

The LINK Newsletter

Scottish Environment LINK update
Summer/Autumn 2013



Scotland's Hilltracks

Over the summer LINK members have been inviting their supporters and the public generally to send photographs of environmentally damaging hilltracks to LINK's Hilltracks Campaign, a group of 9 member bodies responding to the Planning Minister's requirement for conclusive evidence that there is enough of a problem to warrant removing current 'permitted development rights' for tracks constructed for agricultural and forestry purposes. This was proposed in Scottish Government's consultation in 2012, and supported by LINK bodies, the National Park Authorities and SNH among others. LINK was dismayed to hear in December 2012 that the Minister was minded to leave the situation unchanged, though would review his decision on the basis of further evidence.

In June LINK's Hilltracks campaign, coordinated by LINK trustees Beryl Leatherland and Helen Todd, appointed consultant Calum Brown to compile a report of evidence of the damage caused by this unrestrained development across Scotland, with the aim of persuading the Minister that he needs to bring such tracks into the planning system.



Hill of Edendocher to Charr, photo John Rogers

The work has been co-funded by LINK, by a grant from the Scottish Mountaineering Trust, and by organisations within the campaign group (Association for the Protection of Rural Scotland, Cairngorms Campaign, John Muir Trust, North East Mountain Trust, NTS, Ramblers Scotland, RSPB, Scottish Campaign for National Parks, Scottish Wild Land Group). The Mountaineering Council of Scotland also supports the campaign. There has been good media coverage over the summer and the Minister was invited to view problem hilltracks for himself over the recess. Photos are invited via the [website](#) until 1 September.

Championing Scotland's Wildlife

Members of LINK's Wildlife Forum are considering how to build on the success of the [Species Champions](#) initiative which enables Scotland's MSPs to lend political support to Scottish species in need of protection. The initiative is proving very popular, with 64 species now adopted by 53 MSPs. A benefit of having MSPs take an interest in a particular species was highlighted in the quality of the debate on the Freshwater Pearl Mussel on 8 May initiated by its champion Mary Scanlon, MSP, which demonstrated the interest and knowledge of MSPs and brought to light important links to be found between a single, important Scottish species and a raft of policies including justice, agriculture, river basin management, land use, planning and its enforcement, freshwater fishing and more.

[The 2020 Challenge for Scotland's Biodiversity](#), Scotland's response to the Aichi Targets set by the UN Convention on Biological Diversity and the EU's Biodiversity Strategy for 2020, was published on 19 June. Coinciding with this publication LINK, and the Royal Society of Edinburgh, co-hosted a 'Chatham House rule' seminar to promote debate on the real value of biodiversity, the role of Scotland's'

Biodiversity Strategy in delivering that and what needs to be done to meet the 2020 Aichi targets. Those attending, from Government, Parliament, agencies and NGOs, explored how, between now and 2020, we can mainstream biodiversity into all walks of life to begin to reverse the decline in biodiversity in Scotland. LINK's report, [Environment and the Economy: Helping Scotland to Flourish](#) was a springboard for an energetic and informed debate.

Also on 19 June the Wildlife Forum produced its contribution to the challenge, [Scotland's Challenge 2020 – a benchmark](#), as a vital tool for effective action is to have a list of priorities to which all stakeholders can work to achieve by 2020. LINK has come up with 14 targets for the next 7 years. If these are met Scotland will have made significant steps towards halting the loss of biodiversity.

Saving Scotland's Seas

The public consultation on a proposed network of Marine Protected Areas (MPAs) for Scotland and the new National Marine Plan were published on 25 July. The Government plans aim to create a strategic patchwork of protected areas in both inshore and offshore waters designed to give sealife a chance to return to better health. Unlike No Take Zones, the MPAs will allow sustainable uses of the sea. The plans are the Scottish Government's first major step towards fulfilling the duties of the Marine (Scotland) Act, one stage in a longer journey towards improving the condition of our seas.

Support for a comprehensive MPA network is strong in Scotland. In May a group of fishing, recreation, conservation and energy interests [wrote jointly](#) to the Cabinet Secretary to support inclusion of all 33 proposed MPAs in the consultation, agreeing that we must follow good science so that the right sites are chosen with appropriate management measures in place and multiple benefits can flow from the improved health of our seas. LINK's Marine Taskforce (MTF) members welcome the proposals as a vital first step to reverse centuries of decline and are currently encouraging public engagement during the 16 week consultation phase, when national and regional discussions will be held around the country. You can find out more about the MTF campaign at www.savescottishseas.org.

