



OFFICIAL REPORT
AITHISG OIFIGEIL

Environment, Climate Change and Land Reform Committee

Wednesday 15 May 2019

Session 5



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**ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE
16th Meeting 2019, Session 5**

CONVENER

*Gillian Martin (Aberdeenshire East) (SNP)

DEPUTY CONVENER

*John Scott (Ayr) (Con)

COMMITTEE MEMBERS

*Claudia Beamish (South Scotland) (Lab)

*Finlay Carson (Galloway and West Dumfries) (Con)

*Angus MacDonald (Falkirk East) (SNP)

*Mark Ruskell (Mid Scotland and Fife) (Green)

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

The Rt Hon Michael Gove MP (Secretary of State for Environment, Food and Rural Affairs)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Environment, Climate Change and Land Reform Committee

Wednesday 15 May 2019

[The Convener opened the meeting at 09:31]

EU Exit and the Environment

The Convener (Gillian Martin): Welcome to the 16th meeting in 2019 of the Environment, Climate Change and Land Reform Committee. I remind everyone to switch off their mobile phones or put them on silent, as they may affect the broadcasting system.

Under the first agenda item, we will hear from the Rt Hon Michael Gove MP, the Secretary of State for Environment, Food and Rural Affairs, on the environmental implications of exiting the European Union. Mr Gove joins us via videolink from London. Good morning, Mr Gove.

The Rt Hon Michael Gove MP (Secretary of State for Environment, Food and Rural Affairs): Good morning.

The Convener: Thank you for joining us. I will go straight to questions on common frameworks in the event of our exiting the EU. A couple of weeks ago, we had Professor Reid from the University of Dundee at our committee to go over some of the issues in relation to common frameworks. He asked some key questions, which I will now put to you, if you do not mind.

Professor Reid asked:

“If you are going to have a framework, you then have to ask who will determine its content. Will it be agreed by all the members or will somebody have a final decision-making power?”

By members, he means the devolved Governments as well as the United Kingdom Government. He added:

“The process of creating the frameworks should then be subject to some sort of scrutiny, whether public or parliamentary. Who will make the decisions? If decisions are being made by Governments in agreement, to whom are they accountable for what they do in making those agreements?”—[*Official Report, Environment, Climate Change and Land Reform Committee*, 30 April 2019; c 10.]

Can you give us and Professor Reid an answer to those questions about the frameworks and how they will be arrived at?

Michael Gove: They are very good questions. I think that the best way to arrive at the frameworks is through a process of continual dialogue and

agreement between the respective Governments across the UK.

The Convener: We also heard from Michael Russell on the issue. He feels that we are not really getting to the point of having that equal partnership between the devolved Governments and the UK Government and that the joint ministerial committee on European Union negotiations is not working. How would you respond to that?

Michael Gove: I always take anything that Mike Russell says seriously and I know that Mike is committed to making sure that we have as effective a set of institutional relationships as possible across the United Kingdom.

In my own area, we have monthly meetings that bring together ministers and representatives from the devolved Administrations and the UK Government to address the issues that my department and related departments are responsible for. Fergus Ewing and Roseanna Cunningham on behalf of the Scottish Government, along with Lesley Griffiths on behalf of the Welsh Government, have been energetic and constructive attendees at all those meetings.

There is a complicating factor, which—as we all know—is the absence of an Executive in Northern Ireland. However, in its absence, we have officials from the Department of Agriculture, Environment and Rural Affairs—the relevant Northern Ireland Government department—who do an excellent job of ensuring that Northern Ireland’s interests are represented.

However, of course, the UK Government is open to thoughts, suggestions or recommendations from any of the constituent members of the UK about how we can make all the institutions that we have across the country work better, which would be in all our interests.

The Convener: You say that you are open to discussion and suggestions. If a common framework were to be developed in a given area, would the devolved Governments have an equal say in how that is done? When the final framework in such a sector is put before the devolved Governments and all their partners, who will have the final say if, for example, the Welsh Government or the Scottish Government disagree about how it should be put together? Will the framework have to go back and be reworked so that we can get full agreement from everyone as equal partners?

Michael Gove: Yes. For example, the approach that I have taken on the secondary legislation—in the form of statutory instruments—that needs to be put in place in order that we can prepare for a variety of eventualities in the process of exiting the EU is to have those agreed across the United

Kingdom. I thank the Scottish Government and its officials for their very hard work—under considerable time pressure—to ensure that we can secure agreement on all those areas.

The Convener: I am pleased to hear that all Governments will have to agree to a framework before it will go ahead.

Professor Reid also asked:

“If a group of states or jurisdictions has agreed that there should be a common framework, how do we make sure they stick to it, and what happens if they do not?”—[*Official Report, Environment, Climate Change and Land Reform Committee*, 30 April 2019; c 10-11.]

The question is whether a body should be put together to ensure that no one goes outwith the parameters of a framework, on environmental protections for example. Who will watch the watchers?

Michael Gove: We would have to look at that on a case-by-case basis. However, if something had been agreed and had legislative underpinning, and an Administration, or anyone who acted in its name, breached such principles or broke those laws, the appropriate regulators and, ultimately, the courts, would ensure compliance.

The Convener: Which courts would be involved?

Michael Gove: That would depend on the particular situation that we faced. For example, if a local authority in England were not living up to its obligations on air quality, ultimately, the courts could intervene.

The Convener: I want to move on to the impact of EU exit on the devolution settlement. The committee has heard from a number of people who believe that the settlement, as provided for in the Scotland Act 1998, is insufficient to accommodate returning EU powers to devolved policy areas, and that the JMC cannot provide an effective forum for partnership working and dispute resolution. What is your response to that?

Michael Gove: One has to look at each of the specific examples. The UK Government has been talking to the Scottish and Welsh Governments and the civil service in Northern Ireland about the various specific challenges—and opportunities—that our leaving the European Union presents. So far, even though there have been differences of opinion at various points, in almost every area we have managed to find a pragmatic way forward, which is the right way to go. When we have a family of nations that works together very effectively, the best thing to do is to give a fair hearing to all and arrive at a consensus. So far, in all the areas that I can think of that are critical to ensuring that we work in the interests of all our

citizens, consensus or a *modus vivendi*—a way of working—has been arrived at.

The Convener: Will you confirm, then, that all the powers that will return from the EU and that relate to devolved matters will be dealt with and scrutinised by the Scottish Parliament and acted upon by the Scottish Government?

Michael Gove: Yes. One of the consequences of our leaving the European Union is that powers will come back not just to the UK Parliament but to Holyrood, the Welsh Government and the Northern Ireland Executive when it is reconstituted.

The Convener: We will move on to questions from Mark Ruskell.

Mark Ruskell (Mid Scotland and Fife) (Green): I want to ask you about what we might call the shadow chemicals regulations that are being established at UK level, alongside the registration, evaluation, authorisation and restriction of chemicals—or REACH—regulation. The committee has spent some time looking at those, and I know that committees at Westminster have also been examining them.

Concern has been raised about the potential for duplication of animal testing. We have had 10 years of animal testing for chemicals, but it now appears that, under the UK shadow regulations, there might be a requirement for chemicals that have already been proved to be safe to be retested. What is your response to that? Can you rule out the duplication of animal testing?

Michael Gove: I do not think that there would be a case for animal testing to be duplicated. One of the things that we want to do is to provide a UK REACH information technology system that will allow people to transfer the registration of chemicals that have already been registered with REACH straight over without the need for additional testing. I would want to look at any specific concerns that people have, but I do not envisage any need for animal testing to be repeated.

Mark Ruskell: That is a worthy aspiration, but there are data issues to do with the registration of chemicals that mean that the data cannot instantly be transferred over to the UK system and used in the same way. This is not news—Westminster committees have looked at the matter and, on the back of their raising issues to do with data, a cross-party letter has been sent to Thérèse Coffey. It is not just a question of preparedness; the accessibility of the data is a factor. Are you prepared to rule out a requirement for increased animal testing?

Michael Gove: Yes. I think that it is the case that although, ultimately, the data is registered

with REACH, it belongs to the relevant chemical companies. They can ensure that the data is provided to a UK database, as it has been provided to the REACH database. No problem need arise.

However, if there are specific concerns, chemical by chemical or company by company, that individuals have raised, I and Dr Coffey would be more than happy to look at them.

Mark Ruskell: Concern has also been raised about the dismantling of the stakeholder expert working group that has been used to flesh out stakeholder concerns in relation to the REACH regulations. It has involved input from industry, animal welfare non-governmental organisations, unions and others. In the system that is proposed, there will be no such group. Will you reconsider that? Will you establish an expert stakeholder working group to explore the issues that concern people?

Michael Gove: I am always open to working with industry to ensure that we can provide it with all the assurance that it needs.

We are discussing a variety of potential EU exit scenarios. The UK Government has said that it wants to remain part of REACH and that it wants to be an associate member of the European Chemicals Agency. If we achieve our negotiating objectives—this goal is shared across parties—we will still be part of the REACH system. However, we must prepare for the eventuality of a no-deal exit. In those circumstances, we would be more than happy to continue and to intensify our work with industry to make sure that it is satisfied that we are doing everything that we can and that the end users of chemicals—the wider public—have their concerns about health and safety properly addressed.

Mark Ruskell: You acknowledge that the current EU system is the best system, that it works in the best way and that you want to remain aligned with it and to continue to use it.

I go back to my original question about the stakeholder working group. If we leave the EU without a deal, will you seek to mirror that stakeholder working group in the UK regulations? Will you instruct the Health and Safety Executive, for example, to set up such a working group so that we can properly involve civic society, industry and others in the process for developing our chemicals regulations in the UK?

Michael Gove: You raise two issues. On the first, we certainly think that it would be helpful for the UK to be part of the REACH regime for the foreseeable future, but there is always a balance to be struck. If we were to exit the EU without a deal and were to establish our own system, towards which we have taken significant steps,

that would allow us to explore new and perhaps better ways of ensuring that industry and other concerns are incorporated.

The HSE is the direct ministerial responsibility of a colleague in the UK Government, but I cannot imagine that they would have any problem with taking the sort of steps that you have outlined.

09:45

The Convener: I have a follow-up question on REACH. Over the past six months, the Scottish Parliament's committees have all worked hard to scrutinise the statutory instruments that have been put in place in the event of a no-deal Brexit. We looked at them on the understanding that they were for a no-deal scenario, but now we are finding out that they are pretty much permanent. Because the process had to be quick, we might not have given as much scrutiny to some of the SIs as we would have liked. Certainly, with REACH, we felt a bit conflicted about agreeing to the SI. Will the SIs be reviewed if there is a deal or if Brexit does not happen? There are some stakeholders who are saying that mistakes have been made.

Michael Gove: Again, we are perfectly happy to review any piece of legislation, primary or secondary, if a case can be made for alteration.

I emphasise how grateful I am to the Scottish Government and its officials. We worked under time pressure to get the statute book ready for a no-deal exit. There is the possibility that that could occur on 31 October, and even between now and 31 October, some EU legislation will change so we may need to update secondary legislation in the UK in order to keep pace appropriately.

We would be more than happy to take evidence from the Scottish Government or others if there is any aspect of the existing statute book that needs to be updated or reformed.

The Convener: Will you commit to giving the Scottish Parliament more time to review any SIs in the future? At least one SI that I can think of was laid in the UK Parliament before we had time to scrutinise it and we had to rubber stamp it without any real time for scrutiny. Indeed, even if our scrutiny had gone a different way and we had not agreed to it, it would not have mattered.

Michael Gove: We want to make sure that we can give every part of the UK and all our representative institutions within the UK appropriate time to reflect on any legislation that we require and, in particular, that the Scottish Parliament, the Welsh Assembly and others have the time and the resource that they need to provide effective scrutiny.

The Convener: We move on to questions from Stewart Stevenson.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I want to talk about a few financial things. I will be at your next committee appearance, Mr Gove, because I am also on the Rural Economy and Connectivity Committee.

The common agricultural policy provides finance in a number of areas that are of interest to this committee, including environmental actions, biodiversity, climate change projects and tree planting. I have a general, high-level question about the CAP. It puts in place a seven-year programme of commitment to financial support for farmers and others. However, the UK Government has basically committed to continuing the current financial arrangements until the end of the parliamentary session.

How can you deliver something that is functionally equivalent to the seven-year programme that farmers and others could rely on when we were in the CAP, which helps them to make the long-term plans that they are often required to make?

Michael Gove: The overall guarantee that the UK Government has given on funding for farmers, land managers and landowners is a greater degree of assurance than any other EU country has. We do not know what the future CAP regime will be post-2020, but we do know that the amount that we spend on farming support and rural enterprise will remain absolutely the same in capital terms until 2022. At this point, we are providing farmers across the UK with a greater degree of certainty.

We are also considering potential amendments to the UK Agriculture Bill to make sure that we can have a multi-annual financial framework to provide a greater degree of certainty.

In addition, we have laid out a programme for an agricultural transition whereby we would move away from our existing system of funding to a new system of funding in England. The system would guarantee that we would continue to generously support rural enterprise and farming but we would increasingly put the money towards public goods rather than make area-based payments of the kind that the CAP has made for several years.

Stewart Stevenson: That appears to be welcome if we have a similar view forward to the seven-year horizon that enables farmers and land managers to make the plans that they have to make. That is helpful. I suspect that, in Scotland, we are equally of the view that payments will have to shift from being area based to being production based, to some extent, which might be different, but that is not for today's discussion.

I want to ask about the European maritime and fisheries fund, which relates to the remits of both of the committees that you are talking to today. We have heard the title "shared prosperity fund" used, but ministers currently tell us that they have no knowledge whatsoever of how such a fund will be structured. Some of the comments that you are reported to have made over the weekend suggest that there will be a transfer of some of the spending decisions that are made in Edinburgh to your office in London. Would you care to comment on that?

Michael Gove: In December last year, we were able to announce, on top of the current EMFF allocations, an extra £37 million to help the UK seafood sector. That is money that the UK Government has provided, which is split broadly according to EMFF allocations, and it will be for the appropriate Governments and Executives to spend it as they see fit. That is additional cash that will go to the devolved Administrations to spend in an appropriate way to supplement what the EMFF does.

