



LINK Board, 24 April 2009, Paper 4.1

Political Strategy Report

Spring 2009

1. INTRODUCTION

This is the first Political Strategy Report to be prepared for the LINK Board and Network. It has been structured as per the discussions at the January Board meeting. Its future shape can be determined by Board and Network discussions as to its content, format and usefulness. At this stage the intention is to report every six months.

Items where a decision of the Board and Network are requested ***will appear in bold italics***. As this is the first of these reports, it contains several such requests. The Board and Network may wish to delay consideration of less urgent items and to postpone their discussion until future reports.

2. ELECTIONS

2(a) European elections

The next European Parliamentary elections are to be held on Thursday, 4th June, 2009 in the UK (and on Sunday 7th June in most of the rest of the EU). Documentation has been sent to the Scottish political parties for inclusion within their manifesto preparations. The Elections Group will be discussing the possibility of holding a LINK hustings meeting.

Scotland's seven MEPs are a very small factor within a Parliament of 785 members. In addition, the Scottish political parties put relatively far less effort into European manifestos and election campaigns than other events in the political calendar. The main manifestos are written at UK and EU-wide levels. Of the major EU institutions the Parliament has been far less influential than the Council of Ministers, the European Commission and the European Court of Justice. ***Are the Board and Network satisfied that the emphasis of LINK's European work will remain, primarily, with the EU Commission?***

The seven Scottish MEPs tend towards a cooperative approach on Scottish issues in Europe. It might be possible in future to nurture a relationship with them whereby regular contact is geared towards intelligence and contact sharing as much as lobbying. This might move LINK and the Network (together with improved monitoring of the best sources of information on European affairs) towards a more proactive approach to matters European, rather than the reactive, transpositional role that has been our principal involvement in recent years. ***Do the Board and Network want to give priority to a review of our EU involvement in the context of ongoing discussion about LINK's European monitoring and EEB membership?***



2(b) Westminster elections

The next Westminster election must be held by July 2010 – at a date to be chosen by the Prime Minister. Speculation that the date might be coterminous with the European Parliamentary elections to be held on 4th June has largely subsided – but there is still a possibility of a snap election being called dependent on the polling and economic forecasting available to Downing Street. LINK preparations for the next Westminster election are to be discussed by the Elections Group – with a view to engagement in the drawing up of Scottish party manifestos.

2(c) Holyrood elections

The next elections for Holyrood will be held on Thursday, 5th May, 2011. No preparations have been made so far but it is intended that early LINK input to party manifestos should be considered this year. The Parliamentary Forum recommends that a LINK “asks” document is drawn up for this purpose over the Summer with the aim that it should be complete by December 2009 – and the Forum is content to oversee the timetabling and editing processes.

Is this recommendation acceptable to the Board and Network?

It is worth noting that the rejection of the SNP Government’s budget in February caused a flurry of speculation as to the possibility of an early election being called. This would not have been triggered by the resignation of the First Minister (FM) and the SNP Government (as per the impression given by the FM and the media). In fact, it would have required either (a) a vote in Parliament for an election with a two thirds majority in favour, or (b) the Parliament to have failed to elect a new First Minister within 30 days of any resignation.

2(d) Council elections

It is the intention of the Scottish Government to bring forward legislation separating elections for Holyrood and the Scottish Councils - in line with Gould Report into the 2007 election problems. This means the next local council elections may be held in 2012, again in 2017 and then every fourth year in order to achieve a two yearly cycle of full Scottish elections.

No preparations have been made so far by LINK - but it should be noted that (a) the Scottish Government’s devolution of decision making to Councils is taking effect and (b) there is a growing awareness within LINK of the consequences of Single Outcome Agreements. The Parliamentary Forum considers that these factors create a need for LINK to consider Council elections in a way that has not previously been the case, including the possibility of working on a LINK “asks” document for the political parties as they draw up local government manifestos. The Forum recommends also that consideration be given to a forging a more formal and deeper involvement between the work of the Convention of Scottish Local Authorities (CoSLA) and LINK. Consideration could also be given to deepening involvement with Councils through other NGO networks such as SCVO. ***Do the Board and Network want to review our involvement in local council matters? How might this be taken forward?***

3. PARTY RELATIONSHIPS

3(a) Conservatives

The next Scottish Conservative and Unionist Party conference will be held in Perth from 15th to 16th May, 2009. A stand in the exhibition has been booked and will focus principally on the marine campaign. The LINK Parliamentary Officer and the Marine Campaign Officer will attend. Representatives of LINK members will be in attendance. The Scottish Conservatives do not hold an Autumn conference.



