Environmental Audit Committee

Oral evidence: 25-Year Environment Plan, HC 803

Wednesday 18 April 2018

Ordered by the House of Commons to be published on 18 April 2018.

Watch the meeting

Members present: Mary Creagh (Chair); Colin Clark; Geraint Davies; Zac Goldsmith; Mr Robert Goodwill; Caroline Lucas; Kerry McCarthy; Anna McMorrin; John McNally; Dr Matthew Offord; Joan Ryan; Alex Sobel.

Questions 57 - 204

Witness

I: Rt Hon Michael Gove MP, Secretary of State for Environment, Food and Rural Affairs.
Examination of witnesses

Rt Hon Michael Gove MP, Secretary of State for Environment, Food and Rural Affairs.

Q57 **Chair:** Can I call the Committee and the Secretary of State to order and welcome him to our session this afternoon? Thank you very much indeed for attending.

Before we get into the meat and drink of the 25-Year Environment Plan, I wondered if you could update the Committee on a couple of the issues that hang over, if you like, from our previous session. In September 2017 you said the White Paper on fisheries would be published before Christmas, the Bill would be published very early this year, and the Agriculture Bill would be published in the spring of this year. Can you just explain why the delay?

**Michael Gove:** Because we have secured a transition deal with the European Union.

Q58 **Chair:** So we do not need to publish those Bills. When do you anticipate them arriving before the House?

**Michael Gove:** I think that we will probably have both a Fisheries and an Agriculture Bill this year.

Q59 **Chair:** First half, second half?

**Michael Gove:** The Fisheries Bill will probably be published in the first half of this year and the Agriculture Bill in the second half of the year. We published, as you know, a Command Paper on agriculture, which we are currently consulting on. We want to make sure that immediately after that consultation we have some time to take stock of the responses and make sure that people appreciate that this consultation exercise is not a Potemkin exercise, but it is a real attempt to grapple with some of the issues that have been raised, not just by those who work in agriculture, but by everyone who has an interest in the farmed environment.

As far as fisheries go, as you will appreciate, the nature of the transition period that was agreed means that we will be observing the rules of the Common Fisheries Policy for slightly longer than we might otherwise have done. That means that while we will absolutely need legislation before the transition period ends in December 2020—and indeed, we have some additional freedoms before then—the urgency that we might have been under if we were to leave the EU in March 2019 without a transition deal is no longer there.

Q60 **Chair:** Thank you, Secretary of State, that is helpful. Your Minister, Minister Coffey, told this Committee in January that the Resources and
Waste Strategy would be published in the second half of this year and that it was taking longer than planned. Why is that?

**Michael Gove:** Again, I think it is because of the scale and nature of the challenge that we face. I hope that we will publish it in September. An appreciation of just how much we need as a Government, as a country, as a world, to change the way in which we approach waste and think about resources has been born in all of us over the course of the last year. Therefore we want to make sure that when we do bring forward our strategy, it meets the challenge of the time.

I would use an analogy, if I may, with the 25-Year Environment Plan, which of course we are going to go on to discuss, and there may well be criticisms that will be directed towards it and me. One of the things that I would say is that there was understandable impatience before it was published, and then since the publication I think people have felt that—well, I would not want to put words in anyone’s mouth and say that it was worth waiting for. Nevertheless, I think some of the witnesses in this Committee felt that the scale of ambition in the plan certainly reflected the additional work that had been put in, which may have meant that it arrived later than some would have expected. I hope the same thing will be said of our approach towards waste and resources.

Q61 **Chair:** Can you tell us about the deposit return scheme, which I think you first announced back in October/November, and then reannounced last month to great acclaim? When will we see the consultation on that start? Will it be after the consultation on single-use plastics is completed? Is that correct?

**Michael Gove:** Yes, because we have a specific consultation on the taxation treatment of single-use plastics, which the Treasury has brought forward. We had initially a call for evidence on a deposit return scheme and then we said, following on from that call for evidence, that we would definitely press ahead, subject to consultation. One of the things that we need to do is to consult with devolved Administrations as well as industry, but we hope that details of that scheme will follow the Treasury’s response on the taxation regime for single-use plastics.

Q62 **Chair:** The consultation on the DRS will start, let us say, in June, July, August and run for that three-month period. Is it part of the Waste and Resources Strategy or is it a standalone item to the Waste and Resources Strategy?

**Michael Gove:** It will feed into the Waste and Resources Strategy because there are some things we already have announced, and more that we will be announcing, not just on behalf of Government, but in partnership with industry, which will feed into the Waste and Resources Strategy. It will be encompassed within that because the Waste and Resources Strategy will outline some of the steps that we have taken, and some of the things that we propose to take. There will be, I hope,
one or two ideas in it that will require further consultation before being implemented.

Q63 Chair: The deposit return scheme: will it require any legislative programming in order to be enacted?

Michael Gove: I believe it will, yes.

Q64 Chair: When do you anticipate that proposal of legislation being before Parliament?

Michael Gove: I would hope that at the end of this two-year parliamentary session, in the next parliamentary session we would bring forward environmental legislation. I would hope, but of course it is subject to the agreement of my Cabinet colleagues, that we would bring forward an Environment Act, and within that Environment Act there would be a number of specific provisions that we would wish to—

Q65 Chair: We would be looking basically at the Queen’s Speech 2019 for the legal proposition for the Act for a DRS scheme, and then looking at it getting Royal Assent either in 2020 or 2021?

Michael Gove: Certainly I would hope by 2020. If there is an alternative legislative vehicle that we can use before then, I am absolutely open to that happening. For the sake of argument, if there were either to be an opportunity through the—

Q66 Chair: Agriculture Bill?

Michael Gove: Again, I do not want to pre-empt the discussions that we might have or I might have with Cabinet colleagues, or indeed the amendments that might be put down by colleagues.

Q67 Chair: Thank you. Can we move on to the Environment Plan? In that, you commit to achieving zero avoidable plastic waste by 2042. What is your definition of “avoidable”?

Michael Gove: That definition will evolve as technology evolves and as industry meets that particular challenge. There are some things that are unavoidable. For example, if we think about plastic straws, there are some people who suffer from particular physical disabilities for whom nutrition depends on the use of a plastic straw. There will be some occasions where other medical requirements mean that plastic, unless we have managed to develop an alternative, is the only safe means of keeping a particular commodity or resource that is required for medical purposes safe for a sufficient length of time. What I would like to do is to ask the relentless question, “Is there an alternative and why aren’t we using it?” and if there is a requirement to use plastic then, wherever possible, to make sure that we are using a plastic that is recyclable.

When I talked just before Christmas about the four points, the four principles that would guide our approach, my idea was then—and it has subsequently been driving our approach towards this issue—that we want
to reduce demand for plastic overall, reduce the number of plastics that we use, wherever possible ensure that any plastic that is used is recyclable, and of course make sure that the resources are available to ensure that some of the plastic that is currently collected, and is recyclable and is not recycled, is recycled in the future. Since we have the capacity and we are paying for it, then preferably to do that here.

Q68 Chair: That is quite a long way of saying it. There is not much definition around “avoidable” from what I heard there. Also, the 25-year timescale: there is a projection of a doubling of plastic production over the next 20 years. Does that not immediately raise the question again about what is avoidable and how are we going to tackle this huge increase in plastic volume?

Michael Gove: Yes. I think the reason that “avoidable” is there—in fact, the reason that “avoidable” is there is because as I mentioned, with respect to medical use, there are some specific uses where there is currently no available alternative technology, and there is no best alternative technology to plastic. A zero approach is by definition impractical, but we wanted to ensure that we use the least possible. Already in advance of that 2042 target there are steps that we have taken and more that we will announce, which I hope will be seen as evidence of our ambition.

Of course there is always more that we can do, but just this week, as part of the Commonwealth Heads of Government Meeting, the Government of Vanuatu has joined with us in setting up the Commonwealth Clean Oceans Alliance, which is an attempt to ensure that the 50-plus countries of the Commonwealth commit together to ensuring that we will all adopt the best possible practice when it comes to plastic use, reuse and recycling. That is an example of diplomatic effort.

Domestically there are some specific suggestions, including suggestions from this Committee, for example, on coffee cups, which we are considering how best to bring forward. Of course, as you appreciate, that is tied up with the Treasury’s own consultation on the tax treatment of single-use plastics.

Q69 Chair: Just on that, you talked about the medical issues. Have you approached your colleague, Secretary of State Hunt, to discuss how the NHS can use its buying power to deliver sustainable alternatives in hospitals?

Michael Gove: I am planning to talk to all Government Departments, not just about plastics, but also about Government procurement overall, to ensure that we can move to a more sustainable approach. The central Government estate overall is, thanks to the intervention of the Cabinet Secretary, determined to bear down and eventually eliminate single-use plastics across the Government estate. Of course, the Government are responsible—
Chair: I was asking specifically about the NHS.

Michael Gove: I know, but it is not just the NHS. Yes to the NHS, but not just in that area.

Q70 Chair: Just finally, in the 25-year plan you commit to building on the ban on microbeads—something recommended by this Committee. At present it only covers rinse-off products. What is the process for extending the ban on microbeads to all products?

Michael Gove: At the moment our ban on microbeads is world-leading. There is no country, certainly no developed nation, that has a tougher approach towards microbeads than us. One of the things that we will be saying more about in the context of the Waste Strategy is how we intend to go further in the areas that we have already touched on and in some other areas as well.

Q71 Chair: In the Paris Agreement, we signed up to increased global levels of soil organic carbon in all soils by 0.4% each year. The Environment Plan talks about soils about 57 times, but I was disappointed that this 0.4% target, the CAP 4-mille target, is not included in the plan. Are you committed to the target? If so, how will you measure it?

Michael Gove: We are committed to a target on soil quality. We are committed to make—

Q72 Chair: You are committed to an international United Nations target. That is the target, is it not?

Michael Gove: Yes.

Q73 Chair: Why is that not reflected in your plan?

Michael Gove: We want to ensure that when it comes to all of the metrics by which the 25-Year Environment Plan will be judged, we take some time. I will frankly acknowledge that in the final chapter of the plan we make it clear that we think it is important to have measures of soil quality, air quality and water quality and that we want to have a basket of measures. We are going to draw up what that full basket will be, but it is undoubtedly the case that, as you say, there are 57—I had not counted them up myself—mentions of soil in the document.

