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## Notes of a meeting with Roseanna Cunningham, MSP, Minister for the Environment.

18<sup>th</sup> September, 2009, 4.00pm in Committee Room 5, The Scottish Parliament, Edinburgh.

**Present:** Scottish Government: Roseanna Cunningham MSP, John Mason, Stephen MacGregor, David Palmer, Ian Hooper - LINK: Ian McCall (Chair), Calum Duncan (MCS), Eila Macqueen (AS), Duncan Orr-Ewing (RSPB Scotland), Andy Myles (Parliamentary Officer).

**Background:** The meeting was one in the regular series of LINK Government liaison meetings and a fixed agenda had been agreed.

### Discussion

#### 1. The WNE Bill

**Deer:** DO-E explained the frustrations of current voluntary deer management and our strong preference for a statutory system of deer management planning. He highlighted our support for reform and that Scotland was made up of much more than just sporting estates. RC suggested that the Government had to balance rural interests and was heading towards the view that a voluntary system was best – but with significantly improved back stop powers for the merged DCS/SNH. The meeting discussed how failure of a deer management plan would be recognised under such a system and who could invoke the use of the back stop powers.

**Non-native species:** LINK reps strongly supported the proposals in the Bill and sought a commitment to action in tackling non-native species when the Government was armed with the new powers proposed. RC outlined actions already under way, stressing that eradication of existing non-natives was nearly impossible but that the new powers would be of enormous help in tackling new problems and the prevention of unwelcome new arrivals. In a discussion of the effect of climate change on the possibility of non-native arrivals, ABM referred the Minister to the need to take a whole ecosystem approach and the assistance provided by the Species Framework in achieving this. Officials reported that the Species Framework was still in place.

**Permitted Development Rights:** It was reported that LINK were considering the pursuit of amendments to stop permitted development rights for hill tracks and strategic deer fencing amongst other items. LINK described the serious problem of the abuse of PDRs to simply bulldoze tracks anywhere on Scotland's hills – and in particular to build 32kms of deer fencing that seriously affected the ecosystem in the Angus Glens. RC stated that this was the responsibility of John Swinney's portfolio, that a review was coming forward and that the government were seeking to simplify PDRs and the rest of the planning system. LINK reps stated their agreement for the simplification but that they were opposed to hill tracks and strategic deer fences and wanted them stopped.

#### 2. The Marine Bill

**Sustainability Duty:** CD introduced the LINK "ask" for an overarching sustainability duty to be contained within the Bill on the model of the Flood Risk Management Act. He cited the need for restoration of Scotland's seas to their former state and the EU Marine Strategic Directive. RC responded that sustainability was included within the Bill already, that the EU Directive might confuse the issue and generally took the official minimalist line - but that she understood the "ask".

**Appeals and Arhuus:** ABM outlined LINK's concerns with regard to what were seen as the inadequate appeals procedures within the Bill and its perceived Arhuus non-compliance. RC held



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the line that the Bill's procedures were adequate and Arhuus had been implemented and suggested that this was part of the wider public services reform agenda. She appreciated the argument, however, that LINK would be suggesting amendments in these areas and that LINK's view was that Arhuus compliance would not be achieved in Scotland while the only recourse to justice was through an antiquated system of judicial review.

**Marine SACs:** CD sought an assurance that science continued as the basis for the designation of the suite of SACs. The Minister explained the difficulties involved in the establishment of the suite and requested evidence that would assist in the process of explaining the benefits of the designations to socio-economic interests.

**Marine archaeological features:** EMcq suggested that English Heritage might be responsible for marine archaeological features out to 200nm under the current wording of the Bill. RC stated that officials were aware that there might be a problem – and promised to ensure that it was sorted out.

At this point RC had to leave the meeting to attend the day's divisions in the chamber – but asked officials to complete the discussions.

### 3. Single Outcome Agreements

ABM outlined LINK's work in preparing to take a much greater part in SOAs and our positive intent - but alluded to our concerns that they must not be allowed to cover up situations where nationally agreed policies were not implemented at local council level, and that the monitoring of SOA performance would become a major concern for LINK. JM responded with the ScotGov position on SOAs that they were not designed to be uniform across Scotland, nor were they supposed to be all-inclusive. He recognised that ScotGov would have a job to ensure that policies such as the national path network were implemented even if paths were not included as targets in some or all SOAs. He informed the meeting that it had been decided there would be no further review of SOAs in the period of the current Parliament after the conclusion of the 2<sup>nd</sup> round presently being finalised.

### 4. Sustainable Land Use Strategy

ABM reported to the officials on LINK's work in developing ideas for the November discussions of the now legally required SLUS. JM welcomed this contribution and informed the meeting that IH would be responsible within his division. IH welcomed the prospect of our contribution.

### 5. Energy Efficiency Action Plan

JM reported to the meeting that the EEAP was due to be published in early October and that this was seen inside ScotGov as an very important development, particularly in the fight against climate change. LINK reps welcomed the initiative and promised contributions to the consultation from amongst LINK members.

#### Summary

The meeting was largely positive in tone and valuable progress was made on several issues. The preliminary work on the agenda and the allocation of speaking roles amongst the LINK representatives had greatly assisted the smooth running of the meeting.

ABM 21.09.09

A. Myles  
21 Sep 2009