It is important that, when we come forward with proposals for a shared prosperity fund and other means of support, the UK Government can devote extra resources beyond those that the Scottish Government already has in areas that are devolved. For example, we might well consider it appropriate to provide additional resource to Scotland to invest in the redevelopment of Fraserburgh harbour, and it would be good if your and David Duguid's constituents could be confident in the knowledge that the Scottish and UK Governments were working together to take advantage of the opportunities that existed outside the common fisheries policy. We are talking about additional support and help for Scotland to enable Scotland's industries and citizens to take advantage of the opportunities that will exist outside the European Union.

Stewart Stevenson: Much of that is very welcome. If the UK Government were to provide more opportunities for contracts for difference, that would certainly help Fraserburgh harbour to achieve its aspiration to be a major offshore renewable energy source—but that is beyond your responsibilities today.

I will move on—in the limited time that the convener is allowing me—to another financial subject that crosses the boundary. I am told that UK ministers constantly give assurances to MPs that trade will continue unimpeded. For local government, there will be the issue of export health certificates, which we understand may cost between £17 million and £30 million—the figure is imprecise—and may affect other industries. The UK Government has given a general commitment that the devolved Administrations, including

Scotland, will be no better or worse off after departure from the EU. Are EHCs on your radar? They are a financial and administrative burden as well as a potential source of delay for live animal exports, in particular—I am thinking of lobsters, crabs and so on.

Michael Gove: Yes. That is a very important point. Just under a fortnight ago, I had the opportunity to visit an exemplary fish processing business in Aberdeen—Nolan Seafoods—and, while I was there, I talked to a number of representatives from the fish processing sector. They reflected to me the additional requirements that will be placed on ports, harbours and local government to make sure that export certificates are granted. I said that I had told Fergus Ewing that I would be more than happy to provide additional resource to make sure that we have the trained inspectors who could be required to expedite the effective export of Scotland's great seafood produce. That would be an example of the UK Government providing additional resource to the Scottish Government, and potentially to local government such as Aberdeenshire Council, to make sure that the industries that will benefit from EU exit are supported every step of the way.

Stewart Stevenson: I will make a tiny observation, to which you probably will not have time to respond. The UK Committee on Climate Change has recommended that Scotland plant a very large proportion of the UK's forestry in response to climate change. Will the UK Government support that effort? It is in the UK's interests that we do well on climate change and support Europe.

Michael Gove: I admire the way in which Fergus Ewing has developed a progressive and market-sensitive approach to forestry, and I want to work with Fergus and those who are involved in the forestry sector in Scotland to ensure that our shared ambitions can be more successfully achieved.

Stewart Stevenson: Thank you.

The Convener: We move on to questions from Angus MacDonald.

Angus MacDonald (Falkirk East) (SNP): I am sure that the Rural Economy and Connectivity Committee will take the opportunity to discuss fisheries with you in your next session this morning, but I would like to briefly discuss salmon populations, which is an issue that comes under the remit of this committee.

Each year, our committee scrutinises wild salmon regulations that seek to protect wild salmon in Scottish waters. As we all know, wild salmon numbers continue to decline. Since we last spoke with you, in June 2018, we have seen new regulations south of the border that prevent the

netting of salmon in the north-east of England, which exploited salmon that were destined for Scottish rivers. Of course, we have also taken our own measures on nets in Scotland. Can you update the committee on how those new regulations are being monitored and enforced in the north-east of England?

Michael Gove: We take the decline in salmon stocks in all our rivers incredibly seriously. As someone who has fished on the Tweed and who, just a few weeks ago, spoke to those who are responsible for managing the Dee, when I visited Aboyne, I am aware that there are a number of factors at play.

Of course, we must have effective monitoring of the netting regulations. However, as I was told in relation to the Dee, we also need to look at land use and at how soil run-off, for example, may be having an impact on the Dee and other salmon rivers. We also need to consider the impact of climate change, which is having a direct impact on the north Atlantic salmon stocks, and I know that the Scottish Government has been looking at the relationship between wild salmon and aquaculture.

We need to look at all those things holistically, because the decline in salmon stocks is particularly worrying and is an acute example of our broader problem of the declining numbers of freshwater fish in our rivers.

Angus MacDonald: Last June, this committee explored whether the UK would continue its membership of regional fisheries management organisations following EU exit or whether replacement bodies would be established. We are unclear whether plans to join regional fisheries management organisations such as the North Atlantic Salmon Conservation Organization are now further advanced. Can you give the committee any update on that?

Michael Gove: Yes. We have applied to join five regional fisheries management organisations, including NASCO, and the EU has agreed that our application should be looked on favourably. We have every reason to believe that it is in the interests not just of the UK but of the other members of the RFMOs that our membership be expedited.

Angus MacDonald: Thank you.

The Convener: We move to questions from Claudia Beamish.

Claudia Beamish (South Scotland) (Lab): I will turn our scrutiny to environmental principles and environmental governance. Can you give a guarantee that the EU's guiding principles will be enshrined in UK law, whatever way forward is negotiated? In the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill

2018, we focused on the precautionary principle, the polluter-pays principle, the prevention principle and the principle of environmental damage being rectified at source. To that list, I would add the important issues of animal welfare and animal sentience. Can you give that guarantee and reassurance today?

