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Convener
ECCLR Committee

30 November 2018

Dear Gillian

Consultation on Environmental Principles and Governance

This letter is to update you on the Scottish Government's plans for consultation on environmental principles and governance.

When I met the ECCLR Committee in May, I set out my intention to consult on the application of EU environmental principles in Scotland in the event that the UK leaves the EU, and on the steps that may be necessary to ensure effective environmental governance arrangements after EU exit. At the time, I stressed the complexity of the issues involved and the need for careful consideration of the options.

The consultation will be designed to meet the requirement of the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill 2018 to consult on how regard is to be had to the guiding principles on the environment and how to ensure that there continues to be effective and appropriate governance relating to the environment, after EU Exit. In taking forward this commitment, I believe we should take a systematic, methodical approach to properly assess governance needs in order to develop an effective, proportionate model designed to meet Scotland's high ambition on environmental standards and fit with Scottish circumstances.

The consultation will, therefore, build on the very welcome initial analysis taken forward by the Roundtable on Environment and Climate Change earlier this year. I am very thankful to the Roundtable for its advice on the implications for environment and climate change policy, directly after the EU Referendum, and for the thought and rigour it put into delivering this report on governance. As we look to the next phase

of EU Exit preparation, I have decided not to commission further advice from the Roundtable at this point but, instead, work to establish new engagement arrangements to meet future requirements. I will keep the Committee updated on my plans for this.

The recent UK Government publication of the Withdrawal Agreement and Political Declaration, including the statements made under the 'backstop' protocols, in particular, has required me to take stock of my publication plans given the issues it raises about the future relationship between the EU and the UK.

You will appreciate that we cannot be at all certain that the UK Parliament will endorse this agreement and the Scottish Government's view is that a better alternative needs to be put in place.

In light of this uncertainty, I have decided to hold back publication of the consultation until we have clarity on some of these issues, so that we can set out a more meaningful set of options for consultees to consider. My officials will continue to develop the consultation proposals and to engage with the UK Government and devolved administrations on their respective plans for future environmental principles and governance.

Finally, in the run up to March 2019, you will understand that the Scottish Government's focus must move increasingly to EU Exit readiness planning and the very real risk of an exit without a withdrawal agreement with the EU. As you know, the secondary legislation programme alone has resulted in a very significant workload for both the Scottish Government and Parliament. As such, I am continually reviewing priorities across the entire portfolio and, as part of that consideration, have reluctantly taken the decision to slow down the development of the Environment Strategy for now, in order to prioritise other contingency preparations for a no deal Brexit.

I look forward to full discussion with the Committee on both the strategy and the consultation proposals next year.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roseanna', written in a cursive style.

ROSEANNA CUNNINGHAM