

Participating:

SG: Minister Paul Wheelhouse, David Mallon, Jo O'Hara, Gareth Heavisides, Charles S Roper, Fiona Simpson.

LINK: Deborah Long, Angus Yarwood, Calum Duncan, Aedan Smith, Sue Hamilton, Vicki Swales, Jen Anderson

INTRODUCTORY

DL thanked the Minister for the opportunity of discussion, and his participation in LINK's SEW reception. LINK felt SEW had been a big success this year. The Minister had enjoyed it and thanked LINK for involving him. DL explained that at least 22 of LINK's 34 member bodies were represented by the day's agenda items.

1. UPDATES

a. Hilltracks

Deborah (DL) introduced this brief item. Aedan (AS) reported LINK disappointment at Government's decision not to take hill-tracks out of the GDPO; removal from the GDPO had originally been proposed by SG then that was changed, surprisingly; many LINK members who had campaigned over many years had seen the proposal to remove tracks as positive, giving confidence in SG intentions to do something for the environment, in an area largely unregulated across a lot of the country; removal would have simplified where consent is / is not needed. LINK felt SG's decision not to remove tracks gave worrying signals about their commitment to environmental protection and other regulatory issues that might emerge. LINK understood the Planning Minister was listening to views and had let him know that LINK members were gathering evidence to emphasise the environmental problem. Today, LINK wished to log strong concern with the Environment Minister.

The Minister (PW) would relay the consistency of LINK's message, saw strong arguments from both sides, welcomed feedback from stakeholders which he could raise, had commented on some awful tracks to Mr Mackay, confirmed Mr Mackay was willing to listen. FS added that LINK's additional evidence would be useful.

b. Access to the Cabinet Secretary

DL opened, flagging concern that LINK's scheduled opportunity to meet the Cab Sec had slipped at least twice, and explaining LINK would be picking up on specifics under the last item on the agenda.

Vicki (VS) stressed that LINK felt under consulted at ministerial level. It was now over 2 years since the last opportunity (Feb 2011, with Roseanna Cunningham as Minister) leaving LINK marginalised by comparison to other key stakeholders. LINK had written seeking a meeting as a priority and hoped this would materialise. The environment needed a champion in a position of influence to make important arguments, given the relevance of CAP and SRDP to delivery of environmental objectives. She asked if the Minister had views, could see opportunities and/or wished help from the ENGOS.

PW apologised for the Cab Sec's absence from this meeting and reported that Mr Lochhead's office was looking for a date. He indicated that Jo O'Hara should be able to answer questions at this point. He was aware of the challenge and worried by where reform discussions were heading, felt Scotland would be disadvantaged cf. other countries and encouraged the ENGOS to pressure the UK government. VS reassured him that through networks at UK and EU level, such pressure was being applied already.

VS stressed that things which SG could decide were absolutely key to delivery of environmental objectives though this would need strongest environmental championing alongside a very strong farming lobby.

PW was keen to champion biodiversity and other areas and offered to consult with LINK more, as this would assist him in his representations. He would look for LINK input on the coming consultation on SRDP re: priorities and delivery mechanisms. He said he appreciated LINK's support, was trying to listen and apply things across the board; and the more he knew the more he could champion, internally.

VS emphasised that LINK's remit and his are all relevant to the Cab Sec's role in this discussion.

DL welcomed the news that a date was being identified and wondered how soon. PW had no specifics but would ensure the Cab Sec was aware of our views.

2. FORESTRY

a. Impacts in Scotland of UK Government response to UK Panel report

Angus (AY) explained that LINK was aware that UK Govt planned to put the national forest estate (England) in trust with endowment, and Wales was pursuing single statutory agency; LINK felt the 1967 Forestry Act would need changed to remove responsibility of commissioners at a UK level. With this natural 'break point' for FCGB,

and a mini review going on in Scottish Government, he sought an update on thinking in Scotland at this stage and outlined LINK's interest in contributing to current thinking. A document was in prep and among LINK's ideas, for example, was the need for clear distinction between policy functions of government, land management responsibilities, and advisory and inspectorate functions. LINK members could see options such as Ministers being swapped for Commissioners, to implement a tweaked Forestry Act in Scotland. They were interested in the impacts on delivery of international obligations and UK standards and were keen that there should be debate in Scotland on such points.