Michael Gove: Yes, I can.

10:00

Claudia Beamish: That is very good. Thank you.

Trade negotiations and trade agreements are, of course, reserved. What role and influence do you see the Scottish Government having in the trade negotiations?

Michael Gove: A number of pieces of legislation will help to shape our trade policy, the first of which is the Trade Bill, which has been amended in the House of Lords to ensure that UK parliamentarians can provide more effective scrutiny. We are in discussion with Opposition parties about the Agriculture Bill and what the best means would be of providing people with reassurance that we will maintain high standards of environmental protection and animal welfare.

Trade negotiations are an exercise of the royal prerogative, and they lead to treaties that are translated into UK legislation. It is part of the tradition of the dualist system of UK law that it will be the UK Government that will be involved in the trade negotiations, but I have sought at every turn to involve not just parliamentarians from across the UK but the devolved Administrations in understanding what our priorities will be in any trade negotiations that we undertake.

Claudia Beamish: Will you explain in more detail what the process for that engagement is? In your view, how is that process working?

Michael Gove: The principal process of engagement takes place through the monthly meetings of the relevant ministers who deal with agriculture, fisheries and the environment across the UK, and I am more than happy to intensify that engagement if there are particular issues of concern. Those monthly meetings have sometimes been attended by ministers from other Government departments, such as the Treasury. If ministers were to request that a team from the Department for International Trade come along to explain its thinking, we would agree to that.

Leaving the EU provides us with the opportunity to have an independent trade policy, but, until the European Union (withdrawal agreement) bill is passed, those issues rest in the future. Even if that bill is passed, we will—we hope—be in an implementation or transition period, during which,

although we will be able to talk to other nations about our trade arrangements, we will not sign trade deals.

Claudia Beamish: As you will be aware, the Scottish Government has significant responsibility for environmental law, a large proportion of which is devolved. Do you have any concerns about divergence? How might you deal with that?

Michael Gove: There are theoretical concerns, but, in practical terms, although we do not always agree on every issue, I am full of admiration for the leadership that Roseanna Cunningham has shown on a number of environmental questions. I have no doubt that the view across all parties in the Scottish Parliament is that there should be no divergence and that there should be a commitment to extremely high environmental standards.

When I talked to Donald Cameron and others in the Scottish Conservatives in Aberdeen recently, I was incredibly impressed by their determination and commitment to uphold the highest possible environmental standards. That was fantastic to hear about. The political commitment that underpins that high ambition is shared across parties, but, on top of that, we want to make sure that there are institutional mechanisms that can hold us all to those high standards and high ambitions.

The Scottish Government has issued a consultation on environmental principles and governance. I would not want to pre-empt the conclusions of that consultation, but I have made an open offer to the Scottish Government that, if it concludes that it wants the office for environmental protection that we are setting up in England to encompass Scotland's interests, it might be possible for us to locate that office in Scotland, as a sign of our commitment to the whole of the UK upholding its environmental responsibilities.

Claudia Beamish: On environmental governance, some concerns have been expressed by NGOs and a range of others about how environmental regulations and standards will be monitored, evaluated and enforced in Scotland and across the UK. The Scottish Government has told the committee that it will legislate, and it is carrying out a consultation at the moment. Will you comment on that issue broadly? I may then have one or two follow-up questions.

Michael Gove: It is no criticism of the Scottish Government to say that our plans are more advanced. We have published draft clauses of our environment bill that deal with principles and governance, which have been subject to pre-legislative scrutiny by two committees of the House of Commons, on which there are Scottish MPs. We have had feedback on the draft clauses

and a number of points were raised about the way in which we might improve the operation of the office for environmental protection, and we are open minded in considering how we might respond.

It is no criticism of the Scottish Government to say that it is at an earlier stage in the process, as it has not yet introduced the same degree of detail that we have south of the border. I can understand why NGOs on both sides of the border want a greater degree of clarity, and we are engaging with them in order to make sure that the recommendations that were made as part of the pre-legislative scrutiny process address some of the legitimate concerns that they raised.

Claudia Beamish: Will you comment on concerns that have been expressed, which I share, about the independence of any watchdog in relation to infraction and the ability to impose fines and penalties?

Michael Gove: We have been clear that the office for environmental protection will be an arm's-length body that must be fully independent. We wanted to make sure that the appointment of the chair is subject to pre-appointment hearings, so that the members of the House of Commons have absolute confidence in the politics and independence of that individual. The chair will appoint the chief executive and will be responsible for the day-to-day management of the organisation.

We also wanted to ensure that the body has sufficient funding to be able to discharge its functions without feeling that it is in any way constrained. We are publishing guidance to give further effect to that.