One of the things that has been reflected in the course of the last few months is a welcome consensus developing that soil health is one of the single most important measurements of the health of our environment, and it is the organic content of soil that is at the moment—the scientific consensus can always change—probably the best guide to soil health.

Q74 Chair: That is why we signed up to the UN target. My question is why is that target, which we signed up to in December 2015, absent from your plan?

Michael Gove: There are a number of other targets that govern environmental ambitions that are not in the plan, and that is because we
wanted to ensure that when it comes to those metrics by which we will be judged, we have an approach by which we can be appropriately held to account.

I think it was Richard Benwell, in the evidence that he gave to the Committee, who pointed out that, for example, the JNCC produces every year a helpful guide to biodiversity. There is lots of information in there that enables us to understand the state of nature. Indeed, past reports like the "State of Nature" report have shone a light on biodiversity loss. If you are going to have a Government that is properly held to account and says these are going to be the best indices that are proxies for the broader health of our environment, then what we need to do is to be comprehensive but balanced in making sure that we present them all together and say, “These are the measurements by which one should judge us in the round”.

To hark back to my time when I was Education Secretary, if you were to look at how you were to measure the success of a school, you would say that at league table time you would look at, for example, not just English and mathematics performance—

Q75 Chair: We are not going to get into the Secretary of State’s reputation. We are here to look at the environment.

Michael Gove: I know, but it is an analogy, and analogies are often helpful ways of understanding how metrics across Government operate.

Q76 Chair: I think we understand metrics.

Michael Gove: And analogies.

Chair: And indeed analogies.

Q77 Alex Sobel: As you rightly identified, many of our witnesses were clearly happy about the high level of ambition in the 25-year plan, but many also thought there was a lack of a programme for delivery, for example, on things like governance detail targets and milestones. Also quoting Richard Benwell, he said, “For us, the elements are clear and binding targets, proper funding and a system of monitoring and accountability that can hold the Government to account”. Do you think that is a fair assessment of the work that you still have to do?

Michael Gove: Yes.

Q78 Alex Sobel: When do you think you will be publishing a delivery plan for that work?

Michael Gove: There are a number of different components. One of the things that Richard and other witnesses drew attention to are metrics and we have just been discussing which ones we need to have. This is not a complaint; I think this is a welcome development. There are literally hundreds of environmental metrics, some of which we fail on, some of which we have exceeded, and all of which matter, but if we are going to
have a plan, we need to have—and the publication of this plan is part of the means of arriving at that—agreement on which metrics we think are the best by which we can shape Government policy.

On the related question of environmental principles and governance, we will be publishing—I hope shortly—a consultation paper on how environmental principles as we leave the EU will be reflected in UK law, and how we have both governance and enforcement that meets the environmental requirements that we have pledged to respect.

Q79 **Alex Sobel:** You have outlined some of the obstacles that you are going to have to overcome to legislate. Who still needs to be convinced around this? Who around the Cabinet table is still needing to—

**Michael Gove:** The Prime Minister, when she gave a great speech launching the 25-Year Environment Plan, made clear then that there would be no dilution of the environmental protections that we currently have within the European Union. Indeed, it would be our aim to set out to show that we could have higher levels of protection and that is settled Government policy.

Q80 **Alex Sobel:** In terms of delivery mechanism and governance, will there be a cross-Whitehall governance mechanism to support the plan? Will there be Cabinet committees? Will there be joint departmental ownership of targets and goals?

**Michael Gove:** This is a Government document and it was produced with the help of other Government Departments, from the Treasury through to the Department for Education, Health and MHCLG. The question of how we carry it forward and whether or not there will be, for example, a ministerial group in order to carry it forward, is ultimately a matter for the Prime Minister and the Chancellor of the Duchy of Lancaster. My view is that, by preference—but I would not want to bind our hands—it is better to work issue by issue bilaterally or multilaterally across Government in order to achieve things, rather than necessarily to have an inter-ministerial group or a Cabinet sub-committee. Sometimes those inter-ministerial groups or Cabinet sub-committees cannot bring the dynamism and change required in order to drive improvement.

Q81 **Alex Sobel:** One of the strengths of these environmental action plans—something we are obviously going to come out of—is the legal requirement at the end of each seven-year period to evaluate progress and work on the next plan. Will there be a similar legal mechanism to assess the periods of the 25-year plan?

**Michael Gove:** We envisage—without wanting to be too Stalinist—five-year reviews. The means by which those reviews could be undertaken obviously will depend on the consultation about governance and enforcement. One of the things that we want to do is to create a body that can hold Government to account. Therefore, by definition, not just over a five-year period, but if we are proving refractory or making decisions as a Government, legislative or in policy terms, that offend
against the principles by which we wish to be judged, then even before that five-year period elapses one would hope that the Government would be properly brought to account by that body.

I would like to be in a position where we have at the very least an annual report to Parliament on progress or lack of progress towards some of these goals. I would not be so pretentious as to suggest this was a green budget, but I do think by whatever means, whether it is a formal written report to Parliament and a one-day debate on that or whatever means—I am completely open-minded—there should be an opportunity for the House of Commons, after any appropriate report from a governance body, to debate and to scrutinise the progress that we have made against the 25-year plan.

Q82 Colin Clark: Secretary of State, only 11 out of the 44 targets in the plan are SMART. Witnesses have expressed concern about the use of vague phrases like, "As soon as practical". Do the Government intend to come forward with more detailed targets and milestones?

Michael Gove: Yes, and lots of, but not in every year.

Q83 Colin Clark: So when?

Michael Gove: We will later this year outline a number of the areas. For example—this is the area the Chair mentioned earlier—we will bring forward a greater degree of granular detail about how we are going to meet our responsibilities when it comes to plastic and waste. We are going to come forward with a greater degree of practical detail about how we will hope to measure soil quality.

There are some things—for example, in the space of farming and food production—that depend on our response to the consultation on the farming Command Paper, but part of that will be saying, “These are the measurements by which we hope to be held to account” and there will be some other stuff that will come slightly later than that. For example, the environmental land management contracts that we draw up, which will be one of the principal means by which we reward people for doing the right thing, will take a wee bit longer to design and bring about than, for example, some of the detail on the Waste Strategy.

Q84 Colin Clark: Would you agree Parliament and your proposed oversight body must be able to hold Government to account?

Michael Gove: Yes.

Q85 Colin Clark: They can only do that with strong targets and milestones.

Michael Gove: Yes. I do believe that is right, yes.

Q86 Colin Clark: Our witnesses were concerned there is no clear line of sight between the existing targets and those in the plan. They say that some have been quietly weakened. Will the Government publish an analysis showing targets from the plan alongside the existing commitments they
relate to, such as fishing stocks?

**Michael Gove:** It is a very fair point. The point was made, I think, by ClientEarth, among others. Yes, I would like to do that. The team at DEFRA is already working hard. I can imagine there will probably be some people who might be sighing in the Department even now at the thought of more work, but I think it is critical.

Someone else raised the question about whether or not the wording in the plan on the Water Frameworks Directive was as strong as the Water Frameworks Directive is. I do not want to have any dilution. If it is the case that the wording that we have used is not as strong, that is simply a slip of the pen rather than a deliberate desire to dilute. Doing that audit exercise, making sure that every existing commitment we keep to—if you think that there is a commitment that we need to express in a different way for whatever reason, then we must make clear why we think we should take a different approach so that we flag up that fact, rather than trying to smuggle through a change.

Q87 **Colin Clark:** So there will be a comparison, so it is transparent?

**Michael Gove:** Yes.

Q88 **Colin Clark:** Without this, Parliament obviously and the public effectively cannot judge the Government’s level of ambition. That is why it is of so much importance.

**Michael Gove:** I completely accept that.

Q89 **Colin Clark:** You clearly agree with me.

**Michael Gove:** Absolutely.

Q90 **Chair:** Would you like to say something else, Secretary of State?

**Michael Gove:** Yes. There is a technical definition of “avoidable”, which is technically, environmentally and economically practicable, TEEP.

**Chair:** Who knew? We all do now. Thank you, very helpful. A new word to add to our acronym stash.

Q91 **Joan Ryan:** Following on from my colleague’s question and moving more towards metrics than targets—those two things are often mixed up together by people.

**Michael Gove:** Absolutely.

**Joan Ryan:** The 25-year plan stated that the Government would engage widely on metrics over the six months after publication. That is four months in and the NGOs tell us that no one has spoken to them about metrics. I wondered what progress had been made.

**Michael Gove:** We have been talking to two NGOs, two individuals and two others. All I would say is that if NGOs feel that our engagement with
them on this has not been—what is the word—close enough, then that is an encouragement and a spur to me to do better.

Q92  **Joan Ryan:** If they are saying no one has spoken to them, they obviously feel it has not been close enough. I would say the ball is in your court.

**Michael Gove:** I have spoken to some and asked questions about, for example, the farmland bird index, which is a widely-used proxy for biodiversity, and whether that is the right sort of measurement and so on. I think you can say that there is a difference between some of the conversation and engagement that I have had, and perhaps there is a more formal process that some of them might have been anticipating.

Q93  **Joan Ryan:** Are you a little concerned then that they do not feel this is close enough? Are you going to commit to doing a little more on this?

**Michael Gove:** Absolutely, yes, and I think it is a fair point.

Q94  **Joan Ryan:** Will the metrics be ready by 11 July, which I presume is the six months after publication that you had talked about?

**Michael Gove:** It might be the case that six months after we have a clearer idea of what we consider the right metrics to be, but the process by which we then say, “These are the metrics against which we are going to be judged” might require us to come back to Parliament or to publish something after we return over the summer recess.

Q95  **Joan Ryan:** They will not be ready then?

**Michael Gove:** They might be ones that we are happy with, but they might not be ones that we think—what is the word?—it would be appropriate to go pat.

Q96  **Joan Ryan:** You can see why bodies might be concerned if they do not know what the metrics are and we are not reaching the target for producing the metrics. There is just a concern about slippage all the way along the line.

**Michael Gove:** To take a couple of steps back, environmental NGOs and others quite rightly want to hold Government to account because they recognise that there are all sorts of pressures on Government—pressure to save money here, cut corners there, listen to this lobby or whatever—so they want to be as vigilant as possible. They are going to—no pun intended—badger Government. That is their job. I do not complain; I welcome it. There will be occasions where Government will be slower than they should be or less precise than they should be in meeting those requirements, but that is because NGOs, particularly the best NGOs, are impatient for higher standards. That is fair enough.

