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Autopilot or risk mitigation? How Whitehall is continuing to deliver post-Brexit EU policies

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Abstract

When questions are asked about how the civil service is preparing for policy development and delivery beyond Brexit, it appears that there are activities being undertaken within Ministerial view and those, according to Jill Rutter of the Institute of Government, that are more likely to be submerged out of Ministerial sight. While the preparations for Brexit appear to be dominating Whitehall's attention, particularly but not exclusively in the lead departments of DExEU, the Treasury and No 10, there is also some evidence that preparation for initiatives that the UK might have expected to implement in the next EU programme period 2021-2027 continue to be made. These include new approaches in transport policy, multi level governance, strategic planning and affordable housing. While many of these policy and implementation initiatives are not specifically identified with an EU policy within their domestic framing, as is the custom and practice of the UK civil service, their use of common language identifiers and outcomes suggests otherwise. Further, close discussion and engagement with officials working on these policies fix their EU provenance. This paper will examine the context for this policy continuity and discuss whether these actions are related to an approach to risk mitigation against a 'no' Brexit scenario emerging or whether they represent an auto-pilot response from civil servants and departments that have largely been left to their own devices outside the wider Brexit focus currently dominating government. A further issue may be that this approach represents a denial of a Brexit outcome by officials in

the longer term. This paper offers an opportunity to consider the role of the civil service within the context of Brexit and its response to preparations for the future.

Introduction

Following her appointment as Prime Minister (PM) after the Brexit referendum in June 2016, Theresa May introduced some institutional changes to the Government's departmental structure using the machinery of government to create two new Departments. The Department for Exiting the European Union (DExEU) was established to lead the Government's negotiations with the European Commission which had appointed a lead negotiator. This Department was to sit alongside the Foreign and Commonwealth Office (FCO) partly to develop a knowledgeable negotiating team and partly to offset criticisms of the leave members of the Conservative party who vociferously expressed the view that the FCO was strongly in favour of remaining and was using its advice to promote a softer Brexit. The second new department was the Department for International Trade (DfIT) which was established with the purpose of developing more trade with countries outside the EU so that agreements could be signed immediately the UK leaves the EU. DfIT was established through the international trade teams existing in Department of Business, Energy and Industrial Strategy (DBEIS) which was then given an internal focus of preparing an Industrial strategy that would support the UK economy through the Brexit process and after in the world markets.

The creation of these departments was an outward and visible sign of preparation for Brexit which was designed to provide some confidence and sense of direction despite the uncertainty of the PM's negotiating position. However, these new departments were not solely in control, of the Brexit negotiation processes. Within the centre of government, the core executive comprising of Her Majesty's Treasury (HMT) and the Cabinet Office (CO), particularly through its European secretariat remained in the policy lead for negotiations behind the scenes. At the same time the FCO maintained its responsibilities for gaining intelligence through its networks of missions throughout the EU and the rest of the world. While HMT and the CO could be expected to play roles that were distant and remained within their existing spheres of competence, the role of the CO European secretariat is less well known. Within the core executive, it has been the CO that has been the pivot between managing negotiations between the UK and EU on major policy and programmes and then determining how these policies should be implemented by the operational departments. The CO has been responsible for determining an overriding narrative that would suit the political

ideology of the prevailing government or preparing policies that would be attractive to members of an incoming government should a general election be expected to change national party control. They have also been responsible for selecting the methods of delivery and compliance which operational departments have then put into effect.

The role of the CO's European secretariat came to prominence when they were responsible for producing a number of the reports on the balance of competences prior to the UK's negotiations on leaving the EU in conjunction with the FCO (FCO 2012). In their role of determining how the UK's EU commitments for delivery of legislation and policy programmes within the UK, the CO has also been concerned with the delivery within a devolved UK. Scotland and Wales are responsible for the determination of the delivery of these EU programmes to a greater or lesser degree and this has been their foremost role since their devolution institutions were established. The responsibilities of the devolved administrations in relation to the EU legislation and programmes was set out in their foundational legislation which was anchored on EU principles of subsidiarity. At the same time the delivery departments in Whitehall also had a role in applying this policy and legislation. For DEFRA, like the devolved administrations, the delivery role has been clear not least because the UK's pooling of agriculture and fisheries within the EU has been clear from the outset. Farmers have both received payments through the Common Agricultural policy but have also been operating within EU agreed methods of working and regulation in open ways. Similarly, the Common Fisheries policy has been overt and made more public through its vociferous lobby to return fishing in British waters to UK control from the outset in when the UK joined the EU in 1972.

