

Brexit: Impact on Environment and Planning

Most environmental law is EU-derived, and implemented via UK law. Technically, therefore, Brexit would make no difference to the applicability of these laws to UK business. That is less true of planning law, which is largely, though by no means entirely, UK-based. That said, for both political and practical reasons, the UK Government is likely to be under pressure to, at least, simplify some of the current rules. Even some Remainers (including George Osborne) have criticised EU environment and planning rules, for instance, describing rules on the protection of habitats as placing a “ridiculous” cost on business.

However, there are two factors that would restrict the UK’s ability to initiate a major retreat across the board in environmental and planning laws: first, any deal with the EU which involved continued access for the UK to the single market will mean that EU rules on product safety and waste (amongst others) would continue to apply to businesses exporting to the EU and secondly, the UK’s international treaty obligations on public participation in environmental decisions and access to environmental information would continue to apply to the UK, thus meaning rules on environmental impact assessment in particular will survive in some form.

The extent and manner of the UK’s participation in the EU ETS will be an area of some uncertainty, however given the UK’s historical leadership in this area, and its signing of the 2015 Paris Agreement, a substantial watering down of emissions-related commitments is highly unlikely. Depending on these matters, we might see some softening in the UK environmental and planning rules through the emergence of mirror systems to those of the EU but a wholesale retreat from environmental and planning protections seems unlikely.

Michael Hutchinson

Partner

E: mhutchinson@mayerbrown.com

T: +44 20 3130 3164

Americas | Asia | Europe | Middle East | www.mayerbrown.com

MAYER • BROWN

Mayer Brown is a global legal services provider advising many of the world’s largest companies, including a significant portion of Fortune 100, FTSE 100, CAC 40, DAX, Hang Seng and Nikkei index companies and more than half of the world’s largest banks. Our legal services include banking and finance; corporate and securities; litigation and dispute resolution; antitrust and competition; US Supreme Court and appellate matters; employment and benefits; environmental; financial services regulatory and enforcement; government and global trade; intellectual property; real estate; tax; restructuring, bankruptcy and insolvency; and wealth management.

Please visit www.mayerbrown.com for comprehensive contact information for all Mayer Brown offices.

Mayer Brown comprises legal practices that are separate entities (the “Mayer Brown Practices”). The Mayer Brown Practices are: Mayer Brown LLP and Mayer Brown Europe-Brussels LLP, both limited liability partnerships established in Illinois USA; Mayer Brown International LLP, a limited liability partnership incorporated in England and Wales (authorized and regulated by the Solicitors Regulation Authority and registered in England and Wales number OC 303359); Mayer Brown, a SELAS established in France; Mayer Brown Mexico, S.C., a sociedad civil formed under the laws of the State of Durango, Mexico; Mayer Brown JSM, a Hong Kong partnership and its associated legal practices in Asia; and Tauil & Chequer Advogados, a Brazilian law partnership with which Mayer Brown is associated. Mayer Brown Consulting (Singapore) Pte. Ltd and its subsidiary, which are affiliated with Mayer Brown, provide customs and trade advisory and consultancy services, not legal services.

“Mayer Brown” and the Mayer Brown logo are the trademarks of the Mayer Brown Practices in their respective jurisdictions.

© 2017 The Mayer Brown Practices. All rights reserved.

Attorney advertising. Prior results do not guarantee a similar outcome.