



Environment, planning and regulatory news

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INTERNATIONAL

IPCC for biodiversity approved

The international community has recently given its approval to form a global science policy panel on biodiversity and ecosystem services. The move follows widespread concern that there is a lack of data on and understanding of biodiversity and how it contributes to economic prosperity – and that this has prevented action to preserve it. A recent study for the EU Commission estimates the annual cost of biodiversity loss is \$2-4.5 trillion per year, while a 2009 United Nations (UN) report shows that existing biodiversity targets have been missed because the underlying causes of nature decline, such as unsustainable consumption, are not being addressed.

Like the Intergovernmental Panel on Climate Change, the Intergovernmental Science Policy Platform on Biodiversity and Ecosystem Services will carry out peer reviews of scientific literature that documents accelerating declines in and degradation of the natural world and outline policy options that it hopes will bring about the government action needed to reverse such trends. It will also bring to the attention of governments ‘new topics’ identified by science, detailing what is known and those areas where more research is needed.

The agreement is expected to be formally endorsed by environment ministers attending the UN Environment Programme Governing Council/Global Ministerial Environment Forum at its next session scheduled in February 2011.

FRANCE

Grenelle 2 adopted

The French parliament recently passed a law to implement the general public policy for sustainable development established by *Grenelle 1* (see the October 2009 edition of [Environment, planning and regulatory news](#)). *Grenelle 2*, which was adopted on 29 June 2009, details the practical implementation of *Grenelle 1* and includes the areas outlined below.

- Development and planning: the law intends to improve the energy performance of buildings and modify the urban planning code (*Code de l'urbanisme*) to include environmental objectives.
- Transportation: the law promotes the development of urban and suburban public transport systems, as well as railway, waterway and sea transportation over road transport systems for moving goods. Towns of more than 300,000 inhabitants will be allowed to pilot road charging schemes for three years.
- Energy and climate change: companies with more than 500 employees will have to establish a greenhouse gas emissions inventory. Liquid fuel, electricity, gas and heating systems are subject to energy savings obligations, which can be fulfilled by acquiring energy savings certificates. New provisions also allow carbon storage pilot schemes to be developed. Wind-generated energy is subject to strict regulation.
- Biodiversity: new provisions of the environmental code define the ‘green and blue grid’ (*trame verte et bleue*) linking natural areas, but they will only have

to be 'taken into account' (as opposed to 'complied with') in urban and infrastructure planning. Other measures seek to protect species and habitats, water and the marine environment.

- Health and waste: new measures to prevent noise, light and air (including internal air) pollution are included. Other measures apply to electromagnetic waves (in particular to limit human exposure through mobile phones, including specific rules to protect children) and nanomaterials (whose use must be declared to the administrative authority).
- Companies' obligations concerning the environment: like listed companies, unlisted companies exceeding certain thresholds (to be specified in a future decree) and credit institutions will have to provide environmental information in their annual management report. A parent company may be required to, or decide to, bear any remediation costs incurred by one of its subsidiaries (as an operator) if it is defaulting or insolvent. From 1 July 2011, carbon labelling will also be tested on some consumer products.

Grenelle 2 should be published in mid-July, but a large number of decrees will be needed to implement it.

GERMANY

Reform of waste recycling and management law planned

The Federal Ministry of the Environment has recently published a draft law seeking to reform the current German Waste Recycling and Management Law. The draft is being discussed with the other ministries, the states and the administrative districts.

This draft law has three main aims:

- to implement the new European Waste Framework Directive into the German law;
- to refocus waste management on protecting resources, the climate and the environment; and
- to increase legal certainty by clarifying some of the more ambiguous rules of the current law.

One main part of the reform is to extend the waste hierarchy. The current three-step hierarchy (prevention, recovery and disposal) is to be replaced by a waste hierarchy with five steps (prevention, preparing for

re-use, recycling, other recovery and disposal) aimed at further boosting re-use.

To improve resource efficiency, the following changes are also planned:

- raising the 2020 recycling rate to 65 per cent for municipal waste and 80 per cent for construction and demolition waste. These targets exceed the requirements of the Waste Framework Directive (which are 50 per cent and 70 per cent, respectively). The Federal Ministry of the Environment regards these levels as economically appropriate because of Germany's highly developed waste disposal structures;
- bio waste should be collected separately nationwide until 2015; and
- introducing a new bin in domestic and commercial premises to collect packaging and similar items.

The so-called 'dual disposal responsibility' between public and private waste collectors remains untouched, apart from some clarifications. Waste from private households will still be collected by public waste collectors.

UK

Interim arrangements for proposed major infrastructure projects

Following last month's queen's speech, the decentralisation minister, Greg Clark, has confirmed the interim arrangements that will apply to approving major infrastructure projects, pending the abolition of the Infrastructure Planning Commission (IPC) (see the June 2010 edition of [Environment, planning and regulatory news](#)).

The IPC will be replaced by a new Major Planning Infrastructure Unit (MPIU), which will be part of the Planning Inspectorate and will, as previously, conduct inquiries before reporting to ministers – who will make the ultimate decision. The statutory timetable for decision-making will be the same as the fast-track timetable that currently applies.

Until 2011, when the bill to achieve this is expected to be passed, the IPC will continue to determine applications for major infrastructure projects where there is a national policy statement (NPS) in place. If an NPS is not in place,

the IPC will look into the application and report to the minister with its recommendation, who will then make the decision. Transitional provisions will ensure that any applications still being considered by the IPC when it is abolished will be taken over by the MPIU.

Review of health and safety law announced

The new coalition government has recently announced a review of how health and safety laws operate and the growth of compensation culture, following the appointment of the Rt Hon Lord Young of Graffham as adviser to the prime minister on health and safety law and practice. Lord Young is expected to report on the outcome during the next few months.

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