Q97  **Joan Ryan:** Can I put a particular issue to you? The Government changed definitions when reporting against Biodiversity 2020. In the plan they replace the existing target with a stronger target—great—but with
action deferred to an unknown date. Will the Government commit to using directly comparable metrics—I think some of this overlaps here—and targets over the duration of the plan?

**Michael Gove:** We certainly need to be in a position where people can know, if you have departed from an existing metric, where we have. There is probably a responsibility on us, if we have departed in a way that might to a fair-minded person look like a dilution or a delay, to explain why that is so. We would deliberately want to set ambitious targets, but I suspect that by definition there will be some that in the future this Government or other Governments may not meet in the way that we would want to, but that is the whole point about having ambitious targets.

Q98 **Joan Ryan:** The Government’s pledge now is to develop 5,000 hectares of new wildlife habitat as an increase on the Biodiversity 2020 target, which was 200,000 hectares. Of course you have not met that.

**Michael Gove:** No, we have not.

Q99 **Joan Ryan:** It does start to beg the question: what use are the targets? It is not a lot of wonder that we do not have a metric because there is nothing to measure, is there?

**Michael Gove:** No. We do need the metric, we do need those targets, but it goes back to my earlier answer. Governments will sometimes fail to meet the targets that they set for themselves. You can set unambitious targets and then meet or exceed them, but what is the point of that, other than giving yourself a medal? The aim is—

Q100 **Joan Ryan:** I do not think you will be getting a medal.

**Michael Gove:** Precisely. It is because it is a properly ambitious target, and it is the job of committees and the Opposition MPs to say, “You have missed this target”. Of course, all Governments do. The question is: are we trying? Are we aligned? Are we sincere in our desire to meet these targets? Are the targets that we have set proportionate and sufficiently ambitious?

Q101 **Joan Ryan:** I do not think that the question, Secretary of State, is whether you are sincere or not. I am not questioning that. What I am saying is you had one target; you have nowhere near met it. You have now set an even more ambitious target.

**Michael Gove:** Over a longer period.

Q102 **Joan Ryan:** This rattles confidence, doesn’t it? It is no use just saying, “Well, we set ambitious targets. That is a great thing to be ambitious”. It is not a lot of use if you never meet the ambition and you do not reach it. Let me just finish. Let me just finish, Secretary of State. What will the Government be doing now to make sure that you are going to meet these targets and when will we get these metrics so we can follow whether you are meeting them or not? I think that is the question.
Michael Gove: Yes, it is. Metrics later this year, and a balanced scorecard in order to allow us properly to be held to account. As I pointed out, there are principles that we signed up to and there are measurements that we consider to be important that we would like to see progress on, but it is important that we are judged against that balanced set of metrics.

More broadly, again, I want to underline that if you look across the globe—this is not an attempt to wriggle out of our responsibilities, quite the opposite—there are countries, including countries that we can look up to in environmental terms, that do not always meet the targets that they set themselves. The broad judgment is—and I would be happy for others to make that judgment in five years’ time or even before then—whether an appropriate measure of progress has been made towards the overwhelming majority of these targets, acknowledging that here or there progress might not always be made in the way that we would like to see it.

Without wanting to go into another argument, an area that concerns me is air quality. I think that as a Government we have been behind the curve on this. We need to take action now. We have managed to meet and beat some targets, but not others. The fact that we have not met the targets that we should in some areas is an additional goad to action in those areas.

Q103 Joan Ryan: Another goad to action on that might be the fact that it has cost the Government and therefore the British taxpayer £370,000 to keep the Government from being taken to court by ClientEarth because of what you have been not doing—

Michael Gove: Quite. Again, I have acknowledged that we should not have been in a position where ClientEarth had to take us to court, while I might disagree with one or two aspects of the analysis.

Q104 Joan Ryan: It is the cost that is concerning.

Michael Gove: To be honest, I am far more worried about the cost to the NHS and the cost in people’s lives truncated and their health damaged. It is the fourth biggest public health problem that the country faces.

Q105 Joan Ryan: Absolutely, but that begs the question about what plans are in place to establish a set of metrics that will continuously assess progress and prevent a fourth clean air court case from being launched against the Government?

Michael Gove: Shortly after the local elections conclude, we will be publishing the next stage in the set of measures that we believe are necessary in order to clean our air. They will cover everything from tailpipe emissions, to ammonia generated by intensive agriculture, to the way in which we have environmental permitting of our ports. When that document is published, I think that it will quite rightly be held up to
scrutiny, but one of the points that has been made to me—and I completely accept—is that the air quality problem is a huge public health issue. Unless it is properly addressed it will shorten lives; it will impose additional costs on the NHS and it will continue to mean that the quality and duration of the lives of the people who it is our responsibility to serve will be diminished. That is wrong.

Q106 Joan Ryan: I completely agree, Secretary of State. I just think that on top of all those disbenefits, for the public to have to pay £370,000 to not get any benefits is rubbing salt into the wound.

Michael Gove: That is a fair point. I love lawyers, but I would rather we had not paid them that.

Q107 Joan Ryan: I am sure we all hope that what you have just said does come to pass and that we have the metrics to be able to measure it.

Can I finally just say, given these concerns that you acknowledge, should the oversight body be responsible for overseeing reporting methodologies and metrics, whoever that body is?

Michael Gove: I think it should certainly have the freedom to be able to do so, yes.

Joan Ryan: That is not quite what I said, is it? Should it be responsible for that, as opposed to—

Michael Gove: I think it should have the freedom to do so, but the whole point about having a consultation is to make sure that the eventual judgment that we make about that body reflects the weight of the nature of the arguments that are made during the consultation period.

Q108 Caroline Lucas: I wanted to come back to the oversight body, and the plan obviously sets out an intention to consult on that at the beginning of this year. Yet we have heard that since November progress seems to have slowed down. We have not had any consultation starting yet. Do you agree that this is a matter of extreme urgency? Can you tell us why progress has slowed?

Michael Gove: I think that it is important, absolutely. It is also important to get it right. One of the things that we want to do is to make sure that the consultation that we issue asks the right questions in order to elicit the correct range of views about the matters that the public and others quite rightly believe should be reflected in the shape of the body.

Q109 Caroline Lucas: When would you expect it to be coming forward for the consultation? It is four months, nearly five months late. Again, that does not bode well, given that there is an urgency. Would you agree that it needs to be done by March 2019—the date of Brexit—if it happens?

Michael Gove: Ideally, we would certainly have the consultation published before then.

Q110 Caroline Lucas: No, I meant the Act agreed and the body to be
established.

**Michael Gove:** Yes. This goes to a point that the Chair touched on earlier. The nature of the transition period that has been agreed with the European Union means that we will be bound by EU law anyway until December 2020, except in a few specified areas. I want to crack on, absolutely, but the nature of the transition period means that there will be protections or, depending on your point of view, restrictions.

Q111 **Caroline Lucas:** You know as well as I do that those court cases take longer, sadly, even than the two years of a transition period.

**Michael Gove:** Quite.

Q112 **Caroline Lucas:** Therefore having our own governance mechanisms up and running as soon as possible and preferably by March 2019 surely is a much safer way than just allowing us to think that somehow the ECJ will take care of it over those two years of transition, when obviously it is going to have other issues on its radar. Come 2021, it is not even going to be a key issue for it.

**Michael Gove:** I absolutely agree that sooner rather than later is better, but I would like it to be fit for purpose, rather than not the right body.

Q113 **Caroline Lucas:** Can you give us any indication of when we might expect it: five months late, concern rising, clock ticking?

**Michael Gove:** Yes, but one of the points that I make is that the reason for urgency before a transition period was agreed abates slightly—

Q114 **Caroline Lucas:** The agreement in Brussels is that nothing is agreed until everything is agreed. Right now we think that a transition period is going to be in play, but it might not be, so first it might not be, and secondly, two years still is not very long for the duration of an ECJ court case. Therefore what I detect is a kind of Government complacency over thinking, “We have this transition period now. We don’t need to keep our foot on the accelerator for this body”. That I think is misplaced. What I want to put to you is that we need to be keeping that speed up. Can I push you again on when we might see the consultation on this body?

**Michael Gove:** I would like to have it out as soon as I can.

Q115 **Caroline Lucas:** Could you let us know whether the reports that we have seen in the press and elsewhere are true—that essentially there is an opposition to the oversight body among your Cabinet colleagues on the grounds of cost and because it might block development? Is that true and do you believe those concerns are well-founded?

**Michael Gove:** I would always be careful about what you read in the papers, especially speaking as a former journalist myself. It is agreed Government policy that the body needs to be set up. What we want to do is to make sure that any consultation document that we issue gives people an opportunity to underline how important it is that this body is set up.
Caroline Lucas: Can you tell us whether or not there is opposition to elements of this body, to the details of this body among your Cabinet colleagues?

Michael Gove: There is an effort on the part of my Cabinet colleagues and officials to ensure that we get this right and that it works in the right way.

Caroline Lucas: That, with respect, was not my question. Is there opposition among your Cabinet colleagues to aspects of this body?

Michael Gove: There is a desire to make sure that it works as well as it possibly can.

Caroline Lucas: That is the second time, Secretary of State, where you have not answered a question in succession. Not the second time ever, I hasten to add.

Michael Gove: No. There will be many, many occasions where I fail to answer the question. On this occasion, some people regard questioning as opposition. I do not. I regard questioning, as you are questioning me now, as a goad to improvement, because some of my—

Q116 Caroline Lucas: I want to see it as a goad to an answer and that is what I am struggling with.

Michael Gove: Yes. Some of my colleagues are asking questions about how the body will work and we are doing our best to satisfy their curiosity in order to make sure that the body will do the right thing.

Q117 Caroline Lucas: You are not going to tell us anything else?

Michael Gove: Not at this stage, no, because the process inside Government is always better if you properly respect the safe space for discussion that it provides.

Q118 Caroline Lucas: Just to establish where we have come to so far, we do not know when it is going to come forward and we do not know what the blockages are that are stopping it coming forward. That is what we have banked so far.

On my third question, we have heard—and we know—that non-binding targets are often missed with impunity and that is why we need real enforcement powers. Both yourself and the Prime Minister have said at least that there will be no weakening of environmental laws if we leave the EU. Do you see an oversight body with real enforcement powers as integral to meeting that promise? If so, what kind of enforcement powers would you have in mind?

