

The Right Honourable Michael Gove, MP
Secretary of State for Environment, Food and Rural Affairs
17 Smith Square
London SW1P 3JR

30 May 2018

Dear Secretary of State,

We have read with interest the consultation document on the proposed Environmental Principles and Governance Bill. This letter sets out the Committee on Climate Change and Adaptation Sub-Committee's high level thoughts on the remit of the proposed watchdog, and on the environmental principles. We will write again before the consultation deadline on 2nd August, setting out further details on how the CCC/ASC and the proposed environment watchdog might dovetail their work most effectively.

Inclusion of climate change in the watchdog's remit: paragraph 127 in the consultation document states that 'it is proposed that the new body's remit does not cover matters related to climate change'. The CCC and ASC have a statutory role to scrutinise domestic policy related to climate change. It is right that the new body does not duplicate this function under its proposed scrutiny and advice role. However, we think that omitting all matters related to climate change – mitigation and adaptation – from the body's remit would be artificial and potentially create problems. The natural environment will both influence and be influenced by climate change over the next 25 years. The body may be tasked to give advice on progress related to the natural environment and the 25 year Environment Plan; but mitigating and adapting to climate change forms an essential component of progress which cannot be disentangled from a wider assessment of the state of the natural environment. We will reflect further on how the watchdog might use the CCC and ASC progress reports to Parliament and the UK climate change risk assessment as part of its broader assessment.

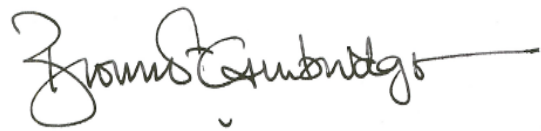
Remit related to enforcement: It is crucial that the environment watchdog is able to exercise the same degree of rigour in holding the government to account as is currently done through the European Commission and European Court of Justice. As set out, the powers suggested in the consultation do not represent equivalence, particularly as there are no powers for the watchdog to take the government to court. This omission is relevant from a climate change perspective as well as a broader environmental perspective because although most climate change legislation is domestic, many environmental goals set out in European legislation are closely linked to improving the resilience of the natural environment to climate change. For example, improving the ecological status of water bodies as set out in the Water Framework Directive, and the provisions for supporting biodiversity set out in the Habitats and Birds Directives.

Relevant environmental principles: In addition to question of remit, we note that several of the principles laid out in international and European Union law and policy are relevant to climate change and should be included in the Act itself. Those listed in the consultation are the polluter pays principle; the precautionary principle; sustainable development; the prevention principle; and the integration principle. Other principles laid out in European or international law that we would recommend are included are to 'make use of the best available scientific knowledge' (Paris Agreement); 'to conserve ecosystem structure and functioning, in order to maintain ecosystem services' (Convention on Biological Diversity); and to 'anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects' (UN Framework Convention on Climate Change). This last principle should include a requirement to take account of the advice of the CCC and ASC. We also suggest including a new principle related to 'public money for public goods'.

The ASC will be meeting before the middle of July to discuss potential working arrangements with the environment watchdog on assessing progress on the state of the natural environment. After this meeting, we will provide further detail on our views as to the best options, although to understand the finer detail we may need to wait until the specific role of the body is decided on. Issues related to the sharing of data and analysis, common indicators, monitoring, and ensuring consistency between the two bodies' recommendations to the government are likely to be amongst the important areas where the bodies can usefully collaborate.



Lord Deben
Chairman, Committee on Climate Change



Baroness Brown of Cambridge
Chair, Adaptation Sub-Committee