More broadly, in relation to fines—this is an open question, but it is a legitimate area of debate—the infraction proceedings that can be brought against members of the European Union have had an effect in maintaining a high level of environmental protection. I do not think that anyone denies that, but it involves a supranational fining of national Governments for their failure to adhere to the rules. If we had fines that were applied within a nation or state, what would happen to those fines? For example, we could have a situation in which my department or the Ministry of Defence was found not to have lived up to its obligations and a fine was imposed. The money would go to the Treasury, so we would in effect be shifting money between Government accounts.

There are others who say that we could have a system of fines whereby the money that comes from a particular Government department goes into a fund for environmental improvement. These are open questions. It is also the case that we

could force compliance with the rules without necessarily having fines. We are exploring whether there should be a new system of environmental law tribunals, not to mirror but to emulate some of the good work that immigration and employment tribunals do, by developing a body of expertise in the legal profession that ensures that we have rapid adherence to regulations and laws that guarantee environmental protection. Ultimately, it might be that the High Court could impose a requirement on the Government to change its ways, and if that Government—whether it is the UK Government or any other—refused to comply, the relevant minister or cabinet secretary would be in breach of the law, with all the consequences that follow.

Claudia Beamish: Thank you very much.

Mark Ruskell: I will go back to your point about divergence. Concerns have been raised that, in Scotland, there has been a reduction in the protection that is given to internationally protected Ramsar sites, such as Coul Links and Loch Lomond. Are you aware of that? There seems to be policy divergence across the UK over the status of the protection that is given to these sites. If the Department for Environment, Food and Rural Affairs is aware of that, will you be notifying the Ramsar convention, because, post-Brexit, international frameworks and designations will become increasingly important?

Michael Gove: You are absolutely right. In the first instance, this is an issue that I hope we can resolve amicably between the UK Government, the Scottish Government and others concerned.

I will not go into detail but on one or two occasions, individual members of the UK Parliament from devolved nations have raised concerns with me about environmental issues in Wales or Scotland. Although I completely understand their concerns, I have to respect the devolved competences of the Welsh Government and of the Scottish Government. To be fair, when I have raised those issues informally with the Scottish Government or with Welsh Government ministers, they are only too happy to take up those matters and indeed to keep the UK Government informed.

John Scott (Ayr) (Con): I have a question about costs. The costs of the Climate Change (Emissions Reduction Targets) (Scotland) Bill have been put at something like £13 billion, but costs vary and go significantly higher than that for all the targets that we are aiming for in 2045 or 2050. What percentage of the cost of meeting our shared objectives of delivering carbon reduction and limiting the rise in temperature to 1.5°C will be borne by the UK Government relative to the Scottish Government?

Michael Gove: We will work with the Scottish Government to ensure that we have effective burden sharing and that we can all benefit from the changes that we can make to ensure that we have clean growth in the future.

If we take renewables as an example, due to the initial costs, initial subsidies are needed to kick-start or pump-prime growth in renewables. We had subsidies for solar power. There has been some criticism of the UK Government for removing some of those subsidies for solar power. However, the subsidies went because the price of solar power dropped, so there was no need for subsidies. The industry is doing well; 99 per cent of the solar power generated in this country has been generated since 2010. Of course we will talk to the Scottish Government and we will seek to develop a framework whereby we can work together to advance action to deal with climate change. I hope that we can also reap the benefits across the UK.

Stewart Stevenson referred earlier to some of the work that is being undertaken in Fraserburgh on the possibilities of the north-east of Scotland using its expertise in the energy sector to play a bigger role in carbon capture and storage and in other initiatives that we need in order to deal effectively with climate change.

We are open to discussions with the Scottish Government, with Scottish civil society and with Scottish entrepreneurs to help them in the fight against climate change and in the effort to ensure that the technologies that we develop to deal with climate change can contribute to jobs and growth in Scotland.

John Scott: More specifically, how will the costs of carbon capture, support for agriculture and support for transport infrastructure such as high speed 2 be met and by whom?

Michael Gove: The cost of HS2, if it goes ahead as envisaged, will bring benefits to the whole of the UK, potentially. The overwhelming majority of those costs will be met by the UK Government because we will be developing and building that infrastructure.

However, if we think about other aspects of carbon capture and storage such as the restoration of peatland to the best possible environmental condition or indeed tree planting, we want to work with the Scottish Government to make sure that we respect its devolved competence. If Scotland is punching above its weight in some of these areas, as it has in the past, we will do everything that we can to support it.

The Scottish and UK Governments working together in the battle against climate change show how we as a United Kingdom can collectively punch above our weight. I take nothing away from

the determination and energy of members of the Scottish Parliament across parties to deal with the issue, but we all recognise that effective working across all the nations of the UK will result in not just additional economic benefits, because we will be able to invest in technology more effectively, but additional environmental benefits. The more one thinks about the challenges and the opportunities of environmental improvement and change, the more one realises that the UK is a powerful platform on which we can all stand.

