

Call for Evidence - Scotland's relationship with the EU

Summary

Nature transcends national boundaries. Whatever arrangements develop following the UK's "Brexit" vote will have major implications for Scotland's natural environment, which underpins the country's future prosperity and the wellbeing of its people.

In considering the future arrangements for Scotland's relationship with the EU, RSPB Scotland considers there to be three key issues:

1. The maintenance, and preferably enhancement, of EU environmental legislation;
2. The securing of sustainable land and sea management; and
3. The future of funding environmental initiatives.

It is essential that Scotland's environment is not put at risk by any change to Scotland's status within Europe. The Committee should encourage the Scottish Government to state explicitly that it intends, whatever circumstances arise, to maintain or enhance its application of environmental legislation.

Scotland's land management industries and fisheries sectors have been underpinned for years by the Common Agriculture Policy and Common Fisheries Policy. Whatever circumstances arise, the Scottish Government should maintain and enhance the positive aspects of these policies, while embracing the opportunities for further reforms towards greater sustainability if possible.

Scotland currently receives substantial amounts of funding for environmental initiatives from the EU in order to conserve, enhance and protect our natural environment. The Scottish Government should be asked to acknowledge the importance of this funding and give assurances that it is pressing the UK Government to ensure that the level of funding provided will not be reduced below existing levels. If such assurances are obtained, the Scottish Government must also commit to 'passing on' such funding to these environmental objectives in Scotland.

Introduction

RSPB Scotland welcomes the Committee's call for evidence on the implications for Scotland of withdrawing from the European Union and is pleased to offer this evidence.

Nature transcends national boundaries. Pollution and waste (CO₂ emissions, 'acid rain', 'microbeads, etc) as well as migratory birds and animals cannot and do not respect man-made political boundaries. Addressing environmental issues and challenges, therefore, needs cross-border co-operation and multilateral action, especially common international standards that seek to enable nature to thrive.

For this reason, RSPB Scotland has always supported environmental action on an international basis, whether at global, regional or EU level. We note that most of our environmental laws have, over the past forty years, evolved in parallel with the European Union. Meanwhile, the dominant land and sea uses have been governed by common agriculture and fisheries policies. Thus, whatever arrangements develop following the UK's "Brexit" vote will have major implications for Scotland's natural environment, which underpins the country's future prosperity and the wellbeing of its people.

In considering the future arrangements for Scotland's relationship with the EU, RSPB Scotland considers there to be three key issues:

1. The maintenance, and preferably enhancement, of EU environmental legislation;
2. The securing of sustainable land and sea management; and
3. The future funding of environmental initiatives.

We explore each of these issues in more detail below.

1. Maintenance, and preferably enhancement, of EU environmental legislation:

Regardless of “Brexit” scenario, the Birds and Habitats Directives provide crucial legislation for the general protection of wildlife in the EU, in particular through the protection of sites that are of specific importance for selected species and habitats – creating the ‘*Natura 2000 network*’. The standard of protection from potentially damaging development projects that is applied to solely nationally protected areas (SSSIs) under current national legislation remains lower than that afforded to *Natura 2000* sites under EU law. This approach reflects agreement that international co-operation is essential in order to tackle the trans-boundary issues that arise in addressing biodiversity – including the conservation of migrating species and mobile species in the marine environment. Such an approach also serves to provide a “level playing field” to governments, land managers and developers across the EU – and helps prevent a “rush to the bottom” whereby advantage is gained by undercutting environmental standards.

In whatever arrangements develop, following the “Brexit” vote, it is vital that these *Natura 2000* sites remain protected to the level of those in other EU countries. In this regard, as well as in relation to the other provisions of the Birds and Habitats Directives, as well as other EU environmental legislation, Scotland will not wish to be seen as “lowering standards”. **The Committee should therefore encourage the Scottish Government to state explicitly that it intends, whatever circumstances arise, to maintain or enhance its application of environmental legislation.**

The natural environment – protected by the legislation above – is not just of value for its own sake, it also underpins our prosperity and well-being. The quality of Scotland’s natural environment is significant to ‘Brand Scotland’. For instance, being recognised for maintaining high environmental standards is essential to Scotland’s tourism industry (the visitor economy being worth at least £11.6 billion¹) and the food and drinks sector (worth at least £5.1 billion in exports). The beauty of Scotland’s landscapes and nature-rich spaces in and around cities also makes Scotland an attractive place to do business as well as attracting people with knowledge and skills.

RSPB Scotland welcomed recent assurances given by the Cabinet Secretary for Environment, Climate Change and Land Reform to the Scottish Parliament’s ECCLR Committee², as well as at a meeting of stakeholders³. These assurances have been supported by actions such as the consultation on ten marine SPAs. These assurances and actions are warmly welcome – however, this approach needs to be continued and the Government must ensure that, within whatever arrangements emerge, there is:-

- A maintenance of the protection and management of habitats and species through site-based measures;
- No weakening of protection of species within their natural range, and the objective of maintaining these at favourable conservation status;
- No loss of appropriate controls that ensure the sustainable management of species that can be ‘harvested’; and
- No increase in deliberate killing, capture or trade of species.

If this approach is not adopted, there would be a significant risk to Scotland’s global reputation and its economy. Maintaining such standards of environmental legislation would also be consistent with the Government’s commitment to global goals and targets including: the Aichi biodiversity targets; the UN Sustainable Development Goals, the Paris Agreement on Climate Change and older environmental commitments such as the Ramsar Convention, the Convention on Biological Diversity, the Bonn Convention, the Bern Convention and CITES.

2. Securing sustainable land and sea management

Agriculture

Leaving the EU would mean leaving the Common Agricultural Policy (CAP) – a policy which, for all its faults, has provided a route map for food and farming for most of the past 40 years. Now is the time to

¹ Nature-based tourism is estimated to generate at least £1.4 billion, with c.39,000 full-time equivalent jobs.

