

**Cabinet Secretary for Environment, Climate Change and
Land Reform**

Roseanna Cunningham MSP

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Graeme Dey MSP
Convener
Environment, Climate Change and Land Reform
Committee
c/o Clerk to the Committee

By email only: ecclr.committee@parliament.scot

21 April 2017

Dear Graeme,

Thank you for your letter of 29 March, identifying and requesting the views of the Scottish Government on key areas the Environment, Climate Change and Land Reform (the Committee) has identified following its recent meeting to take evidence on the environmental implications of the outcome of the referendum on the UK's membership of the European Union.

Regulation and Enforcement

The necessary regulatory structures for single market access are already in place and working well. Requirements are currently being met either by Scottish institutions (for example the Scottish Environment Protection Agency) or through the current UK regulatory regime (for example the Health and Safety Executive). Regardless of the UK's future relationship with Europe, the Scottish Government and its agencies will continue to monitor and enforce environmental legislation, as we currently do under existing domestic powers.

As part of the process of preparing for the UK's exit from the EU, we are carefully considering whether any gaps could arise in existing domestic monitoring and enforcement powers that would need to be addressed to ensure Scotland maintains high standards of environmental protection.

The extent to which these existing regulatory authorities will continue to ensure compliance with European Single Market requirements after the UK leaves the EU, and any potential impact on trade and economic prospects will depend, in part, on the nature of the post-Brexit relationship between the UK and the EU. The Scottish Government is committed to continued protection of natural assets and biodiversity. We will seek to ensure that arrangements within the UK allow for this commitment to be respected in future trade negotiations.

Civil Service Capacity

The UK Government's proposals for a "Great Repeal Bill" leaves many important questions unanswered, such as the nature of the powers for the Scottish Parliament, and confirmation that the Scottish Parliament will be offered the opportunity to consent under the Sewell Convention. The UK Government now needs to work closely with the Scottish Government on the detail of the bill as it develops.

The UK Government's White Paper on the Great Repeal Bill proposes common UK frameworks, but as you know, environment is largely devolved. If there is a need for a common UK framework because of cross-sector interdependencies and cross-border impacts this should strictly operate on the basis that the powers sit with the devolved administrations and that they are willingly entered into, not imposed by the UK Government. Given the cross-government implications of EU negotiations, civil servants in a wide range of roles and teams right across the Scottish Government are supporting Scottish Government Ministers in protecting Scotland's Place in Europe, and in ensuring we maintain our high ambitions for Scotland's environment and our position internationally as climate change leaders.

Engagement with the UK Government on environmental matters

Mr Ewing wrote to you on 19 April to inform the Committee and the Rural Economy and Connectivity Committee of the Defra and devolved administrations ministerial meeting on the UK leaving the EU that was to take place on 20 April. I have today written to Andrea Leadsom MP, Secretary of State, to raise my concerns about the lack of attention being paid to the environment in these Ministerial meetings, given the substantial work that will be required as a result of an exit from the EU.

I specifically highlighted my concern at seeing press reports suggesting that the UK would scale down climate change and wildlife measures in order to prioritise trade following Brexit and my belief that these Ministerial meetings should urgently prioritise discussion of substantial issues for the future of environmental policy.

A copy of this letter is attached for your information. A short report to update both the Committee and the Rural Economy and Connectivity Committee on the 20 April meeting will also be issued in due course.

I look forward to engaging further with the Committee on these issues, and expect to provide further written updates from time to time.

Yours,



ROSEANNA CUNNINGHAM