PW commented that the Panel was largely England-related. Reported SG's wish to ensure a support mechanism for cross border collaboration - citing the important research function as an example and the recent plant health summit as illustrating the value of 'big science'. Said there were sensitivities apart from the constitutional debate and practical impact of Wales 'taking things inhouse'; felt it was too early to predict overall outcomes, though SG's seeking opportunities for collaboration as a principle. Standards, he thought, should be driven by collaborative work on management. The intention was for forestry to remain in public hands in Scotland, more or less continuing as now. The referendum would come first and SG's thinking on how FC would work in an independent Scotland would be set out in transition documents to be published ahead of the referendum. PW mentioned how SEARS experience was useful in thinking about simplicity of engagement and said he would take LINK's request for consultation back. Jo O'Hara confirmed that SG was still scoping options and thought the next stage would be consultation.

b. Management of tree disease and plant health matters in Scotland:

AY explained a letter would follow covering the detail of LINK's point. LINK was involved in the stakeholder group & the summit on 6 March, and was supportive of this very good process. At this point they wished the Minister to know their concerns around proposed aerial spraying (for Dothestroma) and sought clarity on SG's intentions with the proposed pilots. Fungicidal spraying was not normally used/was discouraged because of its impact on wider diversity, and should therefore be a last resort. Awareness was needed around potential impacts of spraying, COBA, necessary and appropriate monitoring before going ahead – the full precautionary approach, all stakeholders involved and open discussion afterwards.

PW appreciated LINK's frank position and gave strong reassurances that he too wished to know the science and impacts before signing off on spraying; he would discuss what was appropriate with the group (and LINK). He would relay the concerns to Bob McIntosh and FC Research. DL underlined the need for a scientifically robust approach. PW was very aware of the need for this esp. in relation to pine and stressed that any thoughts on how to protect ancient woodlands from potential devastation would be very welcome.

3. MARINE

a. Progress and consultation on the MPA network

Calum (CD) noted the coming, historic summer saying LINK was keen that a Fish-fight be avoided in Scotland, likewise any letting down of stakeholders. With the advice package from SNH and JNCC already scrutinised, LINK wished to see the whole package of sites consulted on. He stressed that if any sites, especially Forth Banks, were excluded, the process would be undermined and stakeholders disenfranchised, and Scotland's route to achieving the legal commitments in the legislation jeopardised. LINK wished to see commitment to the timeline for designation and an indication of how gaps would be filled (eg: seabirds; features for which data currently lack) and appropriate management for designated features as the key to contributing to protection of the wider seas, as the legislation aims at. He said LINK members were mindful of the resources needed to achieve all this and advised Government in strongest terms that for this most important consultation ever done for the seas around Scotland, getting funds in place to do the full consultation well was vital. Whilst there would of course be short term challenges it was far better to invest now for the benefit of the longer term.

PW assured LINK that Government was taking a science led approach; knew timing frustrates but felt that taking time made the process more defensible; valued the input of organisations such as JNCC; recognised concerns over mobile species and lack of areas to protect. On resourcing, he talked of Government's looking at monitoring nature conservation MPAs and at the programme for the MSFD from 2014, for which no budget was agreed as yet. HS were to be responsible for the historic environment MPAs. The financial memorandum set out the estimated cost per site. Progress towards achieving conservation objectives will be subject to 6-yearly reporting process; he invited LINK views on that point.

CD confirmed LINK was satisfied with the plan for a 6-yearly monitoring cycle on the understanding that any activity which is known to be damaging is addressed with emergency measures put in place swiftly. CD stressed the importance of consulting on all 33 sites notwithstanding concerns on some species. David Mallon reported that Marine Scotland was hard at work, preparing for summer consultation on the network proposals, the Marine Plan and sector plans for Wind Wave and Tidal – a big challenge. All 33 sites would be included as reported to Parliament in December and as per discussion at recent workshops. If for funding or other reasons

some could not be included, there would still be consultation on the network as well as on individual proposals. Consultation was due to start early July and would be extended reflecting scale to 16 weeks; at the end of the summer holidays SG planned a series of national stakeholder meetings and individual meetings – so a proactive consultation was the intention.