10:15

Stewart Stevenson: I want to go back to the issue of appointments to the oversight body. Appointments to the UK Committee on Climate Change and the appointment of the chairman require the unanimous agreement of all four jurisdictions. Is that the model that you are seeking? I encourage you to say yes, because that would absolutely guarantee that the body will be independent of the transitory views and decisions of any single Administration and will thus have increased credibility.

Michael Gove: The CCC has done a fantastic job and is a very good model to follow. I will reflect on that very helpful suggestion and discuss it with Fergus Ewing and Roseanna Cunningham, because I would not want to say anything that they might regard as me boxing them in.

Stewart Stevenson: That is very wise of you.

The Convener: Mark Ruskell has some questions about the Committee on Climate Change's report.

Mark Ruskell: You have met Greta Thunberg, you have read the CCC's recommendations and you will have seen the Scottish Government's response to those recommendations—it has announced that it will adopt a target of net zero emissions by 2045 if the UK state adopts a target of net zero emissions by 2050. Do you have good news for the committee?

Michael Gove: I am afraid that I cannot make that announcement today.

Mark Ruskell: Aw!

Michael Gove: Thank you.

In the same way as the Scottish Government has overlapping responsibilities and a division of responsibilities between Fergus Ewing and Roseanna Cunningham, my department and Greg Clark's department—the Department for Business, Energy and Industrial Strategy—have overlapping but also separate responsibilities, and his department is the lead department when it comes to responding to the CCC's recommendations.

As I mentioned in response to Stewart Stevenson's question earlier, I have the highest regard for John Deben and the work of the CCC. Its report makes a number of extremely powerful arguments, which I welcome, but the official Government response will have to come a wee bit later, and it will have to come from Greg Clark. However, I hope that you can take from my comments my gratitude for the CCC's work, my appreciation of the urgent need for us all to do more and my acknowledgement that the Scottish Government and, indeed, Scottish parliamentarians from every party are making the case for more urgent action, which I welcome.

Mark Ruskell: The need for more action is certainly urgent. The question is not just about when you can set the target; it is also about what actions you will take and what changes you will make to Government policy as a result.

You will have heard the First Minister announce that there is to be a full review of every Scottish Government policy. As a Green, I am very much looking forward to that. Will the UK Government do something similar? You pointed to the fact that you represent one department but that there are other departments that cut across climate change. Is that not where the real action needs to take place? Surely there needs to be a full review of all Government policy. What policies would you like to be reviewed as part of that mix?

Michael Gove: A range of policies need to be reviewed, including in areas such as how we build our homes and where we build them, land use, energy generation and how we decarbonise particularly energy-intensive parts of the economy, such as steel and concrete production. We also need to look at how we design our transport system and at how we can get more investment in science and innovation. Climate change is an issue for every UK Government department, from the Department for Education to the Department of Health and Social Care, the Department for Transport and the Treasury. No part of Government is unaffected by the challenge of climate change and the need to respond.

Mark Ruskell: Should any areas be off limits? The last time we spoke, we talked about the decision potentially to approve a third runway at Heathrow airport. Should that be reviewed? Should your target to phase out petrol and diesel cars by 2040 be reviewed?

Michael Gove: On the first question, the Scottish Government and the UK Government recognise the need to look at aviation capacity in the south-east of England. The proposal to develop a new runway at Heathrow airport has been carried forward by Heathrow Airport Ltd and by the Department for Transport in a way that is sensitive, not just to climate change but to air

quality criteria. John Holland-Kaye, chief executive officer of Heathrow Airport Ltd, sits on a committee of my department that looks at how we can make business more sustainable overall. There are lots of opinions on what the future of aviation might involve, but most people recognise that it will continue to be an important mode of transport. Technological advances are perhaps coming down the track to significantly reduce the environmental impact of aviation.

On the question of petrol and diesel cars, we were one of the first countries to say that we wanted to phase out internal combustion engine sales by 2040. There are other countries that have more ambitious targets than that. My view is that all these targets need to be kept under review. We should not have arbitrary chopping and changing but, as has been the approach of the Climate Change Committee, if we set an ambitious but achievable target and people are on course to meet it, we can thereafter make the target a wee bit more ambitious. I am not saying that we are going to change the target, but it is not something that we regard as the limit of our ambition. If we are making progress and we can secure consent for a higher level of ambition, that is something that we and any other Government will keep under review.

Mark Ruskell: Who will be first? Is it the European—[*Interruption.*]

The Convener: Sorry. I will bring in Finlay Carson. Other people want to ask questions on this theme.

Finlay Carson (Galloway and West Dumfries) (Con): We all understand that low-carbon farming practices, afforestation, agroforestry and peatland restoration are crucial to reducing emissions. You will be pleased to hear that the majority of the discussions that are taking place in Scotland are based on ideas that you have floated in the past and probably in light of the lack of ideas coming from the Scottish Government. Can you give us more ideas on policies that might encourage emissions reduction? Do we need to move beyond the current, voluntary approach?

Temporary loss of sound.