² Environment, Climate Change and Land Reform Committee, 28 June 2016.

³ <http://news.scotland.gov.uk/News/EU-environment-pledge-2766.aspx>

start planning how farming, rural land management and the environment can best be supported, going forward.

In future, farming, forestry and other rural land use activities will need to be underpinned by the right balance of incentive, advice and effective regulation. The latter is our starting point. We must ensure that, whatever the future constitutional arrangements and trading agreements, we protect the environment to a level at least equivalent or better than that provided by current EU law. This means maintaining protected areas and supporting the management they need, minimising risks from pesticides, meeting water quality standards and a host of other requirements designed to protect the public interest. Protecting our environment is good for farmers, land managers and society - it will help ensure we can go on producing food, timber and other products and secure a healthy countryside for future generations to work in, and enjoy visiting.

Funding will be a critical issue. For decades, the CAP has represented a major investment of public money in Scotland's rural areas. It currently stands at some £650 million per annum. It is clear that a significant level of public investment will continue to be needed post-CAP if we are to secure farming and land management in Scotland that is good for people and nature, and fair to those who seek to make their living from the land.

We must however take the opportunity to shift away from a focus on subsidies with very few strings attached, towards a strategic policy framework that supports progressive, innovative farmers and land managers, providing them with the certainty to engage in more sustainable food production that benefits the environment and the wildlife found on their farms. A much greater proportion of this public investment in rural areas must be focused on meeting the environmental challenges that farmers, foresters and other land managers are uniquely placed to meet, such as the conservation of species, restoration of damaged habitats and resilient natural flood risk management. It should reward the many vital public services that agriculture, forestry and other land use activities can provide and build on the progress already being made through our Agri-Environment-Climate Scheme and other SRDP schemes.

Leaving the CAP behind will require a period of transition that gives farmers, foresters and land managers time to adapt, and for new policies to be piloted and introduced. This is particularly important for the most economically vulnerable farmers and crofters, such as those in our extensive livestock sector, who are often farming in marginal, but High Nature Value areas. The recent UK Treasury announcement guaranteeing CAP direct payments to farmers to 2020 was welcomed by the farming industry. The commitment to pay for agri-environment and other scheme agreements, signed before the Autumn statement this year, will also help transition but it is critical that such schemes remain open for applications next year and beyond, until replacement schemes are operational. Without them, birds such as corncrakes, which have been brought back from the brink of extinction in Scotland through years of targeted public investment in wildlife friendly farming methods, will disappear very rapidly. We cannot let this happen for corncrakes, or the hundreds of other species that need extensive and sympathetic farming management to survive.

Fisheries

Historically, the EU's Common Fisheries Policy (CFP) was ineffective in many ways – for fishermen, for the wider industry, for fish stocks and for the environment. However, in recent years, reforms of the CFP (alongside the Marine Strategy Framework Directive and application of other environmental legislation at sea) have made great progress in moving towards a greater sustainability for both the industry and the environment.

These reforms have included a move towards regional management arrangements and obligations to set scientifically-determined TACs and quotas in accordance with Maximum Sustainable Yield (MSY) – all based on an ecosystem approach to fisheries management. The new CFP also sees the gradual introduction of a ban on discards and a funding regime now geared towards aiding the transition to sustainability. These changes are to be commended and should not be lost as a result of changes to political arrangements following the “Brexit” vote.

Whatever arrangements develop, it is essential that Marine Scotland is ready to replicate the positive aspects of the CFP and ensure a sustainable fisheries management plan. Marine Scotland, in partnership with other jurisdictions with which we share fish populations, will need to determine

scientifically-based TACs and quotas; monitor and control fish exploitation in national waters; and establish cross-border collaborations with neighbouring nations that share the common resource.

Maintaining a productive fishing industry in Scotland is essential, but the impacts these activities can have on the health of the environment must be recognised. Securing Scotland's fisheries for future generations is a priority and, therefore, sustainability must form the basis of all decision making. It is also important the Scottish Government ensures that revised arrangements for offshore fisheries (currently under the CFP) are consistent with and 'joined up' ecologically with those for the inshore (wholly the responsibility of the Scottish Government).

3. Environmental funding initiatives

Scotland currently receives substantial amounts of funding for environmental initiatives from the EU in order to conserve, enhance and protect our natural environment. These include significant sums through the Scottish Rural Development Programme (SRDP), LEADER, LIFE+ Programme and Green Infrastructure Strategic Intervention.

The value and importance of this funding can be illustrated by reference to the Scottish Government's publication *Scotland's biodiversity: a route map to 2020*⁴. This document sets out how the Government and its partners believe they can deliver the Aichi targets⁵ (agreed under the Convention on the Conservation of Biological Diversity). The route map describes six "big steps for nature", each with a number of priority projects. Most, if not all, of these priority projects were envisaged to be delivered with funding from *inter alia* the SRDP, LIFE+ and/or with or by partners supported by such funding.

In the absence of such funding, it is unlikely that many of these projects will be delivered – and, thus, it becomes unlikely that the Scottish Government will meet its international commitments to biodiversity conservation. The Scottish Government should be asked to acknowledge this challenge and give assurances that it is pressing the UK Government to ensure that the level of funding provided through these mechanisms or their successors will not be reduced below existing levels. If such assurances are obtained, the Scottish Government must also commit to 'passing on' such funding to these objectives in Scotland.

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RSPB Scotland is part of the RSPB, the country's largest nature conservation charity, inspiring everyone to give nature a home. The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

⁴ <http://www.gov.scot/Resource/0048/00480289.pdf>

⁵ <https://www.cbd.int/sp/targets/>