Michael Gove: I think enforcement powers are important and the enforcement powers should, wherever possible, either emulate or build on the enforcement powers that the Commission itself currently has, so the capacity to take the Government or any other relevant body to court. One point made by Dr Richard Benwell is that one way that we can
improve on that is by having a faster and more transparent process. As you yourself have acknowledged, one of the difficulties with the ECJ is that it is slow-moving and, as Dr Benwell pointed out, often opaque.

Q119 Caroline Lucas: There is a difference between taking it to court and having the powers, as the Commission currently does, to be proactively prosecutorial. Do you see a role for this body to be proactively prosecutorial?

Michael Gove: We need to consult on a range of options.

Q120 Caroline Lucas: What is your preference at this point?

Michael Gove: I would not want to influence the consultation by saying that of the range of options that we might put in there, one was necessarily the best.

Q121 Caroline Lucas: Would you not agree with the principle that this new body should be able to be proactive, rather than waiting for cases to be brought? We know from—

Michael Gove: Yes. No, I think that is fair. Yes is the short answer.

Q122 Caroline Lucas: Do you agree that the body should be set up via primary legislation, rather than potentially through secondary legislation, as is set out—

Michael Gove: Yes, that is absolutely the ideal. Yes.

Q123 Caroline Lucas: The Institute for Government has argued that the oversight body should be jointly established and owned by the UK and the devolved Governments. Is that something you are discussing with the devolved institutions and, if so, what progress is being made?

Michael Gove: Absolutely we have been discussing it with them. A shared approach towards environmental principles has been drafted by the Scottish and Welsh Governments at the request of all of the Governments of the United Kingdom. We have said—and I think again this was reflected in the evidence that you had—that we are happy either to have a UK-wide body that takes account of the specific needs of the devolved Administrations, or we are happy to see bodies that answer to the DAs. That is an open matter, and I think again it was Dr Benwell who said that either method could work, provided there were certain agreed principles that ensured that governance operated in a consistent fashion.

Q124 Caroline Lucas: Coming to my last question, if I can go back to enforcement just a second, we were talking about proactive versus reactive. In terms of the range of remedies that the body would have, if you are wanting to reassure us that whatever powers this body has will be at least as effective as the Commission and the ECJ, does that mean that it will countenance at least the possibility of fines being made against the Government? Essentially, we know—we talked about the air pollution case a few moments ago—that it was precisely the way in which
fines, potentially from the ECJ, were concentrating minds on that. Will this body have among its tools a remedy of that kind?

**Michael Gove:** It is something that we would want to have people debate after we have published it. Let me take a couple of steps back. If a national Government is fined, then that national Government loses the money; it goes from its Exchequer. If we had a system of fines here, at the moment fines would go to the consolidated fund, so they would end up going to the Treasury. You could have a system, some would argue, where you are robbing Peter to pay Paul. Others have argued, no, if you have a hypothecated fund so that any fine goes to that fund and that fund is used for environmental or natural enhancement, that would act as a win-win—a disincentive for operating in a particular way and additional resources for the environment as a consequence. I can see the argument either way. My view would be that it is better to have that argument conducted in the space of a consultation and then we can see where the balance of judgment lies.

Q125  **Caroline Lucas:** Very finally, we have been talking about enforcement and I just quickly wanted to turn to governance. Who would undertake other governance functions currently undertaken by the European Commission and the European Environment Agency, for example? I am thinking of things like policy formulation, policy strategy evaluation and so on. Do you see that to be the purview of this same body or would you see that going somewhere else?

**Michael Gove:** I do, yes.

Q126  **Caroline Lucas:** All of that will be as part of that same body?

**Michael Gove:** That would be my ideal.

Q127  **Kerry McCarthy:** Let me turn to the environmental principles that were debated a lot during the passage of the EU Withdrawal Bill. You said that your preferred approach is for a policy statement, rather than for it to be enshrined in law. Why do you think that would be a better approach?

**Michael Gove:** It is arguable either way. I think that there is a case for saying that the principles should be there. The principles in primary legislation, in the legislation, set up the governance body. Or there is a case for saying that the principles should be set out in the policy statement that is published every year. I can see advantages in either approach.

Q128  **Kerry McCarthy:** It says in the 25-year plan that you would be looking to consult on a policy statement in early 2018, but I think we are pretty much past that now.

**Michael Gove:** Yes, exactly. It is the same point—

Q129  **Kerry McCarthy:** You must have a whiteboard that constantly has things being wiped out and new dates put in, because everything seems to have slipped.
Michael Gove: Some things move to the right, some things move to the left.

Q130 Kerry McCarthy: I cannot think of one example of something that has come sooner than we thought. When do you think this policy statement will be?

Michael Gove: Sooner rather than later.

Q131 Kerry McCarthy: You are very fond of the word “soon”, as we have seen with the Agriculture Bill and the Fisheries Bill. Are we talking weeks, months?

Michael Gove: I would hope weeks.

Kerry McCarthy: You would hope weeks?

Michael Gove: Yes.

Kerry McCarthy: Jolly good.

Michael Gove: If you look at what DEFRA as a Department has been doing, there is perfect scope to say there are some things you might think have been mistakes or errors or not the right priority, and of course there are some things that are not happening at the timescale that we mentioned. I think we have taken action on some other things and that is nothing to do with me; it is everything to do with the team in the Department. The Department has in the last year acquitted itself incredibly well. The leadership of the Permanent Secretary and the Directors-General and my fellow Ministers has meant that we have made progress in a number of areas. It is not quite like the preface of a book where the author acknowledges that the mistakes are his and the good ideas are someone else’s, but almost everything the Department has done has been as a result of the hard work of colleagues within it, on everything from legislating on ivory to getting CCTV into abattoirs, to thinking about how we can make sure that we have an approach towards marine conservation that is fit for purpose. All of that is being driven by the team. Absolutely, criticisms should be directed at me.

Q132 Kerry McCarthy: I think we certainly all welcome the fact that the Department seems to have a far more ambitious agenda than it has done in the past. I do not think anyone would criticise you for that, but we have an impatience to be seeing the results of some of this work that is being done.

Michael Gove: Understood, yes.

Q133 Kerry McCarthy: You say that you are, it seems, open-minded as to whether the principles would work best in statute or in a policy statement. We have heard from lawyers and academics that they would not have the same force that they have now unless they are put into domestic legislation.
Michael Gove: Yes. I think it is a legitimate argument. There are some who argue that there is a greater degree of flexibility, in the right way, if they are in a policy statement that is updated annually. There are some who say no, that it is better because they are clearly understood and widely-shared principles beyond simply EU nations if they are put in primary legislation. As I say, I think it is arguable either way.

Q134 Kerry McCarthy: A policy statement could be more easily improved, but it could also be weakened. That would be the concern.

Michael Gove: Correct, absolutely.

Q135 Kerry McCarthy: You are the one who has to make the decision as to how this is going to be done, so what is the process? I think we were expecting you to be arguing strongly for a policy statement, rather than legislation. If there is a debate going on, when is that going to be resolved?

Michael Gove: I think through the consultation. Ideally what I would like to do is to ensure that the consultation elicits a range of views which, whether they are from environmental lawyers or others, can let us know whether they fear that course A or course B would be worse.

Q136 Kerry McCarthy: Will the precautionary principle be included in the policy statement?

Michael Gove: I think it has to be, yes.

Q137 Kerry McCarthy: It has to be. Your junior Minister for the Natural Environment has suggested that the UK might want to take a different approach to the precautionary principle and perhaps take more of a US risk-based approach and include economic considerations. That is something else she has argued.

Michael Gove: I think that everyone accepts—or nearly everyone accepts—that the precautionary principle, which has evolved over time, is a critical way of ensuring that we provide protection to the environment. Sometimes the application of the precautionary principle—and I would not want to revisit specific cases—can be considered to have inhibited some innovation in areas where it should not have done.

It is important that if, for the sake of argument, we put the precautionary principle in primary legislation and then we had a policy statement and that policy statement said, “We absolutely adhere to the precautionary principle, but we think in this specific area”—I cannot imagine what it would be—“it should be balanced with this particular consideration”, whatever that might be, Parliament would then have an opportunity to debate that policy statement. If Parliament said, “Hold on a moment, we think that this guide to interpreting it is wrong” in the same way when we bring forward the NPPF and we say there should be a presumption in favour of sustainable development except in certain circumstances,
people can say, “Good, I am glad that that protection is there” or, “I am glad that that flexibility is there”.

The reason why I leave that area in square brackets is that I think it would be difficult to think of areas where one would want to change that, but by definition there might be areas of future scientific endeavour where we might want to provide specific guidance in the policy statement about how the precautionary principle might guide Government action.

Q138 **Kerry McCarthy:** In the Deregulation Act 2015, the Government placed a duty on regulators to have regard to the desirability of economic growth. Would you consider placing a similar duty on public bodies to respect environmental principles?

**Michael Gove:** I would be open-minded on that.

Q139 **Chair:** There would be maybe an exception to building homes on Surrey Heath—something you were very keen on in the past. Would that be something that would be open to an exemption from the national policy statement or has that been educated out of you now?

**Michael Gove:** I think it would be—what is the word—a bit naughty of the Secretary of State to seek to make exceptions for his own constituency. However, if you would like me to explain a little bit more about my critique of the specific way in which the Habitats Directive is applied to Thames Basin Heaths Special Protection Area and the way in which the creation of suitable alternative natural green space has not always been the best way of achieving an environmental gain, I can do so, but I suspect that would be boring.

**Chair:** We will save that for another day, but we will move on to a question now from Zac.

Q140 **Zac Goldsmith:** Secretary of State, you have talked a few times now about the importance of the principle of net environmental gain as something that is integral to the success of the 25-year plan. As far as I can see, the principle of net environmental gain is yet to be defined in a way that meets any kind of consensus. I would like to hear an answer on that. What is your definition of net environmental gain? Also, what does that mean in relation to the principle of biodiversity net gain? Does one replace the other or are they part and parcel of the same package?

