



Department  
for Environment  
Food & Rural Affairs

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

Nobel House  
17 Smith Square  
London SW1P 3JR

defra.helpline@defra.gsi.gov.uk  
[www.gov.uk/defra](http://www.gov.uk/defra)

Mike Hedges AM  
Chair of Climate Change, Rural Affairs and  
Environment Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff CF99 1NA

31 August 2018

By Email: SeneddCCERA@assembly.wales

Des Mike,

## COMMON FRAMEWORKS FOR THE ENVIRONMENT AFTER BREXIT

Thank you for your letter of 23 July enclosing a copy of the Committee's report 'Common Frameworks for the Environment after Brexit'. I was interested to see the Committee's views on the development of common frameworks.

The Framework Analysis, published by the UK Government in March, was a working document based on a provisional assessment of the situation. We are continuing to work in a constructive and collaborative manner with the Welsh Government and the other devolved administrations to refine the analysis. This includes looking at where common frameworks will or will not be required, and whether they should be legislative, non-legislative, or a combination of both.

My aim is to agree the most appropriate arrangements with my counterparts in the devolved administrations, based on a thorough consideration and shared understanding of all the relevant factors, policy area by policy area. I understand your concern that minimising the number of frameworks could result in a less integrated approach to transboundary issues, but my starting point is to identify where frameworks are necessary or, indeed, desirable, rather than to minimise the number of frameworks. I would also like to reassure you that environmental goals, which are shared with the Welsh Government, are being kept fully in mind as we consider the need for, and shape of, common frameworks.

With reference to the future right of citizens to challenge the application of environmental law, my department has published a consultation on environmental principles and governance. This includes proposals to establish a new, independent statutory body to hold government to account on environmental standards. We are consulting on whether this body should have the functions of undertaking scrutiny and providing advice in relation to environmental policy and law, investigating complaints from individuals and, if necessary, taking action to bring about the proper delivery of environmental law by government. In addition, the EU (Withdrawal) Act 2018 requires the UK Government to

bring forward a draft Bill which would, among other things, confer powers upon a new body to take proportionate enforcement action, if necessary through legal proceedings, where it considers that government is not complying with environmental law.

As environmental governance is clearly a devolved matter in Wales, our consultation, as well as the relevant provisions in the EU (Withdrawal) Act 2018, are limited to England and reserved matters throughout the UK, for which the UK government has responsibility. I would nevertheless welcome the opportunity to co-design proposals to make sure they work across the whole of the UK, and we are therefore in discussion with the devolved administrations to establish whether they would like to take a similar approach.

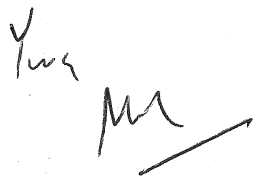
I recognise the importance of engaging with the Welsh Government, the National Assembly for Wales and its committees, Welsh businesses, people and stakeholders. I and my ministerial team are engaging across the UK and I was delighted, recently, to accompany the Secretary of State for Wales to the Royal Welsh Show in Llanellwedd. You will of course be aware that the Prime Minister and the Chancellor of the Duchy of Lancaster carried out similar engagement at the Show. We are currently planning a further phase of discussions on frameworks, and will be considering how best to increase stakeholder engagement as this next phase progresses.

You mention options for developing the overarching intergovernmental arrangements. We agree there is a need to review the existing structures, including the Memorandum of Understanding, to make sure they are fit for purpose as we leave the EU. This was an outcome from the last Joint Ministerial Committee (Plenary), chaired by the Prime Minister in March. The UK Government and devolved administrations are now working together to take this forward.

It is important that the National Assembly for Wales has opportunities to inform the development of EU exit planning and preparations, which is why I was pleased to meet members of your Committee in May, as was the Minister for Agriculture, Fisheries and Food, George Eustice.

Thank you again for sharing your report.

With every good wish,

A handwritten signature in black ink, appearing to read 'Yus' followed by a stylized 'M' and a long horizontal stroke.

**Michael Gove**