CD welcomed the commitment to consult on the whole network and hoped that funds would be available to allow all sites to be covered and avoid protracted roll-out for the reasons he had outlined to begin with. He also welcomed the plan for extended consultation time.

PW indicated SG's aim is to overlap with proposed arrays of renewables to find ways of co-existing sensitivity. CD indicated that MCS is not against co-existence if AS added that renewables developers have been clear that they are seeking certainty, and in this respect they and LINK are coming from the same perspective. He hoped things could move a.s.a.p. PW replied that addressing the information gaps and risks takes time. AS reported that knowledge of sites will help prevent backward development. DM felt the process to date means that most stakeholders (developers and consultants) have been aware for some time where sites are proposed, via search locations listed on various websites. Marine Scotland was working with the Agencies to advertise SPA advice. To this and PW's observation of the need to accelerate understanding of SPAs, AS acknowledged that Marine Scotland was ahead in this respect.

CD was keen that the process demonstrates that MPAs can provide benefits in terms of eco system health, for food, energy, etc. PW replied that this cuts through internal SG discussions – the economic advantages at local level, and that SG will seek buy in from communities on that basis. CD indicated that LINK would be writing to the Cab Sec shortly on the issues discussed.

4. PLANNING

a. NPF3 and SPP update on progress and thinking

AS reported LINK members invest a lot of time in NPPF3 & the SPP which are important vehicles for environment. Some had put forward ideas for national development around some of which LINK was keen to see progress. Members strongly urged that the SPP maintain its robust protection for the environment and saw real opportunity to address pressure for onshore wind by ensuring SNH's timely and up-to-date wild land mapping is taken into account; there was also opportunity to give helpful market signals at this broad indicative level about unconventional gas and support government's energy strategy (renewables); developers want this clarification. LINK was concerned that Hunterston-type proposals which damage the reputation of the NPF should not be accommodated. Members were keen to see the SPP also maintain strong environment protection policies and strengthen the explanation of sustainable development (whose best presentation by SG is currently contained here). LINK awaited consultation drafts which reflected members' input. Sue (SH) noted that consultation to date has not been different from that for NPF2 and asked if this would develop fully as proposals were incorporated, or whether a pruned selection would go to consultation. She supported AS's point on the description of SD in the SPP; LINK explained to the Minister that this had been drafted under the earlier SNP government; PW would report LINK's support and said there was no suggestion of watering this down.

FS reported that the main issues report, draft SPP, updated participation list and list of developments received would all be published together. Some proposals meet/do not meet criteria, but consultees would see all proposals and SG's assessment of these while the SEA report would cover reasonable proposals and draft EIA appraisals will also consider options.

PW observed that sustainable economic growth is at the core of SPP and other SG documents and in that context found it useful to hear LINK supported the text in the SPP which sets SD in an SEG context. He noted that biodiversity strategy, under revision, would reflect the intrinsic importance of biodiversity, albeit pitched in language of ecosystem services. AS welcomed this, hoping that the hill-tracks scenario was not indicative of wider planning policy. PW replied that wild land debate could have similar treatment: SG supports the principle of protecting wild land and landscapes; however, discussion is needed about appropriate mechanism(s) and the SPP is an opportunity. More widely, he noted, the regional landscape pilots which SG is running, aim to get communities involved in taking lots of developments into account, and to get a feel for what is appropriate use of landscapes affected by development pressure (eg for agri, renewables, peat, people and much more). SG hoped to see good engagement in these. AS indicated LINK was keen to engage and saw SNH guidance on suitability as key, giving a national steer to developers and providing confidence in the system. PW responded to say that NPs and NSAs are protected and to hope that people will engage in available consultation.

b. Review of EIA Directive

AS said LINK was working at UK and EU level on this review, felt Scotland does quite a good job and has a long list and could present positive messages at UK level where there is more scepticism. PW said this was a

main item for the EU Environment Committee he would attend shortly and offered to report back on where policy looked to be going thereafter. Care was needed he said to guard against onerous/unreasonable new cost/burden, though SG was keen to work constructively to get agreement. SG also wished to see Scotland's reputation for complying reflected across the EU. AS confirmed that landowning NGOs also want to avoid onerous new burden at the same time as seeing an effective system. He offered to send the Minister some briefing. The Minister thanked him and had noted all points made.