**Michael Gove:** Part and parcel of the same package. My ideal, and I suspect that I may not necessarily achieve it, is that we have already existing protections in the NPPF. Indeed, in the new NPPF there are some strong protections, for example, for ancient woodland, which are welcome and I think reflect recommendations from this Committee, among others. My view is that when planning permission is granted, there should be a means of getting from the developer cash, and that cash can be used in order to ensure that we have environmental enhancement elsewhere. It is the case that before planning permission is granted you have to be compliant with the existing environmental protections, but we have a
system, a tariff, which can help us to generate additional investment in the environment overall.

One of the questions that people have raised is where is the money for the ambition in this plan? There are some specific spending commitments in the plan for which we already have money, £50 million worth, and of course we have the amount of money that we spend on agricultural support at the moment, £3 billion. I think that we can get more money from development using the net gain principle in order to invest in environmental enhancement, habitat restoration and so on.

Q141 Zac Goldsmith: How do you do it in a way that avoids crude swapping of environmental assets? Ancient woodland, for example, being destroyed in return for noise abatement or noise pollution reduction elsewhere. The principle I think people understand, but it is very, very open to opportunity, but also to abuse.

Michael Gove: As conceived, that is not the intention. As interpreted by some, it could be. It could become a licence to pollute. One of the things I have said about the polluter pays principle is that that does not mean you can pay and then pollute. It means that if there is an already existing economic externality, you pay for it. In the same way, I do not think environmental net gain means that you can knock down Stonehenge or for that matter build on a precious wetland or an SSSI of any kind and then say, “Here is a bung. Can I be let off the hook?” Existing protections count, but it does mean inevitably, if there is development, that there will be in almost every case an—what is the word?—alternative future use of that land that might be even more environmentally enhanced but that does not occur. Therefore you should pay for that, as it were.

Q142 Zac Goldsmith: I want to ask a completely separate question. Before I do that, you mentioned the draft National Planning Policy Framework. Some of our witnesses have said that the aspirations or the ambitions within that statement do not reflect the ambition in the 25-year plan. Is it your view and your hope that the final version of the NPPF will be a better reflection of the 25-year plan?

Michael Gove: I think the NPPF is a good document. There are some people who might want more from it, but it is not necessarily the NPPF that is the vehicle for their goals and ambitions. As I said—

Q143 Zac Goldsmith: Do you think they are consistent?

Michael Gove: Yes, I do.

Q144 Zac Goldsmith: All the way through?

Michael Gove: I do, but it is always possible that there are areas that could be brought to my attention where I might have to suck my teeth and say, “Okay, yes, that is a fair point”. Generally I supported the NPPF.

Q145 Zac Goldsmith: I am not going to whip out any of those inconsistencies now because I cannot, but I do want to ask you another question while I
have you here. The 25-year plan rightly makes reference to our role internationally in terms of protecting important marine environments and we have done incredible things over the last few years. Is it your hope and your belief that the UK this year will use its membership of various international fora to press for what would be the largest protected area anywhere in the world? I am talking about the Antarctic, the Weddell Sea. Is that a goal that you very much share in? Is that something where your Department will be pushing against reported resistance from some other Departments in Government?

**Michael Gove:** A couple of things to say. First, it is UK Government policy—and indeed EU policy—to back making the Weddell Sea a marine protected area and it is one of the most pristine, precious environments on the planet. We should do that. Of course, one of the reasons why there is not fishing there at the moment is because the climate there does not encourage it. As climate change occurs, there is an opportunity for exploitation. We must do everything we can to stop it, hence an MPA. I also think it is the case that we should be working through CCAMLR, the multilateral body that looks after the waters around the Antarctic, in order to enhance protection as well. South Georgia and the South Sandwich Islands: fishing currently goes on there. That fishing goes on for scientific reasons. I think it is absolutely important that we do everything we can to ensure that we have the strongest possible protection there, because these are hugely important environments. The thought that in pursuit of the toothfish, in pursuit of commercial gain, we could undermine the ecology there, that would be wrong and untrue to the extension of marine protected areas around other overseas territories, which has been a great hallmark of the leadership of David Cameron and Richard Benyon when they were in office.

Q146 **Zac Goldsmith:** A very last point on that. Whose job is that? What role will DEFRA play in securing this extraordinary legacy?

**Michael Gove:** Part of it is we work with the Foreign Office and with the Governments of the Falklands and the official Governments of South Georgia and the South Sandwich Islands in order to achieve this. The critical body through which these agreements are reached is the multilateral body, CCAMLR. One of the things there is that not every country necessarily takes the same enlightened view that we do. The more that we can shine a light on these issues, the more that those countries that may not necessarily want to do the right thing will be compelled to do the right thing. The more that we can make these issues absolutely live, the more that—I do not want to name any nation—any nation that would stand out against us would feel that they should not do it. That is why I think it is on the list here, for example, for the expedition that was launched just last week, which is taking place in January and February, to the Weddell Sea. That is why it is so important. The more that we can do to support their work and to shine a light on it the better.

Q147 **Geraint Davies:** Secretary of State, can you give a concrete undertaking
that our environment will not suffer worse with new trade deals following Brexit?

*Michael Gove:* Yes.

Q148 **Geraint Davies:** May I ask whether you support Michel Barnier’s support for a legislative non-regression principle on environmental protection, in other words, the environment does not go backwards? I understand Michel Barnier will push for such a principle in any EU-UK trade deal. In light of what you have just said, would you support that?

*Michael Gove:* I do not think it is necessary. I understand why he has raised it. It is ultimately a matter for negotiation.

Q149 **Chair:** Why do you not think it is necessary?

*Michael Gove:* Because I think there will be better mechanisms that we will have in place. The non-regression clause is, in essence, a means of the EU giving itself potential control over domestic legislation. I do not think that is necessary. It goes against the spirit of taking back control. It is up to the Government and Parliament to demonstrate in the future, in fact, that it will not be necessary. The ultimate logic of that is that if I accepted that we needed Michel Barnier or indeed anyone—he is a nice chap—appointed by the Commission to judge whether or not we were up to snuff in these areas, that would be to subcontract the governance of this country.

Q150 **Geraint Davies:** I guess, Secretary of State, that explains why the ambitions of the EU to have all plastics recyclable by 2030 compares rather well with your ambition of having all plastics recycled by 2042. You would not want to be held up to their standards, I assume.

*Michael Gove:* I think we are doing better than they are because we want to eliminate all avoidable plastic, which is a different thing from recycling.

Q151 **Geraint Davies:** No, that is what they want to do.

*Michael Gove:* I think you will find that when we return with more on our Waste and Resources—

Q152 **Geraint Davies:** They want to ensure all plastic is recyclable and half is recycled by 2030. Your ambition is 2042.

*Michael Gove:* I think you will find that we will be in that respect, as in a number of others, more ambitious than the European Union.

Q153 **Geraint Davies:** Again, on another example, by 2030 the EU wants to get rid of all new fossil-fuel driven cars, diesel or petrol, and your ambition is 2042. Again, is it your ambition that we will always be a lot worse than the EU and therefore you do not want to have parity in trade deals?
**Michael Gove:** Where and when did the EU commit to end the sale and production of new fossil fuel cars by 2030?

**Q154**  
**Geraint Davies:** I do not know the date. They have done. It is on the record.  
**Michael Gove:** Have they?  
**Geraint Davies:** Yes.  
**Michael Gove:** There will be no new fossil fuel cars produced in the EU after 2030?  
**Geraint Davies:** That is my understanding, yes.  
**Michael Gove:** I do not think that is my understanding. I think there are a range—  
**Geraint Davies:** We can check that.  
**Michael Gove:** Please do. To be fair to some countries, including Norway and the Netherlands, and indeed some cities that have high ambition there, but I thought that, for the sake of argument, France and Germany were on a level playing field and that both France and the UK had said that we wanted to end the sale of new fossil fuel cars by 2040, rather than 2042. I may be wrong.

**Q155**  
**Geraint Davies:** The fundamental question is: are you willing to be in line with EU environmental standards or beat them? You claim you are ambitious and do not want to undermine the environment for trade.  
**Michael Gove:** Yes, I think we can beat them. I also think it will be the case that in some areas we will meet the same ultimate goals by different means.

**Q156**  
**Geraint Davies:** Would the courts after Brexit find the Government in need in the same way as the courts are now over air quality under your environmental administration?  
**Michael Gove:** Yes. Again, I do not want to pre-empt the publication of what we say about air quality after the local elections are over, but ultimately there are legally binding limits that we need to meet and there are responsibilities on Government and local authorities to take particular actions. If you do not take those actions, you are in breach of the law, and we want to make sure that there are legal protections on air quality in the future, yes.

**Q157**  
**Geraint Davies:** Will you ensure that in all future trade deals with the EU and outside the EU, the environmental standards that we now enjoy will be protected?  
**Michael Gove:** That is absolutely our aim, yes.

**Q158**  
**Geraint Davies:** They will. The Committee has heard about adopting a natural capital approach. The Government need to consider the potential
impact of exporting environmental damage. What mechanisms are there in place to consider these impacts? Exporting our environmental damage, we say, “It is all right here”, and create environmental damage elsewhere by displacing difficult activity.

**Michael Gove:** Yes. The point was well made by Ruth Davis in the evidence that she gave to the Committee, that it would be a shame if we imposed higher standards on ourselves in environmental areas and then allowed, for example, trade deals that meant that we would import, whether it was oils or foods, from other countries that have much lower environmental standards. That is not what we aim to do. We are not going to use our departure from the European Union to offshore environmental damage.

Q159 **Geraint Davies:** Would you undertake to ensure that in the EU Withdrawal Bill the environmental rights and protections we enjoy at the moment can be put into legislation so that people will not be concerned that things will drift downwards after your stewardship?

**Michael Gove:** We are trying to make sure that the EU Withdrawal Bill ensures that the statute book is fit for purpose, and that EU law is transferred across and becomes UK law. There are other protections and other ways of meeting the ambitions that you understandably outline that we can do, but with the EU Withdrawal Bill what we want to do is to give people the reassurance that nothing in the EU Withdrawal Bill in and of itself weakens protection.

Q160 **Geraint Davies:** Finally, will you ensure the institutions you put in place will thoroughly and comprehensively protect the existing environmental rights and protections we now enjoy?

**Michael Gove:** That is the aim. As I say, it might be the case that we conclude that there are different methods for achieving the same goals, but we would want to be transparent where we depart from what we are currently doing prior to our departure and explain why we think this is a better means of achieving those goals.