In addition to these overt relationships between government departments and EU agreed policy delivery, there has also been a second approach where the CO has used post political methods including statecraft and scalecraft to be more opaque about the EU derivation of policy and its delivery. In 2010, the PSA and the Institute for Government held a poll of which policies had been most successful in the UK since 1980. While not being recognised in the selection of these policies and their subsequent discussion, Morphet (2013) found that all top ten policies had been agreed for delivery by the UK within the EU. They represented a demonstration of pooled competencies in practice.

It is not only in these policies where there has been an obscured approach to delivery, particularly within England. Here the CO has also been responsible for the packaging of these UK/EU commitments in forms that could be implemented through the delivery departments of government. In managing this style of submerged delivery, the policies have been detached from their EU provenance and set within a policy narrative that has found ways to deliver them through a domestic policy agenda. Such has been the success of this approach that neither civil servant's delivering these policies and programmes and those engaged in civil society and tiers of government have no understanding of their sources and would deny this if questioned on these issues. Further, this opaque approach has been protected by an anti-EU culture and a discouragement from raising these wider issues within policy debates. The EU provenance of policy and legislation is not mentioned in policy documents or discussions not only from government but also from think tanks such as the Institute for Government.

This domestic appropriation of EU policy narratives is different from other countries in the EU where there is much more public knowledge of policies and programmes. This was clearly demonstrated during the Brexit referendum when, on TV and radio programmes, politicians and experts from other member states were using as common parlance the way different EU programmes were operating, their objectives and outcomes which clearly had no meaning for the UK journalists and commentators in these discussions.

This opaque culture has particularly been apparent in two delivery departments – the Department for Transport (DfT) and the Ministry of Housing, Communities and Local Government (MHCLG). This has meant that it is something of a problem for the CO to suddenly move from an opaque to an overt approach EU policy within these departments to prepare for Brexit. These departments have had a specific core team established to work on Brexit preparation issues as far as they understand them in relation to their core functions. As Owen and Lloyd (2018) have shown, most Government Departments have increased their Brexit teams through specific recruitment to these roles, maintaining a separation from what is regarded as the core business of the Department. Further, such is the distance in

understanding between the MHCLG's understanding of the relationship between UK/EU policies being delivered by the Ministry, that it has not requested any funds for additional staff to work on Brexit from HMT.

At the same time, the other departmental staff, in the clear majority in each case, have been told that they need to operate within a 'business as usual' model. If it has been impossible to reveal to these departments to the extent to which their policies and programmes have been directly linked with the UK's agreements made within the EU, this would require significant changes in departmental culture. This is an issue within DfT and MHCLG where a high proportion of their policy and delivery activity is within areas where the UK has pooled within the EU. In the DfT this is almost 100% and for MHCLG, it has been less with policies such as housing and planning being outside EC areas of competence and UK/EU agreements. However, the changes in the Lisbon Treaty in 2007, where the EC has now a lead role in territorial cohesion and the recent agreement on the UN's Sustainable Development Goals (2016) across all EU member states has now brought both planning and housing to the table for future policy development and legislation at EU level.

EU policy development and delivery: the use of programme cycles

When approaching policy and delivery of programmes, the EU operates in 7-year cycles. These are most commonly understood at key points when there are changes in the appointment of Commissioners by each member state. Less well recognised within the UK is that this is considered within the setting of a budget (usually known as the Multi Annual Financial Framework or MAFF) and the future work programme for the next seven years. This process of budgeting and associated delivery programmes is overseen by the President of the European Commission when appointed for this term. As Goetz and Meyer-Sahling (2009) demonstrate, the temporal components of these seven-year programmes are essential as a mechanism to allow the resetting of policies within member states to be associated with national elections – usually on five-year terms - to allow for their implementation mechanisms to be established and start delivery.

While these programmes have been negotiated within the member states before being finalised and agreed within EC Directorates General (DGs), are being increasingly criticised for their silo modes of operation (Trondal 2011). Following the Lisbon Treaty, there have been moves to reduce the barriers to delivery that are associated with these silos (Borras 2009) to bring together those policies and programmes in the pursuit of *integration*. One of the policy areas that has been selected to increase integration has been the policies and programmes that operate at sub state levels into common programmes that can increasingly be managed within single, programming processes at the local level (McCann and Ortega-Argilés 2013). Here there is an expectation that the programmes will be operated within the two principles of subsidiarity and fairness and have been significant in developing the EU direct relationships across the EU at sub state level. However, these seven-year programmes also operate in other more strategic programmes with longer delivery timescales such as the Trans-European networks which have time horizons of 2030 and 2050.

It is also the case that while the member states (MS) are implementing these programmes, the EC together with the MS are preparing for the subsequent programme. Unlike the UK, the EU has a cumulative approach to policy and legislation (Morphet 2013) that is sometimes desired as being 'geological' (Connelly 2017). In this approach, most frequently exemplified in the preambles to all EU policy and legislation, is the Biblical Old Testament line of descent from the foundational treaties of any specific action undertaken by the EU institutions, generally started with the word 'whereas'. Further, at the same time as the EC are preparing for the next programme period so are member states attempting to influence the ways that these programmes are devised, including their priorities and their mechanisms for delivery. While having a key priority included in the next programme period is significant for any member state, the chosen method of delivery is also important. Here there will be benefits of not having to apply political capital to implement agreed programmes. Where the EC uses a member state's method of delivery, it will be possible to rely on existing state delivery mechanisms. There are also benefits in terms of new policy adoption and transition costs to member states which can be avoided if the EC adopts the existing approach in any individual member state. Further, if a current methodology is adopted by the EC there are opportunities for the that member state to offer consultancy services to other states in delivery these

methods. It also provides successful states with more time to work on the other programme initiatives (Young 2010).

While this preparatory approach to programme development and implementation is common member states, there has sometimes been less understanding of its role in practice. In the UK, as part of the Brexit discourse, there have been criticisms of blind compliance on the part of the Government or that new legislation is being imposed on the UK by the EU without any previous knowledge even where a cursory examination of the EU Council agendas, attendee lists, and decisions would show that the length of time that the UK has been involved in negotiating each of these issues. Even where the preferred within of delivery has not been the one in operation in the UK, then there has been preparation for future implementation through Government initiatives. It can be argued that the introduction of new localism (Balls 2002) was in preparation for the final implementation of subsidiarity in the Lisbon Treaty which was expected to be signed in 2005 in time for the 2006-2013 programme period. This was delayed by the then UK Prime Minister Gordon Brown until 2007 and this gave the EC a further period of consideration for the implementation of sub-state policies for the next programme period 2014-2020 (Pires 2010).

A second area of implementation preparation was the establishment of Local Enterprise Partnerships (LEPs) in 2010 by Eric Pickles. While the application of subsidiarity was increasingly embodied in the EU cohesion programmes, in England Whitehall did not favour the devolution of resources to the democratically elected local government. This was particularly the case when the austerity narrative was such a vital component of the change rhetoric of the Conservative Party in the incoming Coalition government (Lowndes and Pratchett 2012; Lowndes and Gardiner 2016; Ferry and Murphy 2017). When the UK prepared its proposals for LEPS, that are self-appointed, undemocratic bodies without any legal underpinning, to be the main implementers and funding recipients of the 2014-2021 Cohesion programme (HMG 2014a and b), the EC threw out this approach as undemocratic. Although the UK Government had to amend its stance on delivery (CEC 2014a), the temporal allowance for policy adjustment within the EU meant that the UK had much of this seven year

programme period to effect change. In the short term, at least, this left the CO and HMT with responsibility for the programme funding and delivery for up to another seven years while still using LEPs to deliver growth and European Investment plans. One concession was made to introduce one of the EC's preferred models for delivery, the Integrated Territorial Investment strategies in Cornwall and the Isles of Scilly (CIOS 2016).