Lawrance Ferns recently took over from Philip Taylor (who has moved to RSPB Scotland) as Marine Policy & Advocacy Officer (maternity cover position). The MTF will draw on his extensive marine conservation planning experience in Australia, where he has worked within government, and been involved in multi-stakeholder processes around MPAs.

Referendum Challenge

The Better Together and Yes Scotland campaigns were invited in June 2012 to address our sector's questions, set out in LINK's [Referendum Challenge](#), about how their proposals will enable Scotland to become more sustainable. The Better Together response was recently received and is published on the [website](#).

LINK has assisted the Office of the Scottish Charity Regulator (OSCR) in the development of its [guidance for charity trustees on the referendum on Independence](#), (published July) by providing details of our approach and experience over the last 18 months, and has recorded a [video](#) to assist with the launch.

Regulatory Reform Bill

LINK's written evidence to Stage 1 of the Regulatory Reform Bill supported the need for effective, targeted and transparent regulation and broadly supports any steps that can be taken to streamline regulation provided that this does not happen at the expense of environmental protection. LINK remains strongly opposed to the introduction of a duty on regulators to contribute to achieving 'sustainable economic growth' (SEG) considering that the duty should refer instead to 'sustainable development'. LINK questions the need for a duty to include reference to SEG at all, given that the environmental regulators already have legislative requirements to consider social and economic factors while fulfilling their primary functions. They also have extensive statutory duties for 'sustainable development' and it is very far from clear that these duties are compatible with a duty for SEG. LINK's concerns relate on a practical level to the likely consequences down the line of enshrining such a duty in law, a view supported by the written evidence of the Law Society Scotland and the UK Environmental Law Association, and reflected in the RACCE Stage I report.

News and Views from Members

The next four pages contain articles from LINK member bodies and guest contributors

Marine Litter Strategy

Anne Saunders

Marine Conservation Society



This summer sees the beginning of a consultation on the marine litter strategy, and alongside it a consultation on a national (terrestrial) litter strategy. With these announcements made on 4 July this is a good opportunity to update on progress and reflect on what we hope the strategy will contain.

The Scottish Government made a policy commitment to a marine litter strategy in late 2009, in response to a suggested amendment to the Marine (Scotland) Bill put forward by the Scottish Green Party. Marine litter is becoming recognised as a huge global issue, with plastic litter levels increasing year on year. Plastic will persist in the environment for years, decades, even centuries. Our throwaway society is continually adding to the problem.

MCS and LINK have been represented on the strategy steering group since it was set up in 2010. MCS contributed crucial data on beach litter to the advisory report ([Marine Litter Issues, Impacts and Actions](#)) written by The Scottish Association for Marine Science and The James Hutton Institute. Work toward a strategy has been characterised by delays. It took Scottish Government well over a year to sign off and publish this advisory report, finally doing so in September 2012.

Support has been provided by interested MSPs, notably Alison Johnstone (Green), who has lodged motions asking about the progress toward a strategy and reminding the government of the commitment they made. The Greens also held a special screening of the film *Trashed* in Parliament at the end of May 2013. This film highlights the global problem of marine litter and the harm it causes. Tom Piper (KIMO), Dr Phil Cowie (University Marine Biological Station Millport) and I were all invited to be part of a discussion panel after the screening.



© MCS Patrick Joel

There have been further delays in launching the consultation. First it was to be 'spring' 2013 and then it was 'summer'. The steering group did not see the draft strategy in advance of the launch, but there are some essential

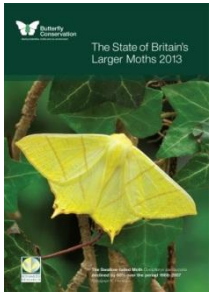
elements we want to see

included. There is currently no one body in Scotland responsible for the issue of marine litter. Marine Scotland must assume this role, with our preference being the establishment of a policy unit dedicated to the development and implementation of a strategy, and employment of a policy officer. They must coordinate their work with the body that will be responsible for the forthcoming national litter strategy, in order to bridge the gap in responsibility between sources and routes of terrestrial and marine litter. The two strategies are intended to link together and complement each other, in order to form a more comprehensive and complete approach to the overall problem of litter. We welcome this bit of joined-up thinking from the government.