Q161 **Dr Matthew Offord:** I want to move on to the financial funding of the plan particularly. I understand that if the entire current CAP budget was redeployed for environmental protection, it would just about cover the commitments that currently exist and ambitions that have been agreed. Do you think that is a fair assessment, and what about future ambitions that no doubt you and the Department would like to achieve?

**Michael Gove:** It is a broadly fair assessment. There is a commitment to preserve in cash terms to the end of this Parliament £3 million that we currently spend on agricultural support, but of course we hope to change the basis on which that money is allocated. We can also secure additional money for environmental enhancement through the application of the net gain principle that I discussed with Zac. It is also the case, as some of your witnesses have pointed out, that we can make markets in certain areas using natural capital tools so that, for the sake of argument, water
companies and others can invest in environmental enhancement upstream and that can be another source of money.

Q162 Dr Matthew Offord: That is fine. A lot of what is in the plan focuses upon more rural landscapes and I wanted to ask about urban landscapes. We have heard evidence that some of these locations are particularly undervalued in the plan. Should environmental benefit be tied to non-DEFRA funding schemes such as local enterprise partnerships?

Michael Gove: That is a very fair challenge. Looking again at the evidence—I think it was Georgia Stokes who made the point that we could have said more about urban landscapes, and with the benefit of hindsight, I think that is right. Also with the benefit of hindsight, one of the things that we need to do is to think about the effective funding of environmental enhancement in urban areas. It is the case that, as Georgia has pointed out and as lots of people have said, you can have more biodiversity in some urban environments than in some rural environments. Biodiversity is not the only environmental good, but it is a very powerful one.

I recently visited a relatively small but important wildlife reserve in Kingston upon Thames, where the outstanding Conservative Leader of the Council, Kevin Davis, is absolutely committed to environmental enhancement at an urban level, as I know the Conservative leadership of Barnet Council are. When that occurs, we should celebrate it, and I shall give more thought in the future to how we can support strong local government leadership on the environment. You are right that thinking about local enterprise partnerships and the role they have to play is helpful too.

Q163 Dr Matthew Offord: One of the issues again is not just about the amount of funding; it is reliability of funding. Under the current EU process, funding comes in a seven-year cycle. That will change. Funding will be reliant upon the CSR, which will be a lot shorter timeframe than that. How can you provide some guarantees that these shorter budgetary periods will be able to provide the long-term investment into some of the environmental initiatives that the Government want to promote?

Michael Gove: One of the reasons behind the 25-year plan—and the 25-year plan predated my arrival—was precisely to set the ambitions and the associated targets that would require that level of funding. In a way, five or seven years, on the one hand one gives you greater flexibility; on the other hand, one gives you greater assurance. The real test is whether or not the Government pledge to have themselves held to account for delivery in a variety of areas. If they do pledge to have themselves held to account, then if the money is not there, they will be found wanting and the consequences that we discussed will ensue.

Q164 Dr Matthew Offord: I will leave that one there. The final question is that the plan is not just about public finances. It is also about private finance as well and a lot of natural capital improvements will be funded from
that. How do you ensure that areas such as wildlife, where natural capital benefits are hard to quantify or even monetarise, will not be relegated in regard to some of the other areas where you can provide metrics?

Michael Gove: You are right. One of the things about metrics, about the natural capital approach and so on, is that they provide very useful tools for holding the Government to account and for valuing nature. Ultimately, the value of nature cannot be captured in numbers. It goes beyond that. There is an intrinsic—depending on your point of view—cultural or spiritual or other value in nature, in wildlife, in its richness and variety. That is where it becomes difficult. Government have to be held to account. You have to have those metrics. You also have to recognise that no basket of metrics and no set of incentives on their own are enough if you do not also have a country and politicians within it who recognise that.

Ultimately, it is a judgment on the part of the country and the electorate whether or not politicians are taking these issues sufficiently seriously or whether or not they are applying a parsimonious and neglectful approach to them. Yes, you are right. The tools in any plan will never be sufficient to capture the importance of nature, but we must just try to do the best that we can.

Q165 Dr Matthew Offord: That worries me a little bit, because the whole issue of the landscape is a contested issue and the whole area of rural society is a contested issue. It very much does come down to subjective issues of people’s beliefs and about lots of things: landscape, religion, culture, society, all kinds of things. I remain to see—

Michael Gove: I quite understand. I think what we need to do is to put down as much in black and white as we can in order to show that there are protections in place, and to show and to demonstrate what we value, but ultimately we are talking about things that are not capable of being captured in economic terms—things that can be protected through legislative means and measurements, but that, as you say, are viewed differently by different people.

Q166 John McNally: Secretary of State, if I could move you on specifically to devolved matters. The 25-year plan, as you know, is primarily an England-only document. However, our witnesses identified benefits to some elements, such as the oversight body, and action on plastics being introduced on a UK-wide basis. Could you tell me in what areas you are intending to negotiate with the devolved Administrations to co-ordinate that?

Michael Gove: We meet Ministers from all of the Departments responsible for the environment across the UK. We meet monthly. We have been discussing how we can make the new governance arrangements work, and as I indicated earlier, I am completely agnostic on whether or not we have a UK-wide body or individual bodies. Whatever works makes sense to me.
We have also been discussing a shared statement outlining our shared approach towards no dilution of environmental standards across the UK and that has secured the support of the Labour-led administration in Cardiff and obviously the SNP-led administration in Edinburgh as well. Then we talk about some nitty-gritty issues. For example, when we are thinking about our future approach towards fisheries. For DEFRA, and indeed for the Scottish Government, there is a recognition that we need to work together to balance both the economic health of coastal communities and the long-term environmental health of our seas.

To be fair, even though we have not always started off from the same place, I have to say that the attitude of the Ministers from the DAs has been very constructive and positive. If it is appropriate in this Committee, I just want to say thank you to Lesley on behalf of the Welsh Government and also to Fergus and Roseanna on behalf the Scottish Government for the very constructive approach that they have taken.

Q167 John McNally: To follow on from what you are saying, witnesses have raised concerns about the risk to the bottom line environmental standards between the UK nations. That appeared to have intensified after the Government’s assessment that only a few common frameworks would be required on the environment. What assessment has the Government made of these concerns from these people?

Michael Gove: There is no evidence at the moment that any Administration within the UK wants to lead a race to the bottom. Indeed, the practical evidence and the co-operation that I have seen and that I have been taking part in is of a shared commitment to maintain high standards. What we want to have are UK-wide frameworks that respect that shared commitment, but also respect the proper autonomy of the devolved Administrations.

One of the things that I am conscious of is that it is important that the UK Government, while seeking to uphold these shared high standards, do not want to give the impression that they think that a Scottish Government would somehow want to dilute them, because that would be unfair. There is always a balance between saying we agree to maintain high standards across the UK, but we also respect the autonomy of the devolved Administrations.

Q168 John McNally: I will go back to the point about the analysis of how the framework reflects the competencies devolved to the devolved Administrations and I would like to bring in the Northern Powerhouses, because the tributaries of power are beginning to flow that way. Have they been consulted on this as well?

Michael Gove: Yes. I talked about the ambitions here to MHCLG, to the Secretary of State and also to Jake Berry, the Minister for the Northern Powerhouse. I have talked to local government representatives and others in the north of England about it. I have not, to be fair, talked to the Manchester city region mayor or the Liverpool city region mayor
about it, but I would be delighted to do so. I have to talked to other people.

Q169  **John McNally:** Do you think you will?

  **Michael Gove:** I would love to. Funnily enough, I have talked at some length about particular environmental responsibilities to Sheffield Council, but I will not go into that issue now.

Q170  **John McNally:** That brings me on to my last point. What steps have the Government taken to ensure that these Administrations, including the Northern Powerhouses, will not be given responsibilities that they do not have the power or the funding to deliver?

  **Michael Gove:** This is not a northern question, it is a Birmingham question. Recently I was talking to local Government representatives in Birmingham about the steps that we might take in order to improve their quality of air. I talked of course to the Birmingham city region mayor, Andy Street, about this. We want to make sure that those local leaders have the resources and the freedom that they feel they need in order to meet the expectations that we have of them. It is an ongoing conversation. My door is always open to civic leaders and of course to DA Ministers to make sure that we are working together effectively.

Q171  **John McNally:** Could I have one more point? Let’s get down to some practicalities here. If a trading partner demanded that the UK relaxes or abandons its environmental commitments, for example, by permitting fracking or GM crops or chlorine-rinsed chicken across the entire country, how would the Secretary of State envisage solving the issue between the devolved Administrations?

  **Michael Gove:** We do not want to see any dilution of standards in any of those areas. With respect to fracking—obviously our opinion divides—and within the UK, within England, subsequent to the Environment Agency doing its permitting and licensing work, we do think that there is a role, as part of our energy mix, for one of the least-polluting hydrocarbons, but of course we respect that—

Q172  **Caroline Lucas:** Fracking, one of the least polluting hydrocarbons?

  **Michael Gove:** One of the least polluting of hydrocarbons, yes.

  **John McNally:** I think we would disagree with that one.

  **Michael Gove:** Indeed.

  **Chair:** We will come back to fracking at the end if there is time.

Q173  **Anna McMorrin:** Following on from John, earlier today in the House of Commons there was an urgent question on the Continuity Bill in Wales and Scotland to ensure there is not a power grab to the centre after Brexit, particularly on environmental legislation, which would be one of those areas. What is your view on this Bill being called by your Government to the Supreme Court to try to defeat laws that have been
democratically voted for and accepted in Wales and Scotland?

**Michael Gove:** I have always been slightly surprised by the idea that there will be a power grab afterwards. Every practical step that I have seen the Government take since the vote to leave the European Union is to see how we can strengthen the hands of the Scottish Parliament and the Welsh Assembly. My understanding—and I am no expert—is that the legislation that has been passed in the Parliament and in the Assembly does not necessarily—what is the word? I can understand the spirit that lies behind it, but it is not necessarily the best means of making sure that the UK can function in the right way with the right responsibilities devolved in a smooth fashion.

Q174 **Anna McMorrin:** With respect, the attempt was through an amendment within the Withdrawal Bill, but that was refused.

**Michael Gove:** It was not.

Q175 **Anna McMorrin:** The need was then through a Continuity Bill. You are talking in counter to what both Scotland and Wales are saying, which begs the question of how you operate post-Brexit together as a nation without grabbing powers to the centre?

**Michael Gove:** I have not seen any evidence of any powers being grabbed to the centre.

Q176 **Anna McMorrin:** We will have to disagree on that point, Secretary of State. Will you commit also to a Council of Ministers across the UK to determine policy sector post-Brexit?

**Michael Gove:** That is above my pay grade, but we do have a Council of Ministers that currently exists. I or a DEFRA Minister chairs it and we have representatives from Scotland and Wales. There is sadly no Executive from Northern Ireland, but the very good civil service team come. We discuss and so far we have proceeded by consensus in lots of areas. Where we have properly agreed to differ, we have agreed to differ. My experience is that the relationship between the constituent parts of the United Kingdom on a day-to-day basis proceeds very successfully. John’s party has, as its ultimate goal, the separation of Scotland from the rest of the United Kingdom and sometimes there are political opportunities to advance that goal that John and his colleagues might wish to take. At the risk of embarrassing Fergus and Roseanna, on a day-to-day basis my experience is that they co-operate well with the rest of us.

**John McNally:** They are very clever people.

**Michael Gove:** They are. While their ultimate goal might be to try to introduce a split in the relationship, the day-to-day reality is that they are very good unionists.

Q177 **Anna McMorrin:** I take from your answer that you do not agree to a Council of Ministers across the UK post-Brexit?
**Michael Gove:** Those sorts of big constitutional questions are for the Prime Minister and the CDL to decide.

Q178 **Anna McMorrin:** I accept that, but your opinion on that?

**Michael Gove:** It is not necessary.

**Anna McMorrin:** As Secretary of State you will be asked your opinion.

**Michael Gove:** It is not necessary.

Q179 **Anna McMorrin:** Thank you. Moving on in terms of delivering the plan and preparations for leaving the EU and how those two work together, DEFRA has around 70 projects preparing for EU exit. How many of these projects are essential to the delivery of the plan and is there a risk that there is going to be further slip and risk of going behind schedule to ensure this is completed on time?

**Michael Gove:** I missed the very first part of that question.

**Anna McMorrin:** You have 70 projects on the go at the moment within DEFRA, preparing for Brexit.

**Chair:** You wrote to me about them this morning.

**Michael Gove:** Yes, absolutely.

**Anna McMorrin:** Is there a risk of slippage in terms of ensuring this work is completed on time? We are up against a very tight timeframe.

**Michael Gove:** Absolutely. Thanks to the agreement of an implementation period, I think that we should succeed in all of these areas, but there is always a risk, yes.

Q180 **Anna McMorrin:** What will you do about that risk?

**Michael Gove:** We are trying to reduce it all the time. One thing—it is only one thing, but it is an important thing—is that we have had an internal restructuring of the Department. We now have a Director General who is responsible for making sure that all of those programmes are delivered on time and in the right way. It is an incredibly distinguished civil service colleague, Tamara Finkelstein, who worked at MHCLG in the aftermath of the Grenfell tragedy in order to significantly improve operations there. Before that she had a very distinguished career at the Department of Health and the Treasury. We are very, very lucky to have her. It was also the case that even before that the Permanent Secretary had both helped me to secure money from the Treasury, and also secured some top-flight personnel from across Whitehall and outside it in order to help deliver.

Q181 **Anna McMorrin:** You are getting personnel into place, but in terms of leadership from yourself, what are you doing?

**Michael Gove:** We have regular meetings on a weekly basis in order to make sure that we have progress across all of these areas as we prepare
for EU exit. In addition to those, we have specific—I hate the phrase, but it is widely used—deep-dive meetings to look at individual projects. It is also the case that we are held to account for delivery in this area by DExEU. Again there is an outstanding civil servant who is the director responsible for domestic delivery called Tom Shinner, who, under Steve Baker and David Davis, holds us to account. In a few minutes’ time I will be going to a meeting of the EU Exit and Trade (Domestic Preparedness, Legislation and Devolution) sub-Committee, where I will be, along with other Minsters, held to account for our progress against all of these programmes.

Q182 **Anna McMorrin**: Local authorities and devolved Governments are crucial to delivery, obviously.

**Michael Gove**: Yes.

**Anna McMorrin**: But the role there is not really defined at the moment. With our witnesses we have heard widespread concerns over this. What mechanisms will you use to turn the national aspirations of the plan into deliverables?

**Michael Gove**: Are you thinking about the 25-Year Environment Plan here?

**Anna McMorrin**: Yes.

**Michael Gove**: There are some statutory functions that local authorities have to discharge. I think there will be other opportunities that local authorities and other bodies will have to play a part in the delivery of the plan. As was implicit in your question, the responsibility of, for the sake of argument, local authorities in rural Yorkshire will be different from the responsibilities of local authorities in the urban West Midlands. One of the things that I have been doing over the course of the past couple of months is talking to people in local government about everything from their statutory responsibilities that they have in areas like waste collection and recycling and how we can ensure there is a better alignment across the country, to some of the specific responsibilities that they want to discharge in their own way.

Q183 **Anna McMorrin**: Of course devolved Governments are responsible for creating their own plans themselves, both Scotland and Wales.

**Michael Gove**: Yes. There have been specific things, from the approach towards marine and other wildlife in Scotland to the resources and wellbeing strategy that the Welsh Government have pioneered, from which all of us can learn.

**Anna McMorrin**: The Future Generations Act?

**Michael Gove**: Yes.

Q184 **Anna McMorrin**: One wildlife trust followed up on the conditions placed on 40 planning applications, but not a single one has been put in place.
Given all the other pressures on local authorities, is it realistic to expect them to prioritise the aspirations of your plan without statutory instruction or Government funding?

**Michael Gove:** That sounds like—and I may have hold of the wrong end of the stick—a weakness in development control. Am I right in inferring from what you said that planning applications went ahead, conditions were attached to them and then there was a failure to ensure that those conditions were policed?

**Anna McMorrin:** Yes.

**Michael Gove:** I think there is an issue about development control overall, whether or not local government has the resource required. Sometimes it is not about resource, there are other factors at work, but yes, it is an important area where I want to do more, working with MHCLG. They are alive to this concern as well.

**Q185 Anna McMorrin:** Finally, going back on your preparedness for EU exit, in your ministerial direction of 18 January you authorised £16 million to be spent between now and the passage of the EU Bill on urgent readiness projects. Will you now publish a complete estimate of the costs of these projects, including how much they will cost to set up and run after the passage of the Withdrawal Bill?

**Michael Gove:** I think it is difficult to disentangle the costs of projects that are preparations for EU exit and projects that we might have put in place anyway. For example, to take one thing, the Livestock Information Programme, the means of getting better traceability from farm to fork of animal produce of meat—that is something that will better prepare us for life outside the EU, but it is also something that we would have wanted to do anyway.

In the negotiations that I had with the Treasury over additional funding to prepare for EU exit, I said this is something that we would wish to see as part of that. Some might have said, "That is something you should be doing anyway, so do not put it under the EU exit umbrella". Let me reflect on your request, because I understand exactly—I hope I understand exactly—how important it would be to this Committee. Let me try to come back with an approach towards giving you more information in a useable way, without trespassing on the effective operation of Government and the necessary disciplines that the Treasury imposes on all of us.

**Q186 Anna McMorrin:** That would be good, because your Permanent Secretary did put it in writing in a letter, which amounted to £16 million.

**Michael Gove:** Quite. That was a specific additional spend.

**Anna McMorrin:** Exactly, so it would be very good to see that.

**Michael Gove:** I understand, and I am a big fan of ministerial directions. The whole point is sometimes the Permanent Secretary, as the
accounting officer, will say, “You have to take responsibility for this” and I think it is only right that we should.

Q187 Chair: What we would like to see is the total costings of those six projects, because at the moment all we have are the bits that are spent in six months and we do not know, as an audit committee, how the spend is going—is it £5 million towards a chemicals database, with a future cost of £50 million or of £10 million? That is what we are trying to get at.

Michael Gove: I understand. Without committing any further than I just have, I completely understand the nature of the request and I will either write back to the Committee or appear in front of you later to explain why we have done what we have done and what we have shared with you and on what basis.

Q188 Geraint Davies: Following your comment on fracking, are you aware that 5% of methane from fracking is leaked through fugitive emissions, according to all the international satellite data, and given that methane is 83 times worse than CO₂ for global warming, that makes fracking twice as bad as coal for global warming? That is why it has been banned, incidentally, most recently in France.

Michael Gove: Good men and women can divide on this, but I think that making sure that we can have access to natural gas means that we can have access to what I understand is the least polluting of the available hydrocarbon sources of energy. I take your point about methane and I will go back and have a look at the evidence.

Ultimately, I would like us to move away, as far as possible, from the use of hydrocarbons and CO₂-emitting fuels, but I think most people acknowledge that for some time to come hydrocarbons are going to be part of the energy mix. To my mind, making sure that we can have access to natural gas and making sure also that that access to natural gas does not place us hostage to countries like Russia or regimes in the Middle East is a net good. We hold all these things in balance and I am not, I hope, theological about it. I will always be open to scientific evidence that would lead me or any other decision-maker in Government to review the strategy on which we are set.

Q189 Geraint Davies: In the case of trains, moving the subject, are you consulted or were you consulted on bimodal trains, which were going to be electric trains, particularly to where I am in Swansea?

Michael Gove: Yes.

Geraint Davies: Clearly we are very disappointed that instead of having electric trains they are going to be switched to diesel from Cardiff. Were you consulted on that? Would you like to see an electrified system instead, as the Environment Secretary?

Michael Gove: Yes, I have been. I talked to the Secretary of State for Transport earlier today about this issue. Ideally I would like us to move
away from diesel, but there are cost and practicality issues. The more that we can move towards electrification the better, but we have to cut our coat according to our cloth.

I may be wrong, but I should say that there are a range of opinions, I think, on this Committee on fracking. The Chair has in the past taken a very balanced approach towards this issue, but I would be very happy to return if you wanted to have a deeper conversation about fracking in order to ensure that we can have a balanced reflection of the evidence, which I think I am right in saying the Chair has hitherto taken.

Geraint Davies: Perhaps I could send you a paper.

Q190 Caroline Lucas: In the interest of that balance, if I could explain my yelp earlier. When you talk about natural gas, if you are extracting it via fracking, first of all you are far more likely to have fugitive methane emissions, as Geraint was outlining, than in other ways of extracting natural gas. That is the first point and methane, as we know, is a very, very powerful greenhouse gas. Of course as well, when it comes to energy security, just because it is taken out of the ground in the UK, there is no guarantee it will be used in the UK. It will be sold in global markets, or at least European markets, so this argument that somehow this provides for us against having to import from elsewhere is not one that is very robust.

When you add in as well that essentially what fracking is doing is setting up a whole new fossil fuel industry at exactly the time that we know we need to leave at least three-quarters of known fossil fuels in the ground, it seems to me that there is a better chance of being to turn off the tap if we are importing, when we have managed to build up on renewables, our efficiency and so forth. We would be able to do that far more quickly than we would be able to dismantle a whole new industry that will have required certain guarantees in terms of length of investment, return on investment and so forth. I am very glad you said you would go away and look again at the evidence around fracking, but I think you will find that it is not a good option when it comes to trying to reduce carbon emissions.

Michael Gove: They are very fair points and I will. I will not change my position, but I will have a look at all the evidence, absolutely.

Q191 Kerry McCarthy: Moving on a bit from the plan now, but seeing as we have you here: Northern Ireland. I was there last week, my first-ever visit, and it did strike me that the country is completely in limbo at the moment in that Stormont is no longer functioning. You have taken back direct rule in terms of food farming and environmental issues, I assume.

Michael Gove: Not quite. In effect what happens is that DAERA, which is the Government Department in the Northern Ireland Executive that is responsible for these areas, is running it in the interim. You have a very good team of civil servants and they are keeping things going on a care and maintenance basis.
Q192 **Kerry McCarthy:** Are they answerable to you rather than to Northern Ireland politicians at the moment?

**Michael Gove:** They are not answerable to me. Ultimately it is the Northern Ireland Secretary. I take a lot of interest in Northern Ireland and Ireland, but in essence we are in a curious limbo position. We have MLAs that are still in being. We want to get an Executive back, but at the moment we are in a standoff. It is certainly not the case that I am giving instructions.

To be fair also, DAERA civil servants produced a paper off their own bat, as it were, on what a future framework for agriculture in Northern Ireland might look like, to be shared and discussed. It is a very high-quality document. It was not done at the direction of any Northern Ireland politician, let alone any UK politician, but it was done autonomously because there was a commitment on the part of the public servants there to do their very best to keep the machinery of Government turning over until an Executive could be formed.

Q193 **Kerry McCarthy:** Obviously those issues are very controversial. Anything in the Brexit context is going to have at least two sides or probably 20 different viewpoints on it. Some of the things that you are proposing for the future of farming in the Command Paper would also be controversial and there would be opposition to it in Northern Ireland, so it is not something that you can rely on civil servants to run with. There has to be political direction. I think there is real concern that there is a bit of a vacuum and no one is speaking up. You have NGOs wanting to be heard and they are not quite sure who they need to speak to.

**Michael Gove:** It is not a satisfactory situation. For what it is worth, I have met representatives of farming in Northern Ireland, not just the Ulster Farmers’ Union, but other sectors. I have met representatives of environmental NGOs in Northern Ireland and I have met representatives of most of the political parties represented in the Assembly. I have met Sinn Fein and SDLP as well as UUP and DUP representatives in order to, as best as possible, keep in touch. You are right that it is an unsatisfactory situation.

I have also talked to the Government in Dublin and will be visiting the Irish Republic next month in order to ensure that we do not, through neglect, allow a situation to develop in Northern Ireland that would be environmentally or in other respects damaging. Ultimately, nothing is as important in this area as trying to get the Executive back up and running.

Q194 **Kerry McCarthy:** One of the obvious concerns is how the border, whether it is a soft border or hard border, would affect—I think there are something like 275 different routes between—

**Michael Gove:** Individual businesses, yes.

**Kerry McCarthy:** A huge proportion of the economy in Northern Ireland is either food production or farming, so that is important. There are also
some issues about some of the protected sites. I am not sure what designation they are under, but some of them cross the border. Is that something you are going to be discussing?

*Michael Gove:* Yes. There are a variety of reasons. The island of Ireland is a common epidemiological area, on the one hand, but it is also the case that, for example—I cannot remember the name of the precise feature, but where Donegal meets County Derry/Londonderry, there are particular marine environmental shared interests. There are various other loughs that are governed in the same way as well and it is important that we co-operate.

Q195 *Kerry McCarthy:* No one knows where the border is if it is in the middle of a bit of water.

*Michael Gove:* That is why I think it is important for me or whoever is in this job to stay close to the Irish Government—whatever disagreements we might have more broadly about Brexit—to try to manage some of these practical issues in the best way.

Q196 *Chair:* Can I ask a quick question on clarity in response the answer to Anna McMorrin on the Council of Ministers? I was not clear. When you said it is not necessary, do you mean that the Council of Ministers is not necessary or your opinion was not necessary? I could not quite work out what you meant.

*Michael Gove:* The Council of Ministers.

*Chair:* Is not necessary?

*Michael Gove:* I think having meetings of Ministers from the UK and devolved Administrations in order to discuss these issues is necessary. I am open-minded about what the institutional structure should be about having a formal Council of Ministers, in which you might have weighted votes or agree to proceed only in that way. I do not think that is the right way to go.

Q197 *Chair:* On that, you said you were genuinely agnostic about one overarching body, which this Committee supports, versus four different bodies. You are agnostic, but your junior Minister gave evidence to our F-Gas inquiry and said that if the industry wanted one overarching body they should be lobbying the devolved Administrations. Is she of a different mind to you?

*Michael Gove:* No.

*Chair:* She is agnostic as well, but she is encouraging industry to lobby for one body?

*Michael Gove:* To go back to some of the things that I said earlier, I said in particular areas that I wanted to hear the views of different sectors and different interests reflected. I think that there would be an administrative tidiness and a coherence in having one body across the
UK. It might well be the case that environmental NGOs as well as industry argues for that. If they think it is right, they should argue for it.

My view is that I absolutely want to respect the devolution settlement. I am conscious of the point that Anna made earlier about power grabs. I want to show that I am not interested in power grabs. If there are practical reasons where we should co-operate together and it is a good idea for each of us individually to demonstrate restraint, then let’s do so. I also think, as I hope I indicated earlier, that there are some things that the Scottish Government and the Cardiff Government have done that have been good things that they did without being prompted or told to by London.

Q198 Caroline Lucas: I want to go back to where Kerry was in Northern Ireland. In terms of the kind of agreement that we end up with, whether there is a hard border or whatever, would you agree that one of the real challenges is that—given that food is such an important export for Northern Ireland, and I think it is one of the biggest manufacturing areas that they have—the idea that we would be able to monitor that border through fancy cameras alone is not going to work? If you are dealing with food, then you need to be looking at the quality yourself and checking that the food is what it says it is.

Michael Gove: I completely understand that point. I would say that it is an even bigger issue for both Northern Ireland and the Republic when it comes to sales and exports into the UK and through the UK on to Europe and elsewhere. Important as it is to ensure that we have as little friction as possible in the border between Northern Ireland and the Republic, it is also important that we try to ensure there is as little friction as possible between the island of Ireland and the UK.

Q199 Caroline Lucas: The point I was focusing on is from the perspective of the peace agreement, the concern about having any kind of visible infrastructure on the border at all. Would you agree that there is no way that you are going to be able to have safe food passing between either side of a border without some kind of physical check, which is in a sense an argument for the customs union?

Michael Gove: The EU view is that for any third country—and Britain would be a third country if, as you rightly point out, we are outside the customs union and the single market—there needs to be the ability to have checks, whether it is through a border inspections post or by some other means. My view is that it is perfectly possible, given that this is the only land border that the UK will have with the EU, that we can reach an arrangement whereby we can continue to have as friction-free trade as possible.

Q200 Caroline Lucas: Does that mean not having border inspections?

Michael Gove: I do not think you need to have, for SPS reasons, the border inspections that the EU might in other circumstances apply to a
third-country border. I do not think you need those, but that is obviously a matter for negotiation with the EU.

Q201 **Kerry McCarthy:** At the moment 70% of Northern Ireland’s food exports go through the Republic first before going out to the EU, so it is not a case of getting products into the south, they have to go somewhere else. They are not going to accept that.

**Michael Gove:** We are the single largest export market for the Irish Republic, not only in agri-food products, but in so many other areas as well. Important as it is to have the best possible relationship between Northern Ireland and the Irish Republic in commercial and SPS and other terms, it is also important that we get the best possible relationship between the Republic and the rest of the UK as well.

Q202 **Kerry McCarthy:** I am saying that these are goods that then go out to France, Germany, Spain and everywhere else. It is one thing to arrange things passing between Ireland and the UK only—that will be relatively easy to solve—but if the ports in the south are being used to ship stuff to the continent, for want of a better word, they are not going to accept no border.

**Michael Gove:** No, but I think what we can do is accept a situation where we agree that the standards that we have—the UK and the EU when it comes to sanitary and phytosanitary measures—are sufficiently good that we recognise that our animal welfare and food safety standards are as good as the EU’s and theirs are as good as ours. That is what we wish to achieve. Whether or not we achieve it we will see, but that is our aim.

Q203 **Geraint Davies:** If we had a trade deal with the US and, for example, GM food, chlorinated chicken and all this other stuff banned by the EU arrives, the problem of what you are saying is surely that that will migrate across the Northern Ireland border and contaminate the EU. Can you give an undertaking, therefore, that there will be no diminution of food standards from EU food standards when we do the US trade agreement?

**Michael Gove:** That is our intention.

Q204 **Geraint Davies:** You cannot, in other words.

**Michael Gove:** You raise a point that is true not just to food standards but of any standards, which relates to rules of origin. One of the reasons that some argue for a customs union is to deal with some of these questions, but then it creates a whole barrel-load of other challenges and problems.

When it comes to things like chlorinated chicken it is important to say that it is primarily an animal welfare issue rather than a food safety issue. When you talk about contamination I know that you are using it in a metaphorical term. The acceptance of American lower welfare standards
would be an animal welfare issue rather than a public health issue. You and I will have eaten chlorinated chicken when we have been in the US and not suffered as a result.

**Geraint Davies:** I am sure you enjoy chlorinated chicken.

**Chair:** I am sure we have all enjoyed chlorinated chicken. We are going to have to bring this session to a close, Minister. I understand you have to dash away to that Cabinet sub-committee you were telling us about. Thank you very much, you have been very generous with your time.