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23 November 2023

UK Retained EU Law (Revocation and Reform) Act 2023 - environmental provisions

In my letter to you of 25 September 2023, which was a response to your letter of 5 September 2023 seeking further information on the environmental provisions of the UK Retained EU Law (Revocation and Reform) Act 2023 (the Act), I agreed to write to you with a further update once discussions between my officials and Defra had concluded on the proposed replacement for the National Air Pollution Control Programme (NAPCP), the provisions for which are being revoked as part of the Act.

The Scottish Government had a number of concerns around Defra's proposed replacement for the NAPCP and I am satisfied that these have now been adequately addressed.

The key concern was a lack of commitment to make any of the procedures or outputs of the new approach available for public scrutiny, unlike the NAPCP which was subject to consultation before being finalised and subsequently published. Defra has acknowledged this concern and proposes issuing a regular public statement on policies and measures under consideration.

Defra has also confirmed that the new approach will fully come into effect from April 2024, with an initial launch before the NAPCP provisions are revoked when the Act comes into force on 31 December.

As I have indicated in previous communications with the Committee on this issue, the UK Government's decision to pursue revocation of the NAPCP provisions without legislative consent is regrettable. However I am satisfied that Defra has addressed our concerns around the replacement approach and that an adequate level of public

scrutiny is being maintained around our work to deliver further air pollutant emissions reductions.

My officials will continue to liaise with Defra and the other devolved Governments as finalisation and implementation of the NAPCP replacement approach progress.

I hope you and the Committee find this information helpful.

MAIRI MCALLAN