Relationships with the Conservatives are reasonably cordial and cooperative at present – with evidence of growing support and appreciation for environmental issues amongst Tory MSPs.

3(b) Greens

The next annual Scottish Green Party conference is to be held in Dumfries from Saturday, 31st October to Sunday, 1st November, 2009. Plans for this conference (and others) will be drawn up when decisions are made as to the LINK theme for the Autumn party conferences. The Parliamentary Forum recommends that no theme be set until after the early discussions of an “asks” document for the Holyrood elections has begun. ***Is this recommendation acceptable to the Board and Network?***

Relationships with the Greens are cordial and cooperative at present.

3(c) Labour

The Scottish Labour Party conference was held in Dundee from Friday, 6th to Sunday, 8th March, 2009. The LINK Parliamentary Officer and the Marine Campaign Officer attended as observers – the cost of taking a stand in the conference exhibition being such that it would have far exceeded that party’s appropriate share of the conference budget. Instead, a Marine Campaign Fringe meeting was held. Representatives of LINK members were also in attendance with stands and fringe meetings.

Labour have never held an Autumn conference but have recently decided to hold an annual Local Government Conference during the party conference season. Details as to possibilities for exhibitors and observers are not yet known.

Relationships with the relevant Labour spokespeople in the Scottish Parliament are cordial and cooperative at present, but relationships with others have proved more difficult, especially in relation to elected Westminster representatives and the issue of energy generation.

3(d) Liberal Democrats

The Scottish Liberal Democrats’ conference was held in Perth from Friday, 13th to Sunday, 15th March, 2009. A stand in the exhibition was taken and focussed principally on the marine campaign. The LINK Parliamentary Officer and the Marine Campaign Officer were in attendance. Representatives of LINK members were also in attendance with stands and fringe meetings. The date of the Liberal Democrat Autumn Conference is 31st October – but they will be dealing with internal, constitutional business and there will be no stands. Holding a LINK (or SCCS) Climate Change/Copenhagen lunchtime fringe meeting might be a possibility and has been suggested to their officials.

Relationships with the Liberal Democrats are cordial and cooperative at present.

3(e) Scottish Nationalists

The next Scottish National Party conference will be held in Glasgow from 17th to 18th April, 2009. A stand in the exhibition has been booked and will focus principally on the marine campaign. The LINK Parliamentary Officer and the Marine Campaign Officer will attend. Representatives of LINK members will be in attendance with stands and fringe meetings. The SNP main, Autumn conference is to be held on 15th -18th October in the Eden Court Theatre, Inverness.



Relationships with the SNP are reasonably cordial and cooperative at present – although tensions have inevitably arisen because of their role as minority Scottish Government (see below).

4. SCOTTISH LEGISLATION

4(a) Current Legislation

The Climate Change (Scotland) Bill is at Stage 1. LINK's work is broadly taking place within the alliance of Stop Climate Chaos Scotland (SCCS). (See Bulletins/Newsletters/Operational Plan [OP] for details.) Both LINK and individual member organisations are, it is fair to say, heavily involved in the shaping of the Bill.

The Marine Task Force have been working exceptionally hard to influence the development of the **Marine (Scotland) Bill**, supported ably by the two LINK project officers. Co-ordination of the Scottish Government executive competences and approach with that of the UK Government is now largely complete and the pre-legislative stage well advanced. (See Bulletins/Newsletters/OP for details.)

The Marine Campaign will remain a major priority within LINK's work until the expected passage of the Bill in the late Summer (see Bulletins/Newsletters/OP for details) – although considerable concern is felt over the uncertainty of the funding of the Marine Campaign.

The Freshwater Task Force have made a major impact on shaping the **Flood Risk Management (Scotland) Bill**, with Stage 3 now begun. The work has seen the development of good relationships with Ministers, the Bill team officials and across the parties within the RAE Committee – and major advances for LINK policy ideas. (See Bulletins/Newsletters/OP for details.)

