



Our ref: MA - P/LG/2923/19

Mike Hedges AM
Chair
Climate Change, Environment, and Rural Affairs Committee
National Assembly for Wales

21 August 2019

Dear Mike,

Thank you for your letter of 19 July regarding environmental principles and governance post EU Exit.

1. Transitional Arrangements

In my letter of 14 March, I stated first and foremost our priority was to ensure there will be no gap in relation to the EU environmental legislation, which is currently in place. Substantial work has been undertaken to ensure the continuation of existing protections and in a no deal situation will mean existing environmental standards continue to apply from exit day.

I have also stated Wales is not in the same position as other parts of the UK due to our existing legislation, which places sustainable development and environment at the heart of decision making in Wales. Our 5-ways of working in the Well-being of Future Generations (Wales) Act and the principles provided in the Environment (Wales) Act mean we already have some of the principles contained within the EU Treaties. Both pieces of legislation will continue to apply on exit day.

In our consultation on *Environmental Principles and Governance post European Union Exit*, I further committed to continuing to apply the four European Union principles in a no deal scenario.

I appreciate stakeholders' concerns about the implications of a 'no deal' scenario on governance. However, as I have previously stated, this does not mean there will be no governance arrangements in Wales, as our domestic mechanisms will continue to operate and the National Assembly for Wales will continue to be the body responsible for holding the Welsh Government to account. As such, our citizens are not without recourse. However, I do want to consider what appropriate and proportionate mechanisms may be available if we have to deal with the consequences of a no deal situation and the implications over the short and long term.

We have assessed the arrangements proposed for transitional arrangements in England and considered if they provided a model which is suitable for Wales. My view is they represent a costly approach which, in practice, will allow for significantly less oversight than the systems I have outlined above which will continue to apply in Wales. My understanding of the arrangements proposed for England, in so far as they would be relevant in Wales, is they will allow for complaints to be received, determination if they are valid and a recording process. Parliamentary oversight will be limited to receiving an annual report on volume and theme of complaints received and there will be no investigation of complaints. Complaints will be transferred to the proposed Office for Environmental Protection, when established, so to describe this approach as a shadow body is not reflective of the outcomes it will be able to achieve.

In July, I convened a stakeholder task group. The group has been challenged to consider carefully what good governance looks like to ensure we build a system, which fits with our wider legislative approach and will be sustainable for the future. The group will also discuss transitional arrangements. I will expect any proposals, which come forward to have a clear line of sight to the longer term approach we wish to take.

I share your concern about the impact of a no deal Brexit. The National Assembly for Wales, together with the Scottish Parliament, has sent a clear message to the UK Government not to pursue this damaging course of action, which we consider will have a disastrous impact on the Welsh economy.

The continued uncertainty is putting considerable pressure on resources within the Welsh Government. The continuing lack of any clarity over the future relationship between the UK and EU creates significant further complications to this work. Despite these pressures, contrary to your statement, progress has been made in this area. We have chosen to take a considered and collaborative approach to how we address these gaps in a way, which transcends immediate needs.

In his legislative statement on 17 July and in the subsequent debate, the First Minister reaffirmed his commitment to legislate on environmental principles and governance but did not state a specific date for introduction during the current Assembly term. This acknowledges the complexity of developing a coherent system, which complements our existing structures in Wales. It also recognises the continuing uncertainty about the future relationship between the UK and the EU resulting in additional demands on the legislation programme.

2. UK Wide Approach

As I have stated on a number of occasions, I have always been willing to discuss a potential UK wide response to the application of principles. I have long recognised there will be matters, which may benefit from a UK wide approach. I have continued to pursue such an approach with my counterparts in the rest of the UK in the Inter-ministerial Group.

I must reiterate the UK Bill reflects the specific gaps as they apply in England and meets the specific needs of the UK Government, I have consistently made the point the approach in the UK Bill is not appropriate for Wales.

However, there are a number of ways to achieve a UK-wide approach than merely by the development of a UK-wide body. Work continues between all administrations to develop appropriate approaches to address any UK-wide governance gaps and collaborative approaches, which respect the devolution settlements and the different systems and gaps in each of the administrations. Whilst the on-going discussions are influenced by the timeframe of the UK Bill, the introduction date of the UK Bill is of course a matter for the UK Government.

We have already agreed with the UK Government to have a common set of environmental principles and work is on-going on proposals, which where appropriate enable collaborative governance approaches.

3. Monitoring and Reporting

I recognise the benefit the membership of the European Environment Agency provides and the importance to Wales of continuing to be able to access expertise and benchmark against the wider international committee. Any future relationship with the EEA will be via the UK, as a nation state, on matters of continued participation with EU institutions. I will of course continue to feed into these discussions.

I look forward to the publication of the Committee's report in the Autumn.

Regards,



Lesley Griffiths AC/AM

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs