Paul Suff visits a deep-water container port and logistics park in Essex to see how the development on the site of a former refinery tackled a myriad of environmental impacts





To build the UK's newest deep-water port site owner DP World first had to engage in one of Europe's largest species translocation projects. Add in the extensive remediation works at the former Shell Haven oil refinery, once home to an explosives factory, and the scale and scope of the £1.5bn project become apparent.

Known as DP World London Gateway, the site on the Thames Estuary at Thurrock, Essex, has been sensitively transformed so that it can service the world's biggest cargo ships. A 2.3 sq km logistics park, one of the largest in Europe, is also being built alongside the port.

Environment issues were at the forefront during the site clearance and remain so as construction continues. Environmental adviser Thomas Coulter says the owner has worked closely with regulators, including the Environment Agency (see panel p27), the Port of London Authority and Natural England to ensure the development is as sustainable as possible.

The site is subject to a Mitigation, Compensation and Monitoring Agreement, which sets out measures that had to be taken to minimise environmental risks and, where necessary, provide recompense. Work has included dredging to deepen the Thames so that the largest vessels can reach the port; land reclamation to allow construction of the new quayside; moving thousands of species, including water voles and great-crested newts; and creating two intertidal mudflats, providing important habitat for wildlife, in particular wading birds.

Not just a port and logistics park

Only part of the land owned by DP World is taken up by the port and logistics park. 'A large percentage of the land we own is to the north [of the main site], consisting of farmland and ecological receptor areas,' says Coulter. This area of more than 4.04 sq km has been used to relocate species and create new habitats. To the west, DP World also owns the 0.42-sq km Stanford Wharf Nature Reserve, which includes 0.27 sqkm of intertidal mudflat habitat, created by managed realignment of the sea wall. Work on a second mudflat habitat, a 1.25-sq km area formerly known as Site X, now called Salt Fleet Flats Reserve, at Cooling marsh on the north Kent coast opposite the port, was recently completed and provides around 0.59 sq km of intertidal mudflat.

After the refinery closed in 1999, wildlife recolonised the site. 'The previous owners demolished all the buildings and levelled the area,' says Coulter. 'It then stood empty for many years and became a wildlife haven, particularly for great crested newts and water voles. Ecology clearance was one of the first things DP World had to do after taking over the site.'

What followed was one of Europe's largest species translocation projects and, at the time, the largest ever approved by Natural England. 'Our consultants estimate that we have moved more than 350,000 animals off the areas of the port and park,' says Coulter. 'It was a project on a scale that Natural England had rarely had to licence, and some of the lessons learned have been used to inform management approaches taken on other large sites.'



Consultants estimated that the site was home to around 40,000 reptiles, ranging from adders and grass snakes to common lizards and slow worms. Their new surroundings included an RSPB reserve at West Canvey Marsh and a disused airfield in Wiltshire. More than 300 water voles were caught and half were moved to a specially prepared site on the River Colne in Essex. Ecological works on the project included installing more than 60 km of temporary habitat fencing, creating 57 new ponds for 5,000 great crested newts, ditches for water voles and hibernacula and log piles for reptiles.

Due to the site's history as an explosives factory and oil storage depot as well as a refinery, much of the land for the port and park required remediation. Onsite treatment areas were set up to remediate contaminated soils, using a combination of ex-situ bioremediation, stabilisation and solidification, and the segregation of asbestos-impacted soils. This allowed for the majority of soils to be treated and re-used onsite, diverting thousands of tonnes of material from landfill.

Monitoring and mitigation

Construction of the port involved reclaiming land for the quayside and deepening navigation channels so that the largest vessels could berth alongside. Dredged material was used to reclaim land from the Thames to form a 2.7 km quayside when complete. The operation entailed the dredging of around 30 million cu m of material. There is an extensive marine monitoring programme for the development, which includes a model of the dispersion and settlement of suspended solids from the dredging and reclamation process. 'Before the dredging started we obtained four years of baseline data. This data was invaluable during the development of the port and for our ongoing monitoring,' says Coulter.