As the programme for 2014-2020 is being delivered the member states governments are working with the EC for the preparation of the next programme for 2021-2026. This will include preparing their own domestic policy agendas to align more closely with what is expected in the next programme to reduce transition costs. In this next Cohesion programme delivery period, further implementation of both sub-state and territorially based integrated programmes are being prepared by the EC. In the UK it would be expected that the Cabinet Office would be preparing the delivery departments for these policy changes and signalling any institutional reforms that might be required. Given the UK Government's commitment in the 2014 Partnership Agreement that it would devolve funding and policy leads to local government in England in the same way as this has been devolved to Scotland and Wales governments, it might be expected that some reforms would be underway. However, with the disruption of Brexit would there still be any need to continue with meeting these policy commitments? While those changes in institutional structure in favour of devolving funding such as the creation of combined authorities with directly elected mayors had begun before the Brexit referendum, would there be any need to continue this process of creating larger local authorities with more devolved financial powers?

Auto-pilot or risk mitigation – continuing policy delivery despite the Brexit referendum?

However, as the Government's delivery departments have been instructed to maintain business as usual, it could be expected that they are continuing to prepare for policies and programmes that could be rendered null and void post Brexit. Is there any evidence of this business as usual approach and what might be underlying drivers of this be on the part of the CO which could redirect this activity? Also, is there any other evidence of major programmes preparing for operation within the next programme and budget period continuing as if Brexit

was not expected to happen? In the next section, two of these policy developments with their associated preparation for implementation are considered and this will be followed by a discussion as to there is any overriding purpose in this approach or whether they reparent a Government too distracted with Brexit matters to make any other changes to apparent domestic policy. The two case studies selected are in policy areas where there would be no expected continuation after Brexit – that of Cohesion and Trans European Networks for Transport (TEN-T). While there will be some expected continuation of relationships between the UK and the EU for example in the application of WTO trade rules and UN environmental policies following Brexit, on these two areas, they are likely to be policies lost and future delivery expectations, currently being developed within the EU, foregone (Morphet 2017). The UK government has stated that in the case of Cohesion policy, that it will take on the policy directly. In the case of TEN-T policy, no statement has been made about the future relationships between the UK and EU although there are no specific mechanisms for them to continue even if EU policy is rolled into UK legislation as they depend on links with other member states to be successful.

Case study 1: Cohesion policy

As cumulative policy model that is used within the EU means that the programmes set for seven years are expected to build on their immediate predecessors. This means that the approach to devolving EU cohesion policy is expected to take a further step in the coming programme period. Within the EU Cohesion Regulation 1303/2013, integrated programmes particularly for rural areas known as Community Led Local Development (CLLD) have been required (CEC 2014). These have built on CLLD programme approaches in the preceding programmes and have gained in their role of integrating EU programmes at the local level (Thuessen and Nielsen 2014). CLLD programmes are for areas with populations between 10,000-150,000. The Cohesion Regulation also included a programme model for Functional Economic Areas (FEAs) that is set out in its guidance for Integrated Territorial Investments (ITIs) (URBACT 2015; CEC 2014c; CEC 2015). The use of ITI is not mandatory in the 2014-2020

Cohesion programme period and not all member states have implemented them as options in the current period (CEMR 2015). The only example in the UK is in Cornwall (CIOS 2016).

Notwithstanding Brexit, if the UK was implementing a change in devolution to local authorities in England as a response to the agreement with the EC in 2014, there has to be some mechanism to remove, reform or replace the LEPs to meet these agreed obligations. However, the Government's approach to establishing several Combined Authorities in 2017 (Sandford 2016) that represent quasi-FEAs, together with the introduction of a range of small scale piecemeal local government reorganizations into larger units (eg Buckinghamshire and Dorset into unitary authorities and combining district councils in Suffolk) is being implemented in a slow albeit continuing way.

