Rt. Honourable Michael Gove MP  
Secretary of State for Environment,  
Food and Rural Affairs  
By email only

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Dear Mr Gove,

Environmental Implications for Scotland of the UK’s Departure from the EU

Thank you for providing evidence to the Environment, Climate Change and Land Reform Committee at its meeting of 27 June.

The Committee welcomes your assurance that there will be no diminution in the UK Government’s commitment to environmental protection following the UK’s departure from the EU. The Committee notes your statement that there are areas where the UK could go further in terms of environmental protection and we would be interested to receive additional detail from you on these areas.

The Committee was pleased to hear your view that environmental principles, such as the precautionary principle and the polluter-pays principle, must continue to apply as we leave the EU. We note with interest the intention of the UK Government to set out environmental principles in primary legislation and undertake to produce an annual policy statement outlining how the UK Government intends to give effect to those principles.

The Committee welcomes your recognition of the need to respect and strengthen the devolution framework and we were pleased to hear you state “There is not a single power that the Scottish Government exercises that we want to remove from it. It is quite the opposite—we see the potential outside the European Union for each of the parts of the United Kingdom not only to collaborate together but to make the decisions that they consider are right for their own jurisdiction.” Your acknowledgement that this is a partnership of equals is welcome.

You referred to the need for effective collaboration and resolving the means by which we can ensure the UK Government respects the fact that the environment is a totally devolved competence. The Committee is interested to
receive further detail from you on this, particularly in relation to progress in developing both the legislative and non-legislative frameworks and how DEFRA is actively engaging with the Scottish Government in the development of these frameworks. We would welcome further detail on the programme and timescale for securing agreement on each of the frameworks. The Committee is also interested to understand what specific UK-wide processes of collaboration you envisage might be needed in future, for example when dealing with changes to international obligations.

The Committee welcomes your recognition of the importance of effective targeted and tough environmental regulation, and your commitment to maintain high environmental and animal welfare standards in trade deals and ensure environmental protection will not be traded away. The Committee agrees with you that involvement of the Devolved Administrations in the development of frameworks for trade negotiations and how those may impact environmental standards, and in ensuring we secure the right trade deal, is central.

On the future of the emissions trading system, the Committee welcomes your commitment to check progress in this area with colleagues at BEIS and return to the Committee on this.

We are aware that the EU has adopted measures on the circular economy that include targets to increase recycling. The Committee welcomes your statement that the UK Government is committed to achieving at least those standards and targets. The Committee would be interested to receive further information on the UK Government’s consultation and plans to introduce a deposit return scheme, including collaborative work with the Devolved Administrations, and discussions on system design and timing.

On the issue of air quality, the Committee notes the commitment of the UK Government to ban the sale of new conventional petrol and diesel cars by 2040, and, with limited exceptions, ensure they will all be off the road by 2050.

The Committee understand that much of the funding for environmental objectives comes via agricultural support. The executive summary of “Health and Harmony: the future for food, farming and the environment in a Green Brexit” sets out a funding guarantee in the context of replacement of CAP. It states: “We will maintain the same cash total funding for ... farm support under both Pillar 1 and Pillar 2 of the current CAP.” The Committee welcomes your confirmation that the funding guarantee cover Pillars 1 and 2 to 2022. The Committee would also welcome clarification as to whether this covers all Pillar 2, including non-farm elements (e.g. forestry, LEADER, support for the food industry, broadband etc.)

The Committee was also pleased to hear that if contracts with land managers extend after 2022, they will be honoured. We look forward to receiving confirmation from you as to whether funding will be based on annual averages or on spending projections. The Committee also notes your confirmation that the environment, agriculture and fisheries are fully devolved and your recognition that support for Scotland’s farmers and for environmental objectives can be developed in a different way to support south of the border.
The Committee is pleased to hear the UK Government wishes to continue membership of NASCO and regional fisheries organisations following the UK’s exit from the EU. The Committee is interested to hear what progress is being made in establishing replacement bodies that will assume responsibilities that are currently exercised at an EU level, on environmental issues and what involvement the Scottish Government has had in that process so far.

In terms of environmental governance, the Committee notes the UK Government intends to introduce legislation to set up a new environmental governance body to replicate the functions of the European Commission and European Court of Justice. The Committee was pleased to hear that an independent body for upholding environmental standards will have the power to conduct investigations and issue reports and ultimately will have the power to take the UK Government to court where there are legislative breaches. The Committee welcomes your openness as to how appropriate governance should be given effect at a devolved level and your commitment to work with the Scottish Government to ensure shared ambition can be given effect in a way that respects the devolution settlement.

The Committee welcomes your commitment to return to give evidence in person to the Committee before we formally leave the European Union. I have asked our clerks to liaise with your office to make arrangements to meet with you later this year or in the early New Year and we look forward to meeting with you at that point.

I have copied this letter to the Convener of the Rural Economy and Connectivity Committee and the Cabinet Secretary for Environment, Climate Change and Land Reform in order to highlight the commitments given.

Yours sincerely,

John Scott MSP
Deputy Convener
Environment, Climate Change and Land Reform Committee

C.C. Edward Mountain MSP
Convener, Rural Economy and Connectivity Committee

Roseanna Cunningham MSP
Cabinet Secretary for Environment, Climate Change and Land Reform