Oceanographic survey firms monitored the dredging activity using a series of multi-instrument buoys. Known as red-line monitors, these were placed around the dredge area and at selected sites, near Maplin Sands and on the intertidal areas at Mucking

Flats and Chapman Sands. They recorded data on salinity, temperature, concentration of suspended solids and dissolved oxygen content.

Reclamation of land resulted in the loss of mudflats next to the Thames Estuary and Marshes Special Protection Area, a site of European significance for birds. So DP World London Gateway has constructed two areas of new intertidal mudflat habitat as compensation for the losses predicted to occur as a result of the development. These include Stanford Wharf Nature Reserve in Essex, originally known as Site A, and Salt Fleet Flats Reserve, formerly Site X in Kent, which was recently completed. Both sites were created through managed realignment of the sea walls and in total provide about 0.74 sq km of intertidal mudflat. Stanford Wharf, which was completed in 2010, is now managed by the RSPB.

Ecologists were involved in monitoring the site in Kent throughout the construction works and there is an ongoing overwintering bird survey programme at both sites. This will help to assess how the habitats are developing and whether they are meeting their objectives. Benthic surveys are undertaken of the mudflat at Stanford Wharf Nature Reserve to measure how the mudflats are establishing and the food resource available for birds. These surveys will start at Salt Fleet Flats Reserve in Kent next year.

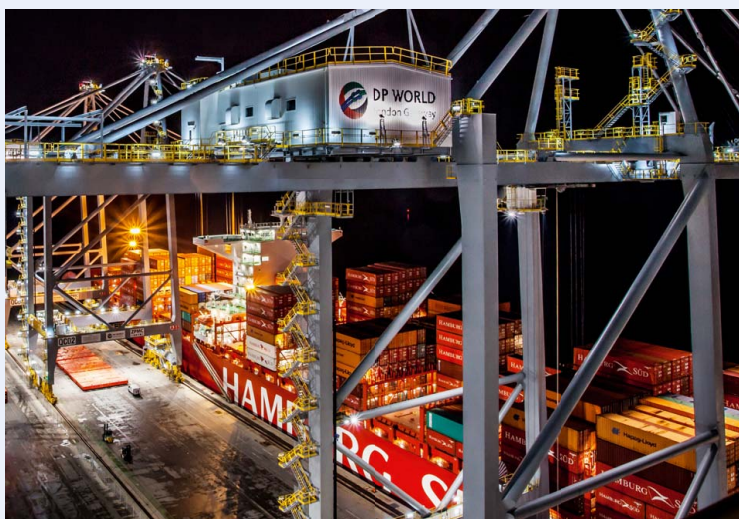
Working with the regulators

A project the size of DP World London Gateway involves working with many regulators and complying with a range of requirements from planning consents. Reclamation, for example, was regulated by the Marine Management Organisation (MMO) under the Food and Environment Protection Act 1985, while land raising behind the sea wall was regulated by the Environment Agency under the Environment Protection Act 1990.

In addition to the Harbour Empowerment Order (HEO) (see panel, p29), which covers the port, a Local Development Order (LDO) was granted by Thurrock Council in November 2013 for the logistics park. The LDO was issued after an Environmental Impact



Working with the Environment Agency



Assessment (EIA) of the proposed development.

This included a number of documents, which set the specifications for construction, and an environmental monitoring and mitigation plan, which identified the measures that were required.

Coulter describes the benefits of the LDO: 'It removes the inherent uncertainty from the planning application process, setting out in detail, upfront, the scale and form of an acceptable development. This is contained in four compliance documents that cover the design, construction and operation of the development. Developers are required to submit a prior notification form and details of the proposed development to the local planning authority prior to construction. A detailed EIA and transport assessment informed the LDO so are not required. The authority has 28 days to confirm the development can go ahead or to specify changes to achieve compliance. Thereafter construction of a compliant development may commence immediately.' Logistics business UPS is building a 32,000 sq m package sorting and delivery centre at the London Gateway Park. It was deemed compliant and granted planning consent 17 days after drawings were submitted.