On 28 June the Scottish Government announced that a carrier bag levy will begin in October 2014. This is one positive step toward tackling the all-pervasive problem of litter. MCS will be launching an e-action that our supporters can use to respond to the marine litter consultation, outlining our main asks for the strategy. Please visit our [website](http://mcsuk.org/Scotland), mcsuk.org/Scotland to take part in our campaign and help put in place an effective and meaningful strategy.

State of Moths report reveals dramatic changes

Paul Kirkland, Butterfly Conservation



Earlier this year Butterfly Conservation and Rothamsted Research launched their report [*The State of Britain's Larger Moths 2013*](#) which described significant declines in Britain's moth fauna. The total number of larger moths recorded in the national network of Rothamsted

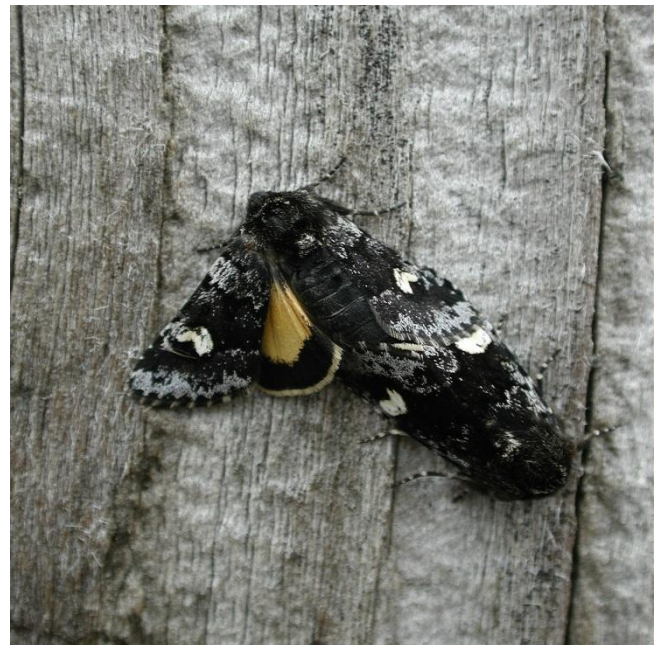
trap samples decreased by 28% over the 40 years from 1968 to 2007. The loss is much worse in southern Britain, with a 40% decrease in total abundance, while there was no overall change in northern Britain. Speaking in London, Chris Packham said "The declines highlighted in this report are not critical, they are catastrophic".

The Rothamsted light-trap network is one of the longest-running and most wide-ranging insect population research projects ever conducted. Analyses of this data set, carried out by Butterfly Conservation, together with information from the National Moth Recording Scheme and other sources, have been gathered together to produce the new report.

Forty-year national population trends were generated for 337 species of widespread and common moths. Two-thirds (227 species) show decreasing population trends over the 40-year study and over one-third (37%) of the species decreased by more than 50%.

Although the majority of trends are negative, 53 species (16% of the total) more than doubled their population levels (i.e. increased by at least 100%). Many of these species have also undergone dramatic range expansions, particularly northwards. Moth species that occur in both southern and northern Britain fared significantly worse in the south.

Quantity or quality? There is no room for complacency in 'the north' however, as it is apparent that declines in some species have been offset by increases in others, due, we believe, primarily to climate change. In other words we are losing characteristic northern species at the expense of mobile common southern species.



Pair of small dark yellow underwing © Stuart Read

One species we are particularly worried about is the Small Dark Yellow Underwing (*Anarta cordigera*), which feeds on bearberry (*Arctostaphylos uva-ursi*). It is a UK BAP/Scottish Biodiversity List species that flies in the daytime in April/May, and we encouraged more recording this year, but sadly received not one record! We hope that the poor weather was to blame and will try again next year to discover how this beautiful moth is faring. Absent from the rest of the UK, we know little about its ecology, but any decline in extent or quality of *Arctostaphylos* heath must be of concern.

