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Edward Mountain MSP
Convener of Net Zero, Energy and Transport
Committee
c/o Clerk to the Committee, Room T3.40
Scottish Parliament
Edinburgh
EH99 1SP

26 June 2024

Dear Edward,

THE RETAINED EU LAW (REVOCATION AND REFORM) ACT 2023— NATIONAL AIR POLLUTION CONTROL PROGRAMME REPLACEMENT

In my letter of 23rd November 2023 I provided a further update on the UK Government's proposals for an alternative approach to the National Air Pollution Control Programme (NAPCP), the provisions for which were revoked by the UK Retained EU Law (Revocation and Reform) Act 2023 (the Act), without the legislative consent of the Scottish and Welsh Governments. In the letter I explained that the Scottish Government had a number of concerns around the proposed replacement but that I was satisfied the concerns were being adequately addressed.

The UK Government is pursuing an alternative non-legislative approach to the NAPCP. An Emissions Reduction Subgroup has been established under the Air Quality Common Framework. The Group, which includes officials representing the four UK Governments, will analyse and track the policies and measures already in place and under development across the UK to support compliance with the emissions ceilings. The Group will also consider how any identified gaps and shortfalls could be addressed, and develop 'with additional measures' (WAM) scenarios to illustrate this.

As I explained in my letter, at the time I considered this non-legislative approach to be broadly acceptable, subject to three important concerns being addressed. The most significant concern was the lack of commitment to making 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). Disappointingly, Defra has recently informed my officials that UK Government Ministers have decided not to make any information public.

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I have therefore written to Robbie Moore MP, Parliamentary Under Secretary at the Department for Environment, Food and Rural Affairs, expressing my concerns around this decision, requesting an explanation of their justification for taking this approach, and asking him to reconsider. We will give further consideration to our options once we receive a response and I will provide an update to the Committee in due course.

I have copied this letter to the Constitution, Europe, External Affairs and Culture Committee.

Yours sincerely,



MAIRI MCCALLAN

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