The HEO required DP World London Gateway to establish an ecological advisory group (EAG) through which the scope and results of the environmental monitoring and mitigation programme could be reported and discussed. The group, which includes the Environment Agency, Natural England and the Port of London Authority (PLA) among the regulators and stakeholders, meets twice a year. Coulter says: 'A whole day is given over to presentations on the latest survey data, and updates on our environment programme and corporate responsibility. The agency, PLA and Natural England also provide a compliance report at each meeting to confirm that DP World London Gateway is meeting its consent requirements.'

Coulter says DP World London Gateway has found the EAG to be a very helpful forum and believes the model could be deployed successfully on other large infrastructure projects. 'The meetings have helped to

The Environment Agency has been involved in the London Gateway project since 2000. This participation has included giving evidence at the public inquiry into the port development in 2003 and assisting in drawing up the Mitigation, Compensation and Monitoring Agreement, which ensured the dredging and reclamation work took place with minimal impact on the environment.

Steve Bewers, the agency's project manager for DP World London Gateway, says: 'I facilitate relations between the agency and London Gateway and its contractors.' He describes the relationship as a partnership, with his focus on ensuring interactions are efficient and effective.

This approach is evident in the use of the dredged material to create the new port. Bewers says: 'The material is technically waste but, being clean aggregate, it received physical treatment on the dredger to remove water and fine sediment, which were returned to the estuary through valves in the hull of the vessel. In a first for the UK, we approved the ship as a mobile plant, so the aggregate material discharged into the reclamation site was no longer classified as a waste.'

'Our general approach has been, "yes, you can do that if you show us how and why it will not create environmental harm".'

He has brought in departments from other parts of the agency when their expertise has been required. The water quality team in Reading helped with interpreting the data from the monitoring buoys installed as part of the dredging operation. And a flood defence specialist has been on hand to ensure construction work does not harm defences and new installations meet required standards. Bewers says of him: 'He's been almost a permanent feature, assisting DP World with its permits and consents. He really knows the project.'

Bewers believes the working arrangement between the agency and DP World London Gateway has benefited from this type of consistent point of contact at the regulator. 'The team at DP World London Gateway know whom to contact at the agency if there is an issue or if guidance is needed.'

Much still needs to be done at DP World London Gateway with additional berths and further development on the logistics park, so the agency will continue to monitor work. Bewers is currently working with colleagues from the Port of London Authority to agree how maintenance dredging – necessary to maintain the depth of shipping channels into the port – proceeds.

maintain a good relationship between ourselves and the regulators,' says Coulter, adding that regulatory approval of the data is also important for certification of the site's environmental management system to ISO 14001. The EAG is also a good way to demonstrate to insurers how the facility manages its environmental requirements and risks, he adds.

Heavy lifting and smart logistics

With cargo ships getting larger and requiring deep-water facilities, DP World expects more and more companies to use London Gateway. In 2000, the largest vessels could carry 8,000 TEUs (20 ft equivalent container units); now they can accommodate more than 18,000.

In September, the United Arab Shipping Company vessel, Al Muraykh, carrying a record 18,744 TEUs, called at London Gateway. The vessel is one of the largest in the world. According to its operator, the ship's capacity – containers are stacked 11 storeys above deck and 23 across the ship – reduces average carbon emissions from transporting containers from Asia to Europe by 60% compared with smaller vessels. DP World London Gateway Port's 12 quay cranes, which have arrived in phases between March 2013 and June 2016, each weigh 1,848 tonnes. They unloaded from the vessel 3,800 containers bound for the UK market.

DP World London Gateway Port

DP World, which operates 77 terminals worldwide, acquired the site in 2006 as part of its purchase of maritime company P&O. The Dubai-based company was granted a Harbour Empowerment Order (HEO) in May 2008, which established DP World London Gateway Port as a statutory harbour authority.

Phase one of the port construction, consisting of two berths, opened in 2013, with the first vessel, MOL Caledon, arriving from South Africa on 13 November. A third berth is due to open before the end of this year, with capacity for a further four berths in the future.

When fully developed, London Gateway is expected to have an annual capacity for more than 3.5 million TEUs (20 ft equivalent container units).