The widespread decline of Britain's moths is a clear signal of huge loss of biodiversity caused by human impacts on the environment. Moths comprise a substantial part of Britain's biodiversity and play important roles in food chains and as pollinators. Their decline will have knock-on effects on the birds, bats and mammals, which depend on them for food, and shows widespread degradation of our environment caused by habitat loss (e.g. due to intensive agriculture and urbanisation). Chemical and light pollution of the environment may also be having significant negative effects on moth populations, while climate change is causing both positive and negative impacts.

Download the report at www.butterfly-conservation.org/mothreport, and discover more about moths at <http://www.mothscount.org>

Portobello Park – Common Good?



Sue Hamilton, Planning Democracy

In granting planning permission for a new school to be built on Portobello Park Edinburgh Council faced a legal barrier. In 1898 the land was given to Edinburgh City Council as ‘inalienable common good land’.

The established way for Councils to sell or change the use of common good land is to seek the permission of the Sheriff Court in the form of a ‘court declarator’. However Edinburgh Council decided to change the land’s use without this permission - a decision challenged in the Court of Session in 2012. The judges decided on appeal that the Council did not have the power to build a school on the park. So the Council decided to ask the Scottish Parliament to change the law with respect to Portobello Park. This requires an Act to be passed in parliament. [The City of Edinburgh Council \(Portobello Park\) Bill](#) was recently lodged and, if voted through, will allow part of the park to be used for educational purposes.

Everyone in Portobello agrees that a new high school is desperately needed. There is clearly no problem with the level of engagement of local people and although in a recent consultation 70% of Edinburgh respondents supported the proposal for a private bill, there were many concerns expressed about the consultation exercise. It is the nature of the debate and process which concern Planning Democracy.

The public debate on the replacement of Portobello School has become tense and highly charged. Deep divisions have opened up in the community between those who wish to see the school built on the Park and those who want the school built elsewhere. Planning Democracy believes that democracy is not merely a poll of local views but a fair negotiation and balancing of competing interests – social, environmental, economic, local, national, present and future interests all count.

Key to balancing interests is a debate on equal terms. The charged nature of the debate over “our children’s futures” in Portobello has, however, led to the closing down of debate over alternatives.

No precedent will be technically set by passing the Portobello Park Bill but it may make it “less unusual” for Councils to see development opportunities in previously sacrosanct parks. Not much is certain in the planning system; many communities find the planning battles they fight are never really over, as developers can come back again and again in a “war of attrition”. People may find things even less predictable if the relative certainty enjoyed by common good parkland, protected in perpetuity, is eroded.

**Helping Nature to
Help Us**

Jim Densham, RSPB



[Helping Nature to Help Us – Natural solutions to living in a changing climate](#), is a new report from RSPB Scotland available for download at bit.ly/10cQ4GG. This document is an update of the RSPB Scotland document, by the same name, published in 2008. That first version focussed on the types of habitats that can help us and was published before the Climate Change (Scotland) Act was published in 2009. The new revised report focuses on solutions that nature provides to some of our most pressing problems.

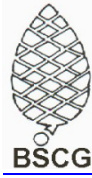
In readiness for living with climate change and a range of impacts, we need to work with nature and employ natural ecosystems to provide sustainable and cost-effective solutions. Nature can be our ally in response to climate change. The report includes 7 specific chapters showing examples of some of the things we need as a society and how nature can be employed to provide them. A case study in each chapter illustrates a real example from Scotland of where these solutions are working, and each chapter is endorsed by at least one partner organisation.

Natural solutions work but we need a vision, commitment and action to make them more commonplace throughout Scotland. Scotland’s forthcoming Climate Adaptation Programme can help to achieve this. If we help nature, it will help us to adapt to climate change and thrive in an uncertain future. Please contact me for any more information or if you would like to discuss the issues within it.

Tel: 0131 317 4100. Email: jim.densham@rspb.org.uk

Appeal lodged with UK Supreme Court

Gus Jones, convener, Badenoch and Strathspey Conservation Group



Resourcing Scotland's Heritage



Supported by
The National Lottery
through the Heritage Lottery Fund



Six years ago BSCG warned that the Cairngorms National Park Authority appeared to be bowing to pressure from developers for excessive development. Later, disappointment was expressed when the Planning Minister rejected a request from 16 LINK member bodies to intervene over the first CNP Local Plan. The bodies warned this was not adequately reflecting the findings of a Public Local Inquiry held in 2009. Instead of acting to intervene, the Minister reminded the groups they had recourse to the courts. Following the most recent legal advice to the Cairngorms Campaign, BSCG and the SCNP after an Appeal was rejected by the Inner House, a case on their behalf has been lodged at the Supreme Court.

