

Note of a liaison meeting between LINK and SEPA held on 28 September 2009 at SEPA HQ.

SEPA: David Sigsworth, Chairman, Campbell Gemmell, CEO, Dave Gorman, Head of Environmental Strategy, Martin Marsden, Head of Environmental Quality, Janice Milne, Head of Environmental Policy

LINK: Helen Zealley, LINK President and SEPA Board member, Lloyd Austin, LINK Trustee, RSPB, Adam Harrison, WWFS, Jonny Hughes, LINK Trustee, SWT, Duncan McLaren, FoES, Alice Walsh, LINK Development Officer

1. Introductions

After introductions, we agreed there is a joint aspiration to meet regularly for quality interaction, and at the end of the meeting agreed to arrange a date for six months ahead. LA explained how LINK worked: for information exchange, as a forum for discussion and undertaking collective action. Not all action was jointly undertaken. Attendees today were involved as trustees or active in current work areas, and with some exceptions, network CEOs were rarely themselves actively involved in collective policy work. HZ was participating as a 'cross-bencher' today, and underlined the considerable amount of expertise within the network. DG explained that his responsibilities covered futures and cross-cutting issues including climate change.

Action: AW to liaise with Denise Carroll.

2. Environmental protection and Sustainable Economic Growth

LINK key concern about ScotGov's central purpose of SEG is the move from the classic definition of sustainable development to a primary focus on economics, defined by GDP. SEPA has embraced the terminology with a focus on Scotland's mix of environmental opportunity and its economy, trying to build the best system of environmental regulation for the environment and one that encourages economic opportunity; trying to facilitate SGov's agenda while keeping SEPA's core mission intact, which does not present a problem. The business community is not a problem, the approach is based on helping them comply with regulations, and focusing at least as much on carrots as sticks. If LINK perceives that SEPA not acting with sustainable development in mind, we are to point it out. Discussing the issues more deeply, LINK considered a sense of context for measuring what SEG actually is, is missing from the toolkit of the National Performance Framework; it is too simplistic to measure better performance against all the criteria at the same time. SEPA would like sharper indicators if available, ie carbon intensity measures would be helpful to deploy. It was agreed useful to work together, with the LINK Congress on 19 November as one opportunity.

SEPA has done a lot of tracking, and has put comments to SGov, and has developed internal views on the position of regulations and quality of life which have been communicated via the National Income Group 12 and an SDC expert panel. Both SEPA and LINK had commented on the removal of much sustainable development content in the consolidated SPP. On the better regulation agenda, LINK felt that there is a need for a discriminatory approach; industry would be sustained, supported and enabled in the context of an effective regularity framework, which might mean more or less regulations. LINK feared that SEPA's available tools for pollution prevention and the planning system *could be perceived* as weak or are being eroded, which makes the job of supporting good industrial development more difficult. SEPA considered it's range of tools from the

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advisory model, regulation, to draconian were fit for purpose, though the problem was at the judiciary level and has met the Lord Advocate's office to discuss low awareness and understanding among sherrifs. The PSR bill may be used as a way forward. SEPA recognized that a lot of regulatory effort is ineffectual, and needed more knowledge of what was happening on the ground, though was not convinced the situation was as bad as LINK did. DS noted the role of OFGEM to the energy industry, in developing broader thinking and suggested LINK bring cases to SEPA which illustrate issues.

DM raised a recent issue where SEPA has been directed to minimize its use of 'objection' in planning cases, citing research which showed there was a major reduction in concern or attention by industry where 'object' was dropped in favour of 'support if...'. CG said that SEPA has been in discussions with SNH and had no problem using 'object' if it was the right word, though in the longer term wished to design out problems by advance discussions. DS noted that an analysis of 3-400 SEPA planning interventions showed that it had used its objection a great deal because there was not enough information to make a decision in the first instance. Objection was used as a brake, until more information was forthcoming for licensing as well as planning. SEPA's strategy is to get more information early so that applications would not be considered until sufficient information is available.

DM noted that at a system level SEPA has to make a decision on the options developers applied for, even if the best option is not on the table. If the process is to deliver SEG we need a better framework for decision making. SEPA offered a workshop to refocus activity on development planning rather than getting involved on a case by case basis, where a robust framework for local authorities is needed to help them make the right decisions, later discussions suggested expanding this to measures of environmental quality and economic success.

In summary LINK felt that we are not on that road yet, where LA's follow the central purpose of SEG and where GDP is the indicator. As far as LINK is concerned the mechanism whether overt or covert should encourage the right decision, heading off bad developments at an early stage, rather than allowing them to be pushed through. SEPA has the intention in its mission statement, recognized that its toolkit needs to be fit for the longer journey, has its role as a statutory consultee and will do more to synthesise a simplified and professional approach informing the planning system, working more at the front end, though there will continue to be case work. DS would like more use of SEA which LINK agreed; there has been a lot of legislation recently with LINK focusing less effort on monitoring implementation of SEA among other good legislation, than is necessary.

Actions: SEPA to send LINK a briefing on SEPA's policy wrt planning casework. SEPA to organise workshop to explore issues relating to environmental quality and economic success. AW to send invitations to LINK Congress.

3. Does SEPA see its role as overtly promoting sustainability and emission reduction in the same way as SNH promotes action on biodiversity?