5. CAP/ SRDP

VS opened, reiterating that a substantive discussion with the Cab Sec - and the Minister if available - would be very helpful, esp. as today's meeting allowed little time.

LINK was concerned things were not going well for environment and that turning this round required resolve. Key priorities and central planks of the EC's proposals had been watered down in the face of much lobbying by the farming sector for the status quo. Uncertainty about funding and impacts on Scotland left things in limbo. The 75%/25% split between Pillar 1 and Pillar 2 maintained the current imbalance, where a sought-for and higher percentage in Pillar 2 would allow targeted measures that deliver public goods where there is market failure. LINK had supported greening of Pillar 1 for this reason and members were very disappointed at where greening was now heading: many eligible players could receive funding without significantly changing current practices and there was no mechanism in intensive livestock sector to address big concerns such as diffuse pollution, biodiversity loss, and so on. LINK would pursue this area and put store in Pillar 2 as a mechanism. There was real opportunity to move funds from Pillar 1 to 2, offering £60m extra potentially, to target effective measures (for water, climate change, biodiversity, etc) if used correctly, and this was particularly vital, given the weakness in Pillar 1 to do meaningful things. LINK would advocate for this use of available funds. What was Scottish Government's views and internal thinking, would there be consultation?

PW was aware funds had been transferred in the past for this purpose, recognised the point and would take this back; reiterated that Scotland deserved a better deal. Across the discussions Scotland would need to be smart, making targeting an important principle and looking to deliver multi-benefits - forestry, biodiversity, flood prevention, pollution, commercial outcomes, etc - all together. A tight settlement was anticipated. SG would consult on a successor SRDP in the summer and it was important to hear LINK's voice on effective use of the Fund, process, and monitoring (which SG are looking to revise).

VS asked if in UK discussions it would be helpful for SG to have support. PW invited JOH to comment, who said this was a difficult area; redistribution in Pillar 1 was creating debate too, and the principle of moving funds from Pillar 1 to 2 was tied to the negotiating position of maximising available flexibility. Decisions on how to spend would be kept for when the funding level was certain.

VS reiterated that LINK has been the biggest advocate of the need for a targeted approach to prioritisation within Pillar 2 and foresaw difficult discussions about where to allocate, but urged that it is vital issues are looked at, rather than an assumption made that the existing allocations should be rolled forward. Ways must be found to boost the agri environment pot, as the part which delivers public and people benefits in the shape of environmental priorities, rather than continuing to carry any dead weight. Yes, LINK has fed in views on this; it is a difficult area given the strong expectation around LFA support; however LFA is a blunt instrument where others can target environmental outcomes, which are also important and need weighed and valued alongside business support. More needs to be invested in the environment. Notwithstanding other demands on his time, LINK looked to the Minister and Cab Sec to champion this vision of what should be delivered for society; it is difficult for LINK's voice to be heard, esp. in rooms where there are 2 LINK voices and 30 reps of industry.

PW wondered if RPP2 commitments on peat had LINK's support, as a good change in the right direction and reflecting SG's commitment to targeting funding programmes to objectives; SG hoped to dovetail this with farming support; were looking for synergy between different aims; needed discussion with NFU on conservation and flooding agendas; regarding any funding programme, would be making the point about environmentally smart objectives, targeting and additionality; had own background in evaluation to draw on.

VS concluded the discussion noting that unless agri environment spend increases there will be no scope to achieve that. JOH said bridging the gap between simplification and multi-benefits and getting advisory services right was largely where discussion is at.

CONCLUSION

DL thanked the Minister and added that any help in securing LINK a meeting with the Cab Sec would be valued. The Minister thanked the LINK delegation. The meeting closed at 11.00.