As part of its UK Catalyst programme the Heritage Lottery Fund (HLF) has awarded a development grant to a partnership of organisations including Scottish Environment LINK, to produce a fundraising capacity building programme worth £468,400 for heritage organisations across Scotland. The proposed programme will be delivered by Arts & Business Scotland in partnership with LINK, Archaeology Scotland, Built Environment Forum Scotland, Greenspace Scotland, and Museums Galleries Scotland and will provide Scotland's diverse heritage sector with the vital tools needed to increase fundraising from private sources.

The full grant is subject to a two stage assessment and award process. The partnership has received initial support plus development funding which means the project meets HLF criteria for funding and has potential to deliver high-quality benefits and value for Lottery money. During stage 2 of the development of the project information gathering is underway and work continues to develop the fundraising capacity building project. During this period each partner will communicate with heritage member organisations to ensure the programme reach is as wide as possible.

LINK has been contributing through the Scottish Environment Fundraisers' Forum and members will be discussing our sector's requirements with the consultants at the next meeting on 5 September. All members are encouraged to attend if they can and to complete the [online survey](#) before 25 August. Contact [Steven Gardner](#) or [Alice Walsh](#) for details.

More Network News

Agriculture LINK's Agriculture Taskforce (ATF), in common with environmental NGOs across the EU, were dismayed at the outcome of the CAP negotiations due to come into force in 2015. All is not necessarily lost as there is room for flexibility for Member States to tailor the regulations to suit their own needs and the potential for Scotland to come up with better options. At a meeting in April that



Wildcat, a European Protected Species with a stronghold in the Cairngorms National Park that is fighting for survival in Scotland.

A concern is that the CNPA has allocated areas for development without first determining whether the development would be significantly damaging to the natural heritage interests such as Natura interests that the UK authorities should protect under the Habitats Directive. One outcome of our case may be clarification of the legality of deferring meaningful assessment of damaging impacts on natural heritage to the end of the planning process.

BSCG and co-appellants are very grateful both for the support of hundreds of individuals that has helped us take this action and to our legal team. Donations can be made on <http://bscg.org.uk/joomla30/index.php> See also <http://www.safeguardthecairngorms.org.uk/>

included members of LINK ATF and Scottish Government officials, the Cabinet Secretary clearly stated his intentions to see ‘...every farmer acting in a greener way than before’. At this meeting key points were discussed, including:

- the need to balance more support in Pillar I of the CAP towards High Nature Value farming;
- his commitment not to move funds from Pillar II to Pillar I;
- the importance he places on securing a well-funded Pillar II to support rural development ;
- and, his determination to reduce the carbon footprint of farming and secure greater public benefit from the CAP.

Mr Lochhead proposed a future event to broaden the discussion across sectors on the need for a greener CAP. The TF welcomes this, and stands ready to help bring it about. The TF has already commissioned an external study to envision how a more environmentally sensitive application of public funding could benefit Scotland’s wider environmental, social and economic outcomes.

Climate Adaptation The consultation on Scotland’s Climate Change Adaptation Programme was published in June, and closely followed publication of the Government’s disappointing second Report on Proposals and Policies (RPP2). The Adaptation Programme complements the RPP by addressing how we adapt as a society to deal with the changes that are unavoidable. LINK’s Climate Adaptation TF remains keen to assist Government (Adaptation Scotland) in its task of developing a meaningful Programme with the necessary clout to influence national priorities in the long term. In a [Parliamentary Briefing](#) the TF recommended that the RACCE committee should scrutinise the draft Programme and make its recommendations before the end of the consultation in September.

Economics Since April, LINK Chair Deborah Long has participated in a series of roundtable discussions led by John Swinney, Cabinet Secretary for Finance and Sustainable Growth, about the future of the National Performance Framework and how the national outcomes, purpose targets and indicators might be improved and the NPF used to inform decision-making more effectively. LINK is promoting the ideas within the joint [2011 briefing Revising the National](#)

[Performance Framework](#), and would like to update this in the light of the roundtable discussions.

LINK is responding to Parliament’s Finance Committee call for evidence on the NPF and the Budget (please see the website after 26 August).

