

Note of a meeting between LINK and SEPA held on 23 July 2013 at SEPA HQ.

1. Introductions: SEPA – David Sigsworth Chair, James Curran, CEO, Neil Deasley, Unit Manager, Sustainable Development, Jo Green, Head of Change Delivery (for item 1), Lin Bunten (Operational Head SE area) for items 4,5.

LINK: Deborah Long, Chair & Manager Plantlife Scotland, Sam Gardner, Head of Policy WWF Scotland, Mary Church, Campaigner FoES, Beryl Leatherland, LINK trustee & Scottish Wild Land Group, Lloyd Austin, LINK trustee, Head of Conservation Policy RSPB, Alice Walsh, LINK staff.

The status of the meeting was agreed to be informal and observing Chatham House rules.

2. Update on Regulatory Reform Clause 4, on SEPA's statutory purpose, has been debated widely. LINK considers SEPA needs to be vigilant about all the implication including the legal implications wrt challenges in court, citing the opinions from the Law Society Scotland, the UK Environmental Law Association, and evidence from the Scotch Whisky Association. LINK considers this clause should go from the bill. SEPA's view is that it makes no significant changes, and adds vires to its strategy of engaging with public and private economic interests more widely. Legal definition of Sustainable Economic Growth was required. It may be in the code of practice, though would not have the same legal status.

There is still much confusion about what SEG means. It is described, rather than defined, in the revised SPP. **SEPA and LINK would exchange consultation responses to the NPF & SPP.**

On enforcement, LINK supported the shift in penalties and focus on targeting criminals; not de-regulating where regulations are needed for continued environmental protection. LINK was interested in the appeals process which is not bottomed out, cf marine licenses being more ad hoc rather than being part of a strategic approach. The proposals in LINK's letter to the minister about environmental courts may contribute to discussions between SEPA and civil servants considering the available options. This needs to be resolved before the Bill comes into effect. **Jo would liaise with colleagues and discuss moving the issue forward.**

3. Climate Change SEPA's climate change plan had been discussed at an earlier meeting with LINK. As well as inhouse use where work continues,

it will articulate SEPA's climate change vision and through the monitoring process, translate its understanding of Scotland's environment and cc impacts and use it to supply consistent robust advice to government, business and the public sector; SEPA will be an exemplar; work with business and other sectors to identify opportunities for potential new measures; and help Scotland to adapt. **Sam Gardner and Neil Deasley to discuss further.**

All had concerns wrt the RPP and these had been expressed during the consultation to little effect. eNGOs will continue to share frustrations and to work with civil servants to put something into place. SEPA is putting strategic input to improving it and keeping the wheels moving, and also on adaptation and behaviour change. **Sam Gardner and Neil Deasley to discuss further.**

SEPA did not intend to take a view on wider energy matters in terms of climate change impacts, though considered it had a role as an influencer (ie on soils, coal) within the energy sector, and would participate where it had vires through regulation, otherwise remaining neutral. SEPA's commentary on lifecycle impacts, ie windfarm and peat, could arguably be extended into other areas as they develop. Currently it had no vires to comment on unconventional gas extraction, though there was a role for research where gaps exist in understanding of environmental impacts.

4. Discussion of Fracking/Unconventional Gas SEPA's precautionary approach as outlined in a Sniffer report was for robust monitoring and a sound exit strategy. LINK's concerns, about gaps in baseline information, and experience elsewhere of uncontrollable leakages with consequent impacts on human health were aired though SEPA considered the regulatory framework was satisfactory and was optimistic it has the tools to regulate the industry should it develop beyond the exploratory stage. SEAs for sites with current licenses may be inadequate. SEPA will look at the evidence base which is diverse and unclear, this year, including the human health and ghg emissions. LINK agreed with this approach, requesting that development should not go ahead until facts are established and a lifecycle analysis undertaken, including for the Airth application. **Neil Deasley can provide more details about SEPA's work.**

5. Update on Scottish Coal and Issues Relating There was discussion of the Court of Session opinion with close agreement on SEPA's course of action wrt the seriousness of the precedent, compliance with domestic and EU law and on the implications for future arrangements for

restoration of sites. **It would be useful to keep in touch as the situation developed.** Changes to the law, potentially at EU level may be required to ensure future obligations are met. A review at Scottish Government level would be useful.

6. Discussion on measures for GDP etc. LINK was involved in a government led roundtable reviewing the National Performance Framework, and is pleased with progress towards a more meaningful dashboard, and talk of mainstreaming. LINK published its targets for the Scottish Biodiversity Strategy. SEPA would be on the Delivery Group. SEPA was doing a lot of work on Ecosystem Services (otherwise Natural Capital), led by Neil Deasley and Roger Owen, to mainstream into the regulatory regime, and keen that it becomes a business driver. River Basin Management Plans is an exemplar project, and could be discussed at the next meeting of the Advisory Group. The intrinsic as well as utilitarian values of ES were being addressed, and the approach would be fed into the SBS. **Deborah and Neil would follow up how SEPA is inputting to the NPF review.**

7. Scotland's Environment Web: Scottish Environment LINK Engagement. The briefing had been circulated. Discussion about how LINK members might engage as the next phase of the SEWeb developed in 6 months covered capacity issues within the eNGO sector to engage, that LINK members were anyway involved with their own citizen science projects and inputting to the networks like the NBN. **SEPA offered a further briefing on benefits and opportunities : LINK to discuss at August network meeting and respond.**

Next meeting to be arranged in c 12 months.