The Convener: Mr Gove, can you hear us? We lost you for a second.

Michael Gove: I heard the beginning of Finlay Carson's question, then the sound cut out.

The Convener: Finlay Carson can recap.

Finlay Carson: I will try again. We know how important low-carbon farming, afforestation, agroforestry and peatland restoration will be in tackling climate change. You will be pleased to hear that the majority of the discussions that are taking place among stakeholders in Scotland are

based on ideas that you previously floated, as there is a lack of ideas coming from the Scottish Government. I am looking for your position on policies that might encourage emissions reduction in agriculture. Do we need to move beyond the current, voluntary approach?

Michael Gove: Thank you for what you say. I am also grateful to the National Farmers Union, whose leader, Minette Batters, has said that she wants to move to zero emissions in agriculture by 2040. Her leadership has been exemplary.

Finlay Carson is absolutely right. As the committee knows, the common agricultural policy works against agroforestry, as trees on farmland are deemed permanently ineligible features for subsidy or support. We want to take a more flexible approach that allows people to combine enlightened environmental measures that provide not only care for wildlife but a carbon sink, alongside effective food production. We also recognise that improved animal health can ensure that greenhouse gas emissions are reduced and that improved management of manure and slurry can also help in that way.

The Government can do a number of things to support farmers to do the things that they want to do, including by providing support for capital investment and recurring income support for farmers who do the right thing. I hope that the Scottish Government will move in that direction. When I was in Aberdeen just less than a fortnight ago, I was struck by the fact that one of NFU Scotland's senior officials was critical of the Scottish Government for not coming forward with a comparable vision for the future of Scottish agriculture.

There is an opportunity, which I am sure that Finlay Carson and other members of the Scottish Parliament will take up, to shape the future direction of agricultural policy so that high-quality Scottish produce can continue to enjoy a strong export performance, and Scottish agriculture can play its distinguished part in dealing with environmental questions.

Claudia Beamish: What are your thoughts on interim targets, in view of the Intergovernmental Panel on Climate Change report's recommendation to limit warming to 1.5°C and the need for rapid transformational change?

Michael Gove: It is a feature of the UK Government that my colleagues Greg Clark and Claire Perry are the lead UK ministers in the area, but I believe that a higher level of ambition is required. I have asked my department to consider what we can do to make a direct contribution.

My department leads on adaptation to climate change. You will probably have heard from colleagues in the Environment Agency, which is

responsible, for example, for flood management south of the border, about some of the steps that they believe need to be taken to deal with the effects of climate change. As Finlay Carson pointed out, there are areas for which my department is responsible south of the border that can contribute to climate change mitigation, whether that is a question of land use, or even the principle of biodiversity net gain for new developments, which is a good in itself and can also ensure that we have the right habitats to help us in the battle against climate change. We are anxiously looking at what more we can do to play our shared part in that endeavour.

The Convener: In order for Scotland to meet the very challenging targets that the CCC has advised, is it not the case that a lot needs to happen at UK level, too, particularly in relation to the decarbonisation of the gas network, investment in carbon capture and storage, and the regulation of energy supply?

Michael Gove: Yes. We need to work together. That goes back to a point that was touched on earlier. My view is that there is a shared responsibility across the whole of the United Kingdom. I admire what Scottish parliamentarians have done to ensure that tackling climate change is properly addressed and that the issue is put higher up the agenda. I want to make sure that the UK Government's resources are deployed in every way possible to help the Scottish Government, Scottish entrepreneurs and Scottish civil society to do more. In helping Scottish universities and Scottish enterprise to play their parts, we need to work together as pragmatically and energetically as possible.

John Scott: I declare an interest as a farmer.

I want to take you back to Finlay Carson's question and to reinforce it. Agriculture is regarded as one of the sectors that needs to do more, but while the aviation industry is able to offset its carbon emissions by planting trees elsewhere in the world, farmers and landowners do not get credit for planting trees, allowing wind farms to be built on their land or peat wetting. Is a more holistic approach to agriculture required, as opposed to the way in which the IPCC measures carbon production and mitigation? It might be unfair to ask you that question in relation to Scotland, but, on the general point, do we require to take a parallel approach to measuring the contribution that agriculture makes?

Michael Gove: Yes. South of the border, we are seeking to ensure that farmers who do those things—many of them do so energetically and without appropriate award—are rewarded from the public purse for contributing to the wider public good of dealing with environmental damage. I hope that we can work with the Scottish

Government to ensure that the work that we are pioneering south of the border can be adopted in Scotland. Obviously, the matter is devolved, and Scotland's geography—

Temporary loss of sound.

The Convener: We appear to have lost the sound again. I thank Mr Gove for his evidence.

At the committee's next meeting, on 21 May, we will take further evidence on the Climate Change (Emissions Reduction Targets) (Scotland) Bill at stage 2, from the Cabinet Secretary for Environment, Climate Change and Land Reform.

10:30

Meeting continued in private until 10:50.

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