Within the EC, there is increasingly likelihood that in the 2021-2026 Cohesion programme that the use of ITI programmes will be adopted across all the EU's territory. While the Strategic Economic Plans (SEPs) and European Structural and Investment Fund programmes (ESIFs) prepared by English LEPs under the centralised approach in the 2014-20 agreement, would be one mechanism to attempt to introduce this role, there remains a series of issues to be resolved. The first is for institutional reform moving at a faster pace so that LEPs can be replaced by democratically accountable bodies. Secondly, there remains a dissonance between the LEP processes for SEPs and ESIFs and the local authority led local planning regime which is responsible for land use planning within their areas. While local plans are required to acknowledge the role of LEPs and the contents of SEPs and ESIFs in their local plan preparation, these relationships are not the only determinants of their plan policies, that are legally binding within decision making on land use. One approach to meet the commitment made by the UK to the EU in 2014 to make put cohesion plans within the scope of democratic decision making could be to place the SEPs and ESIFs within the local plan system particularly through an expansion of the infrastructure delivery programmes that all local plans are required to include. Within Combined Authorities, the directly elected mayors have a range of powers that vary with some having strategic planning powers. Further these Combined

Authorities, both established and being agreed, may include most of the English population, although they do not include most of the land area.

While the government could move quickly to nudging all local authorities to establish combined authorities, following an early push to do so through bidding in 2016, there may not be enough capacity in Whitehall to manage this politically while it is implementing Brexit. But this is also to conclude that the Government wishes to continue this programme when there may be no further need to comply with these agreements or the expectations of future EU programmes after March 2019. However, it appears that the Government is continuing the path of both complying with its 2014 agreement with the EC and preparing for the next programme period. The draft revised National Planning Policy Framework (RNPPF) launched by the Prime Minister (MHCLG 2018) there are proposals to change the local planning system into one that more closely aligns to that set out in CLLD and ITI guidelines with an increased focus on delivery.

This approach is a major change in the structures of local planning systems which have been in place since 1991. It proposes that each local authority should have a strategic plan with its neighbours. The areas defined for these plans are not specified for the whole of England although they will be for combined authority areas where these exist regardless of whether directly elected mayors have planning powers. It could be assumed that the existing LEP areas will form the underpinning for these strategic geographies. The mechanisms for achieving the governance structures for these new strategic plans outside combined authorities are also not specified. These could be based on local authority joint committees or could hasten the implementation of more combined authorities in practice. As Townsend (2017) notes, in 2015, many local authorities made bids to central government to become combined authorities and for the most part these bids have been lying dormant since their submission. It is possible that these could be resurrected, and local authorities offered some financial inducements for their implementation as part of these reform processes.

This major reform of the scale of plan making has not had much public preparation or underpinning narrative, although the role of local plans has been consistently destabilised by

successive governments. In the proposed approach, the strategic plan will provide a combined approach to housing delivery and introduce a consistent approach across England at this scale. By introducing a strategic planning mechanism, accompanied by the existing local and neighbourhood planning systems, it is possible to see long term government preparation for this change to introduce ITI within democratic control and broaden the role of CLLD for smaller areas. This approach will meet the requirements of the agreements made in 2014 to achieve this democratic switch by 2020. In this we can see the UK's exit velocity to meet the its commitments for reform and devolution so the current programme bur also to prepare for the forthcoming EU Cohesion programme from 2021 onwards.

So why has this approach been taken when Brexit suggests that there may be no continuing need to company with institutional restructuring at sub-state level in England? The first reason could be that this is a heavily invested policy through political narratives and has the support of HMT which needs to meet EU macroprudential and OECD guidance on housing delivery. Secondly, it could be that this approach to work at FEA and neighbourhood level meets the requirements of the UN's SDG goal 11 on the New Urban Agenda to which the UK is committed and requires spatial delivery plans at these scales. It could be that the government is just on auto pilot and continuing with this approach is easier in the Brexit period that changing policies. Alternatively, it could be a risk mitigation measure to ensure that whatever outcome of the current Brexit negotiations, remain or another form of treaty relationship, then at least this policy will be in alignment with forthcoming EC programme expectations.

