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Dr Aileen MacLeod MSP
Minister for Environment, Climate Change and Land Reform
St Andrews House
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8 February 2016

Dear Minister

We thank you for the opportunity to meet last week. We found it a valuable exchange especially with a view to key environmental priorities for the next administration.

Our meeting concluded with a mutual agreement on the value of regular dialogue. Both LINK and G6 favour continued liaison preferably more regularly and if necessary, for shorter sessions, and with increased opportunity to meet with the Cabinet Secretary. G6 would prefer to meet as a smaller group than to merge with LINK which would make for bigger groupings and less ease of interaction. We are pleased that you have found the liaison fundamental to your understanding of the environmental portfolio.

We have summarised the discussion around key points in the accompanying annex.

Yours sincerely,

Helen Todd
LINK Chair

Richard Dixon
For G6

Scottish Environment  The voice of Scotland's environment community

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(1) Current issues

Post-Paris reflections and actions on climate change

In the wake of the Paris COP you outlined forthcoming domestic plans, including discussions with the UK CC Committee and plans for development of RPP3, for which Scottish Government plans a much broader 'conversation' with communities. We see beneficiaries of climate challenge funding as ideal participants for the process. We agreed that Scotland had made an important contribution to the COP and that post-Paris there was a need to step up policy action domestically. We noted our disappointment that the Scottish Government's Draft Budget 2016/17 sets out plans to reduce funding for climate change policies, however we see many wide-ranging benefits that would be secured if stronger measures were introduced now, for example, around energy efficiency. We hope that this issue can be resolved by the time the Budget is finalised. We welcomed SG's commitment to further round of CCF and encouraged Government to roll this out in the longer term. We were pleased to note that spending to achieve Government's commitment on peatlands restoration is ring-fenced.

Land reform, including land use, deer and more

Looking beyond current Land Reform legislation, you outlined how Government will take forward its commitments, with the statement on Land Rights and Responsibilities being core to the future of land reform and proofed with human rights and equalities legislation, and the Commission established by 2017, and land use and climate change taken into account in the process of setting it up. We understand that Government wishes to attract many different organisations to input to the consultation and look forward to receiving the timescale for this. We also understand that this is the first stage in a longer process of land reform needed to address many issues brought about by legislation and practice over centuries and we flagged our very strong support for the direction of travel proposed by the Land Reform Review