

‘Soil protection – are we moving in the correct direction? Experience from England and the European Union’

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Abstract

This paper describes the context for legislation and policy to protect soil in England and the European Union. A common will to protect soil does exist but administrative differences between nation states have led to an impasse in achieving a shared agreed legislative framework. A way forward is needed.

Key Words

Ecosystem services, soil degradation, soil policy, legislation.

Introduction

In the latter part of the twentieth century and the first decade of the twenty first century there has been increasing recognition of the importance of soil within the global environmental context. The pedosphere (soil) is now viewed by many as playing an often key role at the interface of the lithosphere, hydrosphere, biosphere and atmosphere, interacting with these other environmental components to provide many of our needs and enabling us to occupy and sustain our lives on the surface of the earth as well as sustaining natural terrestrial ecosystems. Whilst this essentially non-renewable resource comprises a layer at the surface of the Earth which ranges in thickness from just a few centimetres to at a maximum a few metres its often key role in the provision of services to sustain the human population has resulted in the recognition that we must protect the soil to prevent its damage and its potential loss. This recognition of the essential roles played by soil has, in many countries perhaps somewhat belatedly, resulted in the development of legislative frameworks to outline why the soil should be protected together with the presentation of frameworks of strategies to ensure the maintenance of this provision of services. In many situations this is supported by a regulatory system which monitors the state of the soil and seeks to ensure that actions which degrade or destroy the soil are prevented. Many of these strategies to protect soil focus on the functions or environmental services provided by the soil and the threats to the performance of these functions, as a result of misuse or mismanagement of the soil resource, as a result of environmental change, or by external non-soil related actions.

Legislative and policy approaches in the UK and European Union

Some of the approaches adopted by national and supra-national governments to protect soil and its functions and services, are illustrated by examples from England and the European Union. In England a ‘Soil Action Plan 2004-6’ (DEFRA 2004) was followed in 2009 by a ‘Soil Strategy for England’ (DEFRA 2009) In the European Union, following a period of data gathering and discussion across Europe from 2002, ‘The Thematic Strategy for Soil Protection’ was produced in 2006 (European Commission 2006a), with plans to produce a ‘Soil Framework Directive’ to provide the legislative context and requirements to support soil protection across the Member States of the European Union (European Commission 2006b).

Future directions

To date there has been no agreement amongst Member States as to how, or indeed whether, to proceed towards such a common Directive (see, for example DEFRA 2007). The strengths and weaknesses of the various approaches will be discussed, with the identification of potential pitfalls which might inform others beginning to move towards a legislative framework to protect soils. In conclusion, given the many actions to protect soils at National and other levels, consideration will be given to whether now is the time to consider moving towards an international convention to protect soils. Should we seek to develop a United Nations Convention to Protect Soil (see for example Hannam and Boer 2004)?

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