DM asked if there has been any change in SEPA's mandate with respect to emission reductions. CG considered its role in achieving sustainable development which has to be reflected in all its activities covered this. DG noted SEPA's comments on the Climate Change bill pertaining to the Sustainable Land Use Strategy had strong links with all areas. DS noted that his predecessor's brief was focused on keeping Scotland out of

EU courts, whilst his was to widen opportunity to look at education and policy development as well as legislative implementation, so it is part of SEPA's role to champion emission reduction. HZ noted that LINK can sometimes say things which can be more difficult for a government agency, as in the Hampton report with its reference to wider stakeholders inputting to development of government policy. There was discussion of the role of the UK Climate Change Committee as an arms length body, and how it relates to Scotland with a view that it would be better to have accountability in Scotland, including reporting, monitoring and mechanisms designed that may not suit Scotland.

Action: LA to send CG recent relevant letter from SCCS.

4. Environmental reporting – SOER 2011/EEA's Environment Report 2010/11

MM explained SEPA's thinking that the current system of environmental reporting was archaic, limited and not terribly functional. SEPA has been in discussion with SGov about what is possible to achieve; that good, up-to-date data could be accessible and cut as desired by communities locally or communities of interest; and that a good system could be developed if there was political will to put the resources into it. There was enthusiasm at this meeting and discussion of how it could go further in terms of recommendations for action that would direct and influence policy. SEPA had some discussions with SGov on the last report's narrative, and recognized the importance of making its views clear and the value of having objective information. SEPA wants lots of stakeholders to contribute, and acknowledges that some technical challenges exist. LINK positively supports (Scotland's environment performs!) and will advocate it. HZ cited a parallel exercise from the health sector.

Actions: MM to send more detail for LINK to input ideas. JH to send DG info on SWT work on presenting information.

5. Climate Change – The Act: Strategy and actions/roles

What is SEPA doing on carbon accounting, reporting and SOAs.

Are there plans to support local authorities' efforts on area wide emissions?

SEPA was involved in various projects; no magic tool available. If SGov was to produce a tool for carbon accounting it would engage with SEPA. DG is on a high level panel which is leading innovative work, anticipates a series of tools for various purposes. On Sustainable Land Use Strategy DG was surprised that few people pointing out Scotland's soil carbon system, a potential win. DG leading on SLUS for SEPA and would welcome a meeting. There was agreement that it should be all land use, urban and rural. The challenge will be in delivery and interface with carbon accounting. It was agreed that a meeting on SLUS would be useful. DS asked about NGOs interest in carbon accounting, which could become a basic tenet of all accounting, and become a means of informing investment decisions. FoES sponsored a project on carbon accountability programme, finding scope for massive fraud which is growing. Principles are needed to frame the debate. SEPA would like to get an agreed tool to deploy for major developments, is pushing for coherent systems which follow internationally recognized standards. Agreed that there is no reason why Scotland should not have a carbon monitoring bureau.

Action: SEPA and LINK to arrange SLUS meeting.

6. SEPA policy on carbon capture and storage and waste heat

SEPA viewed CCS as a potentially valuable intermediary technology during the transition stage, was learning from the experience of others globally, had advised the minister on his visit to Norway and was involved in licensing a pilot project. SGov was keen for SEPA to play a similar role in evaluating the technology as the EA has; still a way to go. LINK organisations, in the Power of Scotland 2 report have explained how Scotland can decarbonise electricity production by 2030 using the energy hierarchy, which leaves LINK in a slight dilemma regarding CCS; seeing its potential for large developing countries like India and China and would argue that its role in Scotland should be demonstration on existing facilities, not new developments. The market for CCS is larger in transport, storage not exclusively in the power generating sector. DM asked if SEPA's analysis was similar, in its advice to ministers? CG agreed, much still needs evaluated, and that SEPA will license whatever comes forward in due course. Agreed that it would be good to have a national energy policy to work within. SEPA has a role in developing guidance (Caroline ? leading), CG keen that efficiency expectations are refined. DM concerned that any technology which partially abates increasing emissions is very bad.

7. Waste

SEPA was concerned about continued dislocation between SGov agendas on waste which will come back to challenges already faced on development of strategic infrastructure. The loss of a competitive ethos would be a real problem. In this instance there are high level principles declared with no way to deliver these on the ground. There has been no vision apparent in the consultation, SEPA has tried to influence it without much success. There is opportunity to integrate with energy and food agendas.

8. Next steps following the Flooding Bill

LINK had no policy officers working on water currently, though RSPB was recruiting. SEPA noted that there would be issues on flooding to be resolved with local authorities on ownership of the process and responsibility for driving it forward. LINK advocated SEPA as a 'strict ringmaster' to take on the coordination function which would otherwise not be fulfilled. SEPA is responsible for handing over the draft plan which is a reason for it to drive the process on, though balance needed with LA's which are doing the action on the ground, and which will need resources, knowledge and ability. Recognising the difficulties and the process needs many different people round the table, LINK encouraged SEPA to ensure the content of the plan is ambitious and delivers on the minister's rhetoric. LINK will support SEPA where it can, and noted some convergence with the sustainable land use strategy and river basin management planning on structures.

9. Scottish Environment Week 2010

LA briefly outlined LINK's plans for SEW 2010. SEPA would like to be involved at an early stage in plans. JM is the conduit for contact initially.
Action: LINK staff.