

Notes of LINK meeting with Paul Wheelhouse MSP, Minister for Environment and Climate Change, Tuesday 4th November 2014

LINK delegation: Helen Todd, Lloyd Austin, Andy Myles, Charles Dundas, Calum Duncan

Scotgov delegation: Paul Wheelhouse MSP, Keith Connal and Zoe Kemp (Natural Resources Division), Lyn Forsyth (energy), Helen Sellars (FCS), Jose ? (fossil fuels), Seb Howell? (Marine conservation, MPAs).

1. Scottish Government priorities following the referendum

a) Legislative and policy priorities

Minister stated that the full government programme won't be announced until after the election of the Deputy First Minister, and the Cabinet has yet to discuss these issues. Also, there are still 9 existing bills going through the scrutiny process. However, LINK had a number of items for discussion.

Land Reform Bill: this has already been committed to, but it is not yet agreed whether there will be a consultation on a draft bill or a pre-consultation on a draft bill. LINK wanted to ensure that land use is covered as well as land ownership, and public interest in aspects of land use is recognised, e.g. wildlife crime. The Minister said he recognised land use is an issue and they will be framing the legislation around the government's main purposes of Sustainable Economic Growth and sustainable development principles. They need to develop mechanisms to sort out problems, such as tenancies and the common good, and demonstrate that there is a public interest in some issues. Lloyd suggested linking the Land Reform Bill to the next iteration of Land Use Strategy, tying two statutory processes together. The Minister said they were looking at the 62 recommendations from LRRG report and identifying which were already possible, which needed new legislation, etc. The Land Reform Bill won't deliver on all recommendations but will have a specific focus and purpose, and there will be future opportunities for more legislation. They intend to respond to all 62 recommendations in one way or another.

Lobbying: Minister hadn't got any update following meeting with LINK and Joe Fitzpatrick MSP. **He will come back to us with further information** but is not aware of a change of position.

Biodiversity targets: Minister admitted this was challenging and he wanted to improve the status of LBAP officers, improving the local dimension and involving the public (citizen science) while recognising reduced capacity within local authorities. He was pushing the idea of biodiversity as an asset which can boost tourism, etc. and there may be opportunities for corporate support. LINK agreed with local challenges but felt Government needed to take action on the big issues of agriculture, marine, protected sites, whether via SNH, SEPA, FCS, etc. Minister agreed that all departments should report on biodiversity, including Transport Scotland, agriculture, etc. Andy suggested using the LBAP framework as a template for reporting to get a baseline and improve reporting standards across the board.

National Marine Plan/ MPAs: LINK had concerns that the draft NMP had minimal ambitions to enhance ecosystem services and biodiversity, particularly in context of declines/concerns highlighted in Scotland's Marine Atlas, and was more of a collection of sometimes contradictory sectoral growth plans. The Minister recognised the point about enhancement and was currently consulting on fisheries management in SACs and MPAs. The situation in Arran had showed him that a voluntary approach had not worked, so he was proposing an Order, to be discussed at RACCE. He was launching the Blue Carbon concept in RPP3, using peatland work as an analogy for carbon sequestration within marine environment. Overall 20% of Scottish seas were under some form of protection and welcomed the

engagement shown by LINK (14,000 responses received by Govt!). He was unclear how to measure enhancement and what level the baseline was or what recovery would mean. SNH was working on ecosystems services – kelp, sea grass, seaweed and shellfish harvesting, maerl beds, etc. There may be opportunities for bilateral arrangements within EU. **Can LINK suggest where Scotland can make the biggest contribution?** LINK's biggest concern is management of MPAs and the minimal ambition for recovery, whereby only four sub-features within three MPAs have been set with a recovery objective. Minister said they had been learning from Barra, encouraging dialogue now with fishing community. Not ruled out seeking enhancement for MPAs but they need sectoral buy-in. Andy said it was vital to improve the seas as a whole, with the seabed the biggest area for recovery. In response to officials stating the 'problem' is 'knowing what to recover to', Calum said it didn't matter that we didn't know what areas would recover to since we knew that when pressure is reduced, particularly from fishing, recovery of seabed biodiversity and productivity occurs and this is much needed. Only a small number of MPAs have an enhancement criteria but they are all needed to deliver enhancement. Lloyd asked about the timetable for the National Marine Plan and regional partnerships as pilots – **Minister to send this to us.**

Environmental Courts: Minister said he is starting to re-engage on the issue with other ministers – Justice, Energy, Transport and needs to take action to kick-start the process. There was some discussion on what would be included in an environmental tribunal as opposed to planning cases, and how to separate out issues. LINK has suggestions of how an environmental court could speed up process and give consistency, it was likely cases would be issue-based rather than sectoral since the environment affects everything. Vermont was cited as a useful example and **Keith Connal said they would be keen to get our thoughts.**

Europe: Lloyd called for a more formal and transparent role for Scottish Govt in EU discussions and following Junker's announcement which threatened environmental legislation, LINK was hoping that the Scottish Govt would publicly state the positive benefits and outcomes of the EU in terms of environmental legislation (Water Framework Directive, Birds & Habitats, SEA, etc), for example in terms of creating a level playing field for all member states (although monitoring was patchy). Minister agreed that this was a helpful steer in terms of bilateral agreements and making media statements.

Smith Commission: Andy noted that SCVO had recognised LINK's submission had been very helpful, and despite LINK's neutral position on the matter there were several areas where review of governance would be useful to ensure best environmental outcomes, such as the relationship between energy and planning policy. Lloyd mentioned ship-to-ship transfers and ballast water as being areas where Scotland could be faced with infraction proceedings despite not having control of the practices.

2. Native Woodland Survey

Charles reiterated LINK's support for this survey which was a very useful piece of work and LINK endorsed all recommendations. He asked about next steps. The Minister said it would inform the GHG inventory and had been a useful tool for chalara management. He was keen to put in place infrastructure to keep it updated, and it would be used to inform the forestry strategy going forward. Helen S said that in the short term there were actions to take forward, such as SRDP delivery, SBS route map and integrations of biodiversity and forestry strategies. Charles outlined some LINK suggestions such as creating new woodland and developing a specific native woodland strategy and a specific programme to develop new native woodland. Also recognising the public interest in deer management plans. He hoped the stakeholder group would be maintained.

3. Carbon bubble

Andy gave an update on the forthcoming publication of the Carbon Bubble report and **promised to send a copy to the Minister in advance**. The report was suggesting that Scotland was not prepared for this issue. The Minister said he was aware of the issue and was trying to manage a delicate balance, being a hydrocarbon producing nation with responsibilities to diversify the economy away from hydrocarbons. The decarbonising target also included other sectors, such as transport and was giving government a clearer idea of objectives.

4. Wildlife Crime

Andy informed the Minister that the wildlife crime report would be published before the end of November and again **an advance copy would be sent to the Minister and the Justice Dept**. The Minister agreed that there had not been enough progress on wildlife crime and he was trying to apply pressure to landowning interests. Prof Poustie was undertaking a review of penalties for the government and a review of sporting rights and practices elsewhere. He had support from the Lord Advocate for the police to use all tools available and had told SLE, SGA and BASC that he was not ruling out a form of licensing. **He asked for LINK's help in generating support** for any measures he would bring in.

The meeting closed.