The port is designed to accommodate such large arrivals and, by combining a port and logistics park, DP World London Gateway provides a number of benefits to the supply chain. 'Distribution centres in the UK are historically located in the Midlands, with goods transported to these facilities from ports by road before being delivered throughout the country,' says Coulter. 'DP World London Gateway can help its customers lower the carbon emissions and costs by locating their hubs in the south of Essex, closer to the UK's biggest consumer market of London and the South East.'

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Firms act on modern slavery

Gordon Miller finds out how the UK construction sector is tackling human rights abuses in its supply chain

It took just one section of one piece of legislation to shine a statutory spotlight on a contemporary variation of an oppressive practice ostensibly abolished in the 19th century. Section 54 of the Modern Slavery Act (MSA) focused on transparency in supply chains, in particular the issues of human rights and forced labour in companies' global affiliations as well as their direct workplaces.

Introduced on 29 October 2015, s 54 requires all companies with an annual turnover of at least £36m to publish an annual statement outlining the steps taken to ensure there are no instances of slavery and human trafficking in their business and supply chain, or declare that no steps to confirm the existence of slavery or trafficking have been taken. It is estimated that s 54 covers 12,000 firms in the UK. First affected were those with a financial year ending on 31 March 2016. These were required to report by 30 September.

A business priority

In the construction sector, which accounts for 10% of the UK's gross domestic product, the transparency in supply chains (TISC) requirement is particularly significant because many firms have complex and lengthy production and distribution processes.

But complex supply chains and faraway suppliers are no excuse for inaction, as Kevin Hyland, the UK's independent anti-slavery commissioner, says: 'Managing supply chains cannot be overlooked and international borders are no excuse. Any person in slavery anywhere in the world is unacceptable. I am sure that no board member would say otherwise, and yet there are 45 million people in modern slavery worldwide.'

The TISC clause poses significant challenges for companies. Often there are so many links in the supply chain that the original source is difficult to trace. Even if firms can 'map' their supply chain, how do they ascertain the working conditions and human rights of all the workers who 'handle' their products? Non-governmental organisations (NGOs) can help. Several NGOs working in the human rights arena, such as the Ethical Trading Initiative, the Institute

for Human Rights and the Business & Human Rights Resource Centre, work with companies to help them to identify suppliers. They also provide resources to help companies manage suppliers and to challenge those suspected of engaging in exploitation.

The adage 'you can't manage what you haven't measured' applies if companies are to manage suppliers effectively. Supply chain software is increasingly sophisticated to help organisations map, measure and monitor global threats. Some commentators argue that 'big data' is essential to help eradicate the scourge of human rights abuse in the workforce and to enable businesses to continuously improve human rights. BSI Supply Chain Services and Solutions has a suite of intelligence and risk management tools to help organisations identify, analyse and manage global supply chain corporate social responsibility threats and areas of supplier non-compliance. These include its geographic risk intelligence solution SCREEN and the web-based risk and audit management tool Supplier Compliance Manager.

Being open

Critically, transparency and openness are necessary to begin the process and improve. Too many organisations believe transparency exposes them to risk – to their competitive advantage and share price to name two. Professor Jacqueline Glass, of Loughborough University's School of Civil and Building Engineering, believes this perception is changing. 'The implementation of the MSA has legitimised the conversation,' she says. 'Prior to the Act, [many] large companies didn't want to discuss the subject for fear of creating risk in their supply chains. The legislation has opened a conversation people are very keen to have.'

For others the potential damage to their reputation is the single biggest risk if modern slavery, forced labour or human rights abuses are found in their supply chain. Ron Reid, a partner at legal firm Shoosmiths, says: 'A company's response to the MSA is an issue that will be judged in the court of public opinion, not the law courts.'

The MSA has been criticised for lacking 'teeth', largely because it is not punitive to those who ignore it. Hyland disagrees: 'The lack of penalty is not a weakness. We need to see a change in culture, with consumers understanding the evil of modern slavery and businesses understanding their moral duty to respond.'