4(b) The Legislative Horizon

During consideration of the Climate Change Bill, the Woodland Task Force submitted both written and oral evidence to the Rural Affairs and Environment Committee (RAE) on the forestry provisions (and later the muirburn provisions) within the Bill, arguing that the controversial leasing proposals would be better delayed and treated as part of a sustainable land use strategy. This has since been unanimously endorsed by Parliament (Thursday 19th March, 2009). The Scottish Government are now committed to start work on drawing up a strategy. Such a strategy will, however, cover the areas of competence of several LINK Task Forces. ***What internal mechanism should be used to deal with the development of a sustainable land use strategy?***

LINK has been consulted as a major "stakeholder" in the development of a **Natural Heritage (Scotland) Bill** as a possible inclusion within the 2009/2010 legislative programme of the Government. The Bill would cover, *inter-alia*, deer, wildlife crime, the promotion of protected areas, the game laws and upland issues. LINK has taken the opportunity of suggesting other matters which might be covered in the legislation. A LINK e-Group has been formed to co-ordinate activity around this Bill – with links to the Task Forces concerned.

The Minister for the Environment, made passing reference to a possible **Crofting (Scotland) Bill** for the next session of Parliament in her speech at Scottish Environment Week. This would take forward many of the recommendations of the Schucksmith Report. The Parliamentary Forum recommends that a lead Task Force be suggested by the Board at the appropriate stage - if required. ***Is this recommendation acceptable to the Board and Network?***



Sarah Boyack MSP's **Energy Efficiency and Micro-Generation (Scotland) Bill** has gathered sufficient support and is likely to be introduced in the Autumn of this year. The Bill is likely to be fully in accord with LINK positions on these issues.

5. SCOTTISH ADMINISTRATION

5(a) Current Administrative Issues

LINK Task Forces are engaged in a vast range of Government consultations and "stakeholder" engagements. The Scottish Government is particularly active in the following fields at present.

- A unified **Scottish Planning Policy** document has been recently published by the Scottish Government. The Planning Task Force is monitoring the process closely in order to avoid the loss of any important elements of existing guidance.
- Michael Russell MSP, the former Environment Minister, informed the last LINK/Ministerial meeting that the Government were developing proposals for the **promotion and presentation of protected areas** and it has been confirmed that SNH are drawing up document for publication this Spring. LINK would be involved in further development of these proposals. This was welcomed, with a certain caution as the Minister had made comments highly critical of the restraints to communities and developments he perceived to arise from designations. The new Environment Minister referred to the promotional proposals in her SEW speech – and developments will be closely monitored in the hope that antagonism to protected areas is reduced.
- The Scottish Government and Parliament are becoming more understanding, interested in and active in the field of **health and the environment**. (The joint SEW meeting with NHS Scotland attracted very considerable Parliamentary interest.) Ministers have assured LINK that the environment non-governmental organisations (eNGOs) will be involved in these developments – and have requested LINK to ensure that they are ready to participate as a whole. Following this request, discussions as to the appropriate way to cope with this expanding field have taken place and a Health Task Force has been one suggestion as to a possible mechanism. Parliamentary Forum have considered the UK Outdoor Health Network. They noted that LINK is already represented on the 2014 Commonwealth Games Legacy Group and has joined the Health and Environment Network (HEN). The Forum also noted the linkage between the health and the environment, young people and real world learning agendas. (Several LINK member organisations have been working within the Real World Learning (RWL) partnership to promote challenging outdoor education for all Scottish school pupils.) SNH are drawing up a policy document in this area and LINK representatives have met with them to discuss its development. ***How do the Board and Network suggest that this matter be taken forward?***
- The Agriculture Task Force have been concerned about the Government's premature review of **Scottish Rural Development Programme**. It is feared that under pressure from industry it might be proposed that funding be moved out of environmentally centred programmes into general rural development programmes.
- The Climate Change Task force has engaged with Government on the issue of carbon capture technology and coal fired power stations - and responded to the Government's consultation on Section 36 of the consenting process for **thermal power plants**.



5(b) Horizon Administrative Issues

With the approach of legislation for a constitutional referendum (which the SNP are bound to pursue despite the recent Parliamentary defeat), the constitutional issue is once again becoming much more prominent within Scottish political debate (after a relatively quiet period during the first two years of the SNP minority administration). Although responses to Parliament's Calman Commission and the Scottish Government's National Conversation, this development should not be allowed to distract LINK from the underlying legislative and administrative areas which are of major environmental concern. Legislation has been dealt with above but in the administrative field the following areas are of major and ongoing importance and concern:

- the proper implementation of the legislation arising from the Water Framework Directive, The Water Environment and Water Services (Scotland) Act (with River Basin Management Plans currently out for consultation) and the Flood Risk Management (Scotland) Bill currently before Parliament;
- the implementation of the Environmental Assessment (Scotland) Act and the SEA regime;
- the implementation of measures for the protection of the marine environment contained in the Marine Bill;
- the operations of the EU's Common Agricultural Policy;
- the operations of the EU's Common Fisheries Policy;
- the administrative issues arising from planning reform;
- the possibility of consents being given to new coal power generation developments – without adequate inclusion of carbon capture conditions; and
- the issue of waste management and in particular the possibility of a dash to incineration and thermal power stations.