Freshwater The TF is engaged with LINK’s work on the Regulatory Reform Bill and has responded to [SEPA’s consultation on revising the Scottish Pollutant Release Inventory pollutant list and reporting requirements](#). The TF supports streamlining of regulation when existing levels of environmental protection remain uncompromised or are enhanced and urges that any future changes to the list and reporting requirements are effectively monitored to identify any potential environmental consequences from those changes, and if there is any indication that environmental protection has weakened that immediate steps are taken to rectify this.

Land LINK’s [submission](#) to the Land Reform Review Group, supported by 13 member bodies, focussed on the sector’s aspirations for public policy governing the relationship between the land and the people of Scotland. Aspirations are that all land owners and managers understand and observe defined environmental rights and responsibilities; ownership or dominion over land is open and transparent; all public policy for land is set out in a democratically established Land Use Strategy; planning and regulatory systems for land use take account of global, national and local terrestrial, freshwater and marine ecosystem impacts; any land taxation is designed to be economically, socially and environmentally sustainable; any public policy subsidy for land use fully balances economic, social and environmental concerns; openness and public participation are central features of our governance for land use; recognition that the term ‘community’ applies to both communities of place and communities of interest; the traditional right to roam of Scots is maintained; and adequate procedures are established for the resolution of conflicts concerning land and environmental protection.

Planning The Planning TF has responded to the consultations on the National Planning Framework 3 and the Scottish Planning Policy in July. The TF broadly

supported the proposals though have a number of serious concerns:

- The PTF is very concerned that the draft SPP and NPF3 Main Issues Report heavily imply that economic growth should be given greater emphasis than the environment or society
- The SPP should take a precautionary principle approach to unconventional gas extraction, and designate 2km buffer zones between sites and communities
- The NPF should make it clear that national development status does not establish the need for development at specific locations where this is not clearly defined in the NPF
- National development status should be given to a national ecological network for Scotland
- LINK supports proposals to enhance protection for Scotland's wild landscapes but NPF3 should include a commitment to progress proposals for new national parks.

Wildlife Crime Discussions at LINK's April network meeting revealed concern about current enforcement of the law in Scotland and led to formation of a new group, convened by Eddie Palmer (Scottish Badgers) with Ian Thomson (RSPB) as depute. Members met on 2 July and, as a first step, will commission a report to make the case for a change in attitude and practice at various levels in Scotland.

Organisational Supporters The Board is very pleased to welcome the Crown Estate as a new [Organisational Supporter](#). The Crown Estate works directly and indirectly with many environmental and conservation NGOs and liaises with LINK's Marine Taskforce. By subscribing in this way, the Crown Estate formalises its support for LINK, and receives benefits including the Parliamentary Monitoring service.

Liaison The annual meeting with SEPA held on 23 July included discussion about the Regulatory Reform Bill, SEPA's role in relation to climate change, unconventional gas extraction, restoration bonds and related issues.

LINK's meeting with Richard Lochhead, Cabinet Secretary for Rural Affairs and Environment, and civil servants in June covered Access to Justice, the

National Planning Framework 3 and Scottish Planning Policy, future forestry governance, unconventional gas, hill tracks, land reform and climate adaptation.

Following up ideas from the LINK Congress in November LINK organised a series of meetings, led by LINK President Ross Finnie, with several business networks to explore common ground on the economy and sustainable development. In August a meeting with the Weir Group discussed Unconventional Gas; a [LINK Parliamentary briefing](#) on that issue was circulated in June.

Advocacy training LINK's annual peer to peer training was held on 12 August, again highly rated by participating members. Thanks to Jenny Mollison (SAGS) and Julia Harrison (RSPB) for assisting Andy Myles and Rea Cris in developing and delivering this year's training.



LINK Members' Congress on 28 and 29 November will explore contributions to the sustainable development agenda by communities of interest (which includes LINK members) and communities of place, with a view to strengthening links for mutual benefit. The programme will be available shortly on the website. LINK is grateful to Perth & Kinross Council for a grant for this event.

For Further Information about reports and initiatives referred to in this newsletter please visit www.scotlink.org. Task Force outputs are listed under 'Our Work'. Contact: 2 Grosvenor House, Shore Road Perth PH2 8BD. Tel: 01738 630804 Email: enquiries@scotlink.org