As anti-slavery commissioner, Hyland is prepared to celebrate success and work with anyone who discloses that they have found abuse in their supply chain and puts in measures to provide workers with good jobs in safe conditions. 'We must ensure that all employees are respected and not used as a commodity,' he says.

Best practice

The challenges are significant, beset not only by externalities, such as criminal motivation, but by complexity. Consider that many construction products are composites that will have been sourced from several global regions where neither ethical, responsible sourcing is practised nor basic human rights respected.





Factor in also what a firm can do if it discovers that a supplier is using modern slavery or forced labour. Is it responsible business practice to terminate the company's contract? The supplier may be based in India and employ several hundred people locally that depend on the work for their family's livelihood. Rigorous due diligence before engagement and contracting is therefore critical for all parties.

Monique Villa, chief executive of the Thomson Reuters Foundation, which promotes socio-economic progress and the rule of law worldwide, says: 'To meet the growing requirements you need a robust, risk-based approach when hiring new suppliers and third parties to ensure a proportionate level of due diligence is performed when doing business with certain industries or countries that may be classed as high risk.'

The due diligence needs to be sufficiently robust for boards to have the confidence to act on the recommendations. One way to guarantee this is to ensure the due diligence conforms to international standards. BRE, the science and research centre working primarily in the built environment, has developed its Ethical Labour Standard in consultation with the construction sector. Dr Shamir Ghumra, director of the centre for sustainable products at BRE, says: 'The standard has been developed to provide organisations with a framework to verify their systems and processes in relation to the MSA and continuously improve their ethical labour sourcing practices.'

More than 120 organisations helped BRE shape the standard and trial its use, testament, Ghumra says, to the willingness of the construction industry and firms in the wider built environment to do the right thing. 'These are organisations with complex international supply chains, so the ability they have to effect real change on a global scale is significant.'

Working together

Ghumra says cross-sector collaboration is vital because, within construction supply chains, the end labour source, say a quarry on the Subcontinent, is

the same one used by many UK-based companies – although many intermediaries may 'touch', repackage and add value to the materials and products along the way.

Stuart Croucher, group commercial services director at construction industry supply company Travis Perkins, says the sector ought to collaborate to find solutions to modern slavery. 'We need to avoid duplication, repetition and reinvention, and we all need to learn from those who have pioneered in this arena,' he says.

Marshall's, an external landscaping, interior design, paving and flooring products business, imports sandstone from India. More than ten years ago it acknowledged a need to understand, measure and monitor the environmental and social footprints of its operations and products. Today, it has mapped a significant proportion of its business impacts. The firm does not pretend it has been easy or that it has 'cracked it', but says the benefits of social and environmental engagement have been considerable.

Chief executive Martin Coffey maintains that there is a cast iron business case for a human rights programme: 'It takes into account risk mitigation and legislative compliance, but is much more to do with further driving and embedding sustainability specifically regarding human rights; working effectively and creatively within the UN system; selectively extending our area of influence; and ultimately creating competitive advantage for our business.'

Ultimately, as Hyland states, the modern slavery and broader business human rights agenda is a leadership issue that the construction sector has a moral responsibility and legal requirement to address. And s 54 has provided the necessary spur for action.

Gordon Miller is chief operating officer and co-founder of communications business Sustain Worldwide. It has convened with BRE the inaugural Modern Slavery and Ethical Labour in Construction Leadership symposium. The event is sponsored by BSI, Global Group and Travis Perkins and takes place on 10 November 2016 at the House of Commons – see MSA4Construction.com for details.

Rob McCann

Sustainable growth manager, Virgin Media



Why did you become an environment/sustainability professional? I took on a graduate placement with the head of sustainability at Royal Mail in 2007 not knowing anything about it, but it seemed intriguing! It was shortly after the Stern Report and Al Gore's *Inconvenient Truth* documentary came out and leading businesses were frantically trying to work out what climate change meant for them and what they should be doing.

What was your first environment/sustainability job? I was a sustainability adviser for Royal Mail Group working on external disclosure, developing the annual CSR report and delivering a range of projects, from recycling to employee engagement.