There is a strong argument to be made that the concentration of LINK resources on more immediate political and legislative concerns will mean that failures or inadequacies in any of these areas becomes a significant factor on the horizon without proper scrutiny. ***Do the Board and Network consider it important to encourage LINK members to prioritise LINK resource usage to add to monitoring of these areas?***

6. MAJOR SCOTTISH INFRASTRUCTURE AND PLANNING ISSUES

6(a) Current Issues

With the decisions on the Lewis Wind Farm and the Menie Estate taken, the only major and contentious planning decisions we await are on the **Beaully/Denny power line** and the **Aberdeen By-pass**. We are, however, in the midst of the unification of planning guidance (referred to above) – and we have recently seen the Parliamentary scrutiny of the second National Planning Framework (NPF2) containing proposals for several major developments.

6(b) Horizon Issues

Energy developments such as windfarms, marine renewables installations and grid connections are the most likely developments to become controversies in the near future. One of the contentions is likely to be landscape, but another is where energy development is proposed on designated sites (such as the Lewis peatlands).

A further energy related planning issue which is already on the horizon is also connected to the constitutional issue. Labour backbenchers at Westminster have called for planning powers over the building of vital UK infrastructure projects (such as nuclear power stations) to be transferred from the devolved power of planning decision to become a reserved power of the UK Parliament. The UK Government has, however, made no such call as yet and the direction of travel appears to be further devolution, not re-reservation. Legislation at Westminster arising from Calman might lead to contentious debate on the matter.

The new NPF process also gives rise to consideration of how LINK and its members might react at a political and campaigning level to individual projects within NPF2 such as contentious transport projects like the new Forth Road Bridge (including the issue of their funding) as they come forward. A related issue is the probable need to challenge the 'exclusion of need/sustainability from future planning inquiries on national priorities'.

7. SCOTTISH JUDICIAL ISSUES

The third branch of governance, the judicial, is, by its nature, unlikely to throw up the number of issues requiring urgent attention created in the executive and administrative branches. LINK is involved, however, in the discussion of access to environmental justice and is to host a sponsored seminar on the subject later this Spring. Scottish compliance with the Aarhus Convention has been piecemeal indeed. Access to justice in matters environmental, for relevant parties such as communities or eNGOs, remains prohibitively expensive in Scotland. As a horizon issue it is suggested that the Board give consideration to environmental justice and the comprehensive implementation of Aarhus being a major "ask" of the political parties at the next Holyrood election. ***Is this recommendation acceptable to the Board and Network?***

8. POLITICAL HORIZON SCAN

8(a) Brussels and Beyond

There is a focus on the EU at present because of the forthcoming EU Parliamentary elections, but as is noted above (under elections) the remorseless work of the Commission, punctuated by the decisions of the Council of Ministers, is of the most impact in respect of the large proportion of environmentally significant legislation born in Brussels. Such issues of interest to LINK at present include the implementation of the **Marine Strategy Framework Directive** and the debate around the **Industrial Emissions Directive** (which has particular importance with regard to CO2 emissions).

The EU **Common Fisheries Policy** is due for major reform in 2012 – and a Green Paper containing the Commission's proposals is due to be published later this Spring.

Discussions begin this year for next major opportunity to change the EU **Common Agriculture Policy** for the 2014 budget.



The accession of the former Soviet Bloc countries altered the dynamics of the EU and led to a general slowing of environmental legislation being developed. Threats to the integrity and strength of existing Directives are also feared at any stage when they are reviewed.

The economic recession has begun to exacerbate the difference between the richer West of the EU and the poorer East. This may become a major factor in the development of the EU's policies on climate change, particularly in the achievement of a common position for the UN **Copenhagen** Climate Change summit in December 2009. Although it appears unlikely that the new Obama administration in the USA will go to Copenhagen with as strong a stance as might have been the case without the recession, they are likely, nevertheless, to have changed the tone and intent of the US approach. Their position is highly likely to have a strong effect on EU thinking.

