

Meeting with Scottish Government – environmental governance update

14 June 2021

Present: Sophie Humphries (SG), Charles Stewart Roper (SG), Fiona Eddy (SG), Evan Adair (SG), Lloyd Austin (LINK), Isobel Mercer (RSPB), Emilia Hanna (ERCS), Bruce Wilson (SWT), Vhairi Tollan (LINK).

1. Keeping pace and principles policy statements

- On keeping pace, officials had no updates to share.
- Lloyd raised the fact that there are already emerging areas where the UK is diverging from the EU (such as the UKG's plans to weaken the Habitats Regulations in England) and that it is important we have keeping pace guidance to prevent the same happening here.

- On the environmental principles policy statement, Fiona Eddy shared a draft guidance document with LINK members for comments.
- They expect the consultation on the draft guidance to go live 'within weeks.'
- Charles's team worked closely with SEA colleagues to develop the guidance. It covers instances where the SEA process won't be applied.
- Lloyd suggested the introductory section be made more inspiring. Charles said that kind of content will be included in the ministerial foreword.
- Isobel asked for more detail about the guidance asking public authorities to 'balance' the principles against other objectives. Asked for clarity about what weighting is given to the principles.
- Vhairi passed back written feedback on the guidance to the SG team on 18 June.

- Sophie advised that an order will be voted upon in Westminster to approve ESS as part of the Scottish administration. More information here:
<https://www.legislation.gov.uk/ukdsi/2021/9780348222432>

2. UK Environment Bill

- Lloyd asked about the amendments to the Bill which would see the Scottish principles not applying to UK Ministers acting on reserved matters. Sophie confirmed the SG disagree with this and believe the Continuity Act principles should apply to devolved and reserved matters in Scotland.
- As there are no SNP members in the House of Lords, the SG is not planning any amendments at this stage of the UK Bill.
- Lloyd highlighted the contradiction in the UKG's approach as the Bill allows the Welsh Senedd to legislate on some reserved matters – not taking a consistent approach to devolution in Scotland and Wales.

3. New cabinet appointments and Human Right to a Healthy Environment

- Sophie confirmed there is no change in structure in the civil service.

- Work on a Human Right to a Healthy Environment (HRHE) will fall under Shona Robison's portfolio though Mairi McAllan is likely to play a role in this. John Swinney is also likely to have a role in the Human Rights Bill as a whole.
- Sophie confirmed HRHE will be included in the upcoming legislation. Work has started internally on developing a process to look at HRHE and agree timelines.

- Charles suggested it would be helpful for officials to have a 'free-flowing' discussion on HRHE with LINK members in the future, to discuss the incorporation in practice.

4. AOB

- Charles asked if a workshop on the principles guidance and interaction with SEA would be helpful. LINK members agreed this would be a good thing to do. SG team will look into setting this up.
- Vhairi/Sophie to schedule next meeting date toward the end of the principles consultation period.