How did you get your first role? During my second graduate scheme placement with Royal Mail I supported the head of sustainability in setting up a comprehensive carbon management programme. I picked up knowledge of the area quite quickly and, as it was a growing focus for the company, a sustainability adviser role was created for me.

How did you progress your career? I've always sought and benefited from working for some big companies that have been at the forefront of sustainability as well as working with some great people. I've had the opportunity to work on a wide range of projects from across the sustainability spectrum, enabling me to have a broad set of skills, from the detail of carbon reporting to the strategic in setting corporate sustainability goals. I've also been keen to do new things and to continue to learn. Undertaking a master's degree while working full time, which many others have done, was a big commitment but has paid back through the doors it opened.

What does your current role involve? I help Virgin Media grow in a way that is good for society and the environment. The company is going through a huge growth phase with

the biggest expansion of its network in more than a decade. That comes with a range of responsibilities from across the sustainability agenda, whether it is driving energy efficiency, looking at the lifecycle impacts of products, creating a sustainable supply chain or being an accessible business. I work with all areas of the business to ensure there is accountability for issues and the firm has clear plans in place for driving change.

How has your role changed over the past few years? It is focused on wider environmental and social issues as well as being more influential in shaping our strategy and goals. I'm less involved in the day-to-day management of environmental issues.

What's the best part of your work? Seeing an area of the business 'get it'. When it 'clicks' there is nothing more satisfying. Usually it has taken months of work to get to that point.

What's the hardest part of your job? Working on such a broad agenda with so many parts of the business on what can be really big issues that could impact in the long term means there is rarely a full sense of completion.

What was the last training event you attended? An internal course called 'Get smart with conflict'. It looked at how to treat conflict as a positive and find ways to work through issues to get to a constructive outcome. This is essential in a sustainability role where you are challenging the status quo.

What did you bring back to your job? An understanding of when to shift between conflict management modes.

What are the most important skills for your role? Two stick out: stakeholder management because I have to build strong relationships so that people trust my recommendations for change; and being able to create clarity where there is little. This is essential when dealing with complex issues or trying to change

Career file

Qualifications:
CEnv, MIEMA, MSc, BSc

Career history:
2014 to date sustainable growth manager, Virgin Media
2011 to 2014 CR manager, environmental sustainability, InterContinental Hotels Group
2009 to 2011 environment manager, Royal Mail Letters
2008 to 2009 sustainability adviser, Royal Mail Group
2006 to 2008 Royal Mail HR graduate scheme

the way a department functions. Often people do not have time to co-create a solution so you need to be able to provide a clear plan of action that can be trusted.

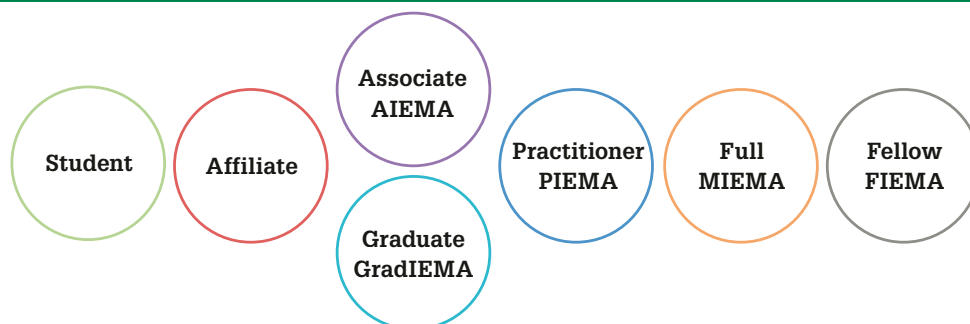
Where do you see the profession going? Many professionals say doing ourselves out of a job means we have done our job right! I cannot see that happening for a very long time, but I do see that the profession will require much closer alignment with, and skills in, core business functions, such as finance, marketing, brand and procurement.

Where would like to be in five years' time? I'm going to cheat and say in four years' time I would like to be sharing the huge successes of Virgin Media's 2020 goals after having made a real difference to the way the company operates and thinks about sustainability.

What advice would you give to someone entering the profession? Be confident about your knowledge and skills, and trust in your instincts. Also, pick up as many other business skills as possible because you will need to be as flexible as possible.

Latest member upgrades

IEMA would like to congratulate the following members on recently upgrading their membership as part of their ongoing commitment to learning and professional development.



Associate (AIEMA)

Quintin Holder, International Air Transport Association
Apurav Krishna Koyande
Chrishelle Pinto, The Emirates Group
Margaux Watkins, Quod Planning Services

Practitioner (PIEMA)

Omar Al-Amoudi, Sharq-Sabic
Sattam Al-Jamail, Petrokemya
Badr Al-Malki, Sabic Albayroni
Ziyad Al-Raddadi, GAS-Sabic
Saad Al-Rubyya, Sabtank-Sabic
Leigh Broadhurst, SITA UK
Andrew Brooker, Viridis Energy Norge
Laura Castellani, Groundwork UK
Michael Chambers, Linde Sterling

James Cobb, British Gypsum
Eve Collett, Collett & Sons
Alka Desai, Severn Trent Services
Joanne France, Communis
Christopher Fergusson, Cranswick Convenience Foods
Maria Anne French
Lucia Gonzalez, Hexcel Composites
Martin Greig, NOV Flexibles UK
Ahmad Habalreeh, Yansab
Bruce Harding, Greencore Evercreech
Daryl Henahan, HS2
Paul Johnson, NSG Environmental
Lee Kania, Itron Metering Solutions UK
Katherine Lee, Environment Agency
Mark Maguire-Ware, BAE Systems

Michael McGillicuddy, Department for Overseas Development
Louise Norman, Cummins
Panagiotis Papadopoulos, Coca-Cola HBC Greece
Duncan Parsons, PA Consulting Group
James Pearson, Environment Agency
Caroline Raynor
David Rodwell
Amanda Roe, Government Communications Bureau
Fiona Saunders, Arcadis
Sarah Still, RSK Group
Emma Sutton, SITA UK
Ronald Symonds, Royal Mail Group
Kevin Toutt, GKN Aerospace
Nigel Tovey, Warburtons
Lizaveta Troshka, AECOM
Euril Turner
Joe Underhill, Amey

Nicki Weir, BMR Construction
Nicola Wells, Tata Steel
Helen White, Fox's Biscuits
Peter Wilkens, RNLI

Full and Chartered environmentalist (MIEMA and CEnv)

Stuart Barker, BAE Systems
Caroline Brown, Mabbett and Associates
Adrian Davis, CEDA
Daniel Evans, Vinci Construction UK
Marty Forsman, Air New Zealand
Catherine Anne Myatt, Crossrail
Matthew Tompsett, EM Highway Services
Irina Todorovska, Hampshire County Council
Noel Woods, Jacobs Engineering UK

IEMA events

Date	Region/Time	Topic
9 Nov	Midlands	IEMA membership upgrade workshop and social
10 Nov	Midlands	Transition to ISO 14001: 2015
16 Nov	Northern Ireland	Social
23 Nov	Wales	Full member and CEnv mentor forum; network meeting and social
1 Dec	South East	Social
5 Dec	Yorkshire and Humber	Christmas social post-Brexit discussion with Martin Baxter
13 Dec	West of Scotland	Transition to ISO 14001: 2015; meeting and social
Webinars		
10 Nov	12.30–13.30 (GMT)	Transition to ISO 14001: 2015 – one year on
17 Nov	12.30–13.30 (GMT)	Making the most out of ESOS
24 Nov	12.30–13.30 (GMT)	The use of sustainability assessments on Crossrail – CEEQUAL and BREEAM
External events		
7–8 Nov	Epsom, Surrey	Sustainable Innovation 2016 bit.ly/1NFPtFG

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KD Environmental

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Landscape Partnership (The)

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Marine Ecological Surveys (MES)

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Nicholas Pearson Associates

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Peter Evans Partnership

Transport, planning and design

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Salary: Circa £30k

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