There has been some discussion of the possibility of **Iceland** joining the EU in 2011 alongside **Croatia**. The recent collapse of the Icelandic banks and economy has led to a General Election which may well bring a pro-EU government to power - and the EU Commission prefers countries to accede to the Treaties in groups rather than singly. Were Iceland to join this might have ramifications for fisheries and marine protection policy.

8(b) Westminster

Politics at Westminster is likely to be increasingly dominated by speculation as to the date of the next general Election. The Parliamentary Forum considered the potential outcomes of the election and recommend that the Board and Network consider the consequences of (a) a Labour victory, (b) a Conservative victory and (c) a hung Parliament (with either or both of the Liberal Democrats and the SNP holding the balance of power – and possibly other smaller parties). It is suggested that the Board consider what threats and opportunities are created according to the result of the election. LINK strategy in these circumstances might require extensive discussion and coordination with the Westminster, Welsh and Northern Ireland LINKS. ***Is this recommendation acceptable to the Board and Network?***

Progress continues at Westminster on the Marine Bill, but as this not due for completion until the end of 2009 it would be lost were there a June 2009 election. The Climate Change Act implementation might also be affected, but to a lesser extent. The reaction of Westminster to the final report of the Calman Commission is also largely dependent upon the election result.

The UK government continues to pursue additional nuclear power stations and airport expansion, both of which are likely to cause major debate over environmental concerns. Transport policy in particular has raised doubts over the UK Government's commitment to fighting climate change.

8(c) Holyrood

As mentioned above, there is likely to be a heating up of the constitutional debate at Holyrood. Minority Government appears to have had the counter intuitive effect of leading to a glut of environmental legislation this year because of the need to produce a legislative programme that carries few political risks of partisan inspired defeat. This may well continue with the proposed Natural Heritage Bill but the intensity of the programme is unlikely to equal that of the 2008/09 session.

The Scottish Government's determination to write "world leading" climate change legislation into law has been contrasted with the major transport infrastructure ambitions of the NPF2. A further indication that governments can lessen their environmental ambition with the onset of



economic recession came recently with the cutting of 50% energy efficiency standard regulations for new commercial buildings to 30%.

8(d) Council Chambers

Electoral changes introduced at the last elections have meant that Scotland's Councils have been adapting to a system of proportional results and coalitions of parties (and sometimes Independents) in administration being the general rule. Only two of the 32 councils have single party majority administrations. Together with the results of the simultaneous 2007 elections to the Scottish Parliament, which lead to a minority administration at Holyrood, the new pattern of political control has made for major cultural changes. These can be expected to settle down in future years –and as proportionality has had advantages for eNGOs at Holyrood, may well lead to similar opportunities in Scotland's Council chambers in future years.

In their bid to freeze Council Tax, the SNP Government negotiated the "Concordat" with CoSLA and we are now seeing the production of the second series of Single Outcome Agreements (SOAs) prepared by Councils. These are still at an early stage in development – together with the less directive approach operated by the SNP Government. Fears that the environment did not do well under the old system and might do worse under the new, as Councils with less ring-fencing of funds spend more on politically sensitive social and economic programmes, have been voiced. LINK has established a small steering group to commission a consultant to examine the implications and opportunities presented by SOAs.

10. OTHER STRATEGIC ISSUES

Constitutional reform has already been mentioned as an issue of increasing debate inside Scotland. The LINK position has been to insist that it is the quality of the management of our natural and cultural heritage that is important rather than the constitutional mechanisms used to deliver this management. The LINK approach to both the Calman Commission and the National Conversation has been governed by this position.

The **accountability of Government Agencies** at both UK and Scottish levels (such as SEPA, SNH, The Forestry Commission and Historic Scotland) has been discussed at various levels within LINK as an issue of some concern. It has been observed that the Westminster and Scottish Parliaments have rarely called them to answer questions based on their annual reports and that scrutiny of their operations is work that is too often left to overstretched NGOs and a media with rapidly decreasing environmental expertise.

11. CONCLUSION

This is the first Political Strategy Report to be prepared for the Board and Network. Accordingly, it asks several questions about the balance between LINK and the member organisations work on political affairs. Its preparation has tried to reflect three axes within a matrix – (1) relationships with our five principal political parties, (2) the different levels of government affecting Scotland and (3) the three (idealised) branches of government in our democracy. ***Are the Board and Network content that the basic shape of the report provides an adequate framework for the discussion of our overall political strategy?***

ABM/PO 30.03.09