Case study 2: Trans-European Networks for transport

The trans-European networks for transport (TEN-T) were established in 1996b following an intervention by the UK Prime Minister John Major when the UK held the Presidency of the EU in 1992. The expected expansion of the EU through the accession for many new members from the eastern states of Europe, posed both an opportunity and a challenge for the existing

members and their budgetary arrangements. The opportunity was the EC's access to skilled labour at lower pay rates that could provide support to the declining populations of the existing member states. In the UK, subsequent Blair governments used this opportunity to increase the size of the economy and the population through increasing migration and birth-rates at a time when these were in decline elsewhere in the EU.

However, there was also a key challenge for existing member states. To access the potential for the existing members of the EU by offering goods to new consumer markets in the east there needed to be considerable investments in the provision of infrastructure, particularly transport. While transport had been a competence of the EU since the Treaty of Rome, much of the EU's focus had been on regulations and interconnections which would support the customs union and single market. Where there had been capital investment in direct provision of infrastructure, this had been focused through the structural and then cohesion funds in countries where there was both lower GDP and lower income. For many years Spain, Portugal and Ireland had been main recipients of these funds. In recognising the need to expand the EU's membership it was also recognized that these existing member states would no longer be the poorest in the EU. To respond to both issues, Major proposed changes to the cohesion funding approach and the establishment of a major new transport investment programme. In the change to cohesion policy, this introduced a move to provide more loans than grants. In transport, it was proposed that the EU should designate some strategic routes across its existing and expanded territory that would both allow some projects for existing member states but would also include projects for improvements in the accession states, through a focus on fixing missing links and bottlenecks within these newly designated routes or corridors as they were to be known.

The TEN-T Regulation and its accompanying investment programme was agreed in 1995 which defined the alignment of these newly defined corridors as east-west. Each corridor was to be supported by three modes of transport along the whole route. Each corridor was supported by a specific group and programme within which member states could identify their preferred projects for dealing with missing links and bottlenecks. The programmes

allowed for EU funding contributions to develop these projects through successive stages into delivery with some eventual contribution for the projects selected for implementation. The proportion of EU support was higher in accession states. In the UK, the TEN-T corridor from Crete to Donegal was primarily seen as improvements to the A14 road from Harwich to Holyhead with significant upgrading on sections of the route but also included projects such as the Cambridge guided busway. The UK benefitted substantially from these programmes (DfT 2012; CEC 2013) and even where there was no direct funding contribution, loans were available through the European Investment Bank (EIB 2018) and latterly the Juncker investment fund from 2010.

While the development of this first programme of TEN-T routes has been modified, the east west orientation has remained as an operational objective. Following the economic crisis in 2008, there were unemployment problems in all the member states with issues of youth unemployment in Greece and Spain. It was agreed that TEN-T should be reviewed. The resulting regulation 1315/2103, agreed that there should be a new set of set designated strategic routes across the EU's territory, this time linking areas north and south. In the UK the North to Mediterranean corridor was adopted as one of 13 designated. At the same time, in line with integrating policies and programmes between DGs in the EU and as part of its shift to the territorial basis of policy and away from silos, the 2013 regulation also included the provision to establish a second network of designated routes. In this case, the strategic networks designated in 1996 and 2013 were known as core routes while the new network would be designated as a comprehensive network. The comprehensive network was to fit within the core network, to make links to it and to improve more sub-state interconnectivity between FEAs. There was also a connection between these comprehensive routes when designated and EU sustainable urban mobility policies at the local level.

In determining this new comprehensive network, the intention expressed in Regulations 1315/2013 was that this should be designated on or by 2030. The process of developing the comprehensive route networks was to be within member states and proposals were to be put forward to the EC. While there this was a relatively long lead in time to achieve these new

comprehensive networks designations, the UK moved forward on these proposals rapidly with the focus on a defining the comprehensive networks structure in England. The institutional apparatus of LEPs provided an opportunity for the creation of a policy progression without any rapid turn but there was also a need to consider the justification of such comprehensive networks. This had to be considered in the light as the EC's growing interest in both FEA policies and its Urban Agenda together espoused with the OECD. In terms of identifying the potential new comprehensive networks in England, the LEPs would not be accepted as the main instigators within the EU framework while their areas were too small for the scale envisaged.

The UK's institutional response was to create the National Infrastructure Commission (NIC) in 2015, with an independent chair and a remit that specifically lasted longer than an individual Parliamentary term of five years. Lord Adonis a former transport minister in the Labour government was given the role of chairman and he was supported by a range of independent commissioners and experts. They started work by commissioning a range of studies in 2016 (NIC 2018).

When the result of the Brexit referendum was known, this provided some problems for the role of the NIC. It had begun its work, that included ways in which it was going to progress the designation of EU Comprehensive routes but the key issues facing the Government, specifically the CO and HMT, was that the NIC had never been overtly associated with the TEN-T programme and the EU. The immediate response of the government was to freeze the work of the NIC while the next moves were considered. When the NIC was relaunched in December 2016, it was no longer an independent body but an agency of HMT. The Government had decided that it would continue with its work as if nothing had happened and the studies including that for Oxford Milton Keynes and Cambridge Corridor should be continued. To these were added the corridor studies led by Transport for the North that had been developed during this period (TfN 2018). In both cases, the development of comprehensive networks is seen as part of wider spatial investment programmes.

While there might be some arguments for the continuation for the core corridors designated within TEN-T if the UK leaves the EU, not least to act as a land bridge for the Ireland while other methods such as short sea shipping are enhanced, it could be argued that this specific policy for the designation of comprehensive corridors was less necessary. So why is it continuing? There are several arguments that can be posited. The first is that it was too difficult to stop the preparations for the designation of these corridors in political terms and what arguments could be given? Secondly, a tacit recognition that the role of this policy is anchored in an EU regulation would open wider considerations of the basis of all strategic transport policy in the public domain although the evidence is in plain sight for those who wish to find it. There could be a consideration of wider policy relationships post-Brexit where the UK may be closer to the OECD which is in favour of this kind of investment linking together FEAs. Another reason may be that it is easier to keep the Department for Transport busy in developing these policies as it would be difficult to find a replacement and to justify this policy turn. In this case, continuing with the development of the comprehensive networks policy on 'auto pilot' is a reasonable approach to parking an issue until future likely approaches are better known. The last approach that can be considered is that this policy continuation is part of a risk mitigation strategy against the UK's future relationships with the EU. If the Withdrawal Bill 2018 succeeds in transferring EU Regulations and Directives into UK law, then there is still a need to implement this regulation until some replacement approach is found. Further, the UK may not leave the EU in ways that the PM has suggested, that is there may be continued alignment of policy and legislation between the EU and the UK.

Conclusions

This paper has considered the UK government's approach to existing EU policies and programmes within the context of Brexit. It has reviewed two specific programmes – for Cohesion and Trans European Networks that could be foregone when the UK leaves the EU (Morphet 2017). It has demonstrated that the UK Government is continuing with preparation for the delivery of these programmes both to meet existing commitments made in 2013/2104 and that it is preparing for the future EC programmes 2020-2026. It has examined the possible reasons for this policy continuation. These may be because the UK core executive is too busy to manage ways to change course from the policy trajectory that existed prior to the 2016

Brexit referendum. Another consideration may be that the core executive is uncertain as to whether or on what terms the UK will leave the EU and the continuation of meeting existing commitments and preparing for the period post-Brexit on a status quo basis is a risk mitigation strategy. The separation between new staff being recruited to work on Brexit in the DfT and no new staff being recruited to work on Brexit in MHCLG suggest that this is likely to be a risk mitigation strategy against the future relationship between the EU and the UK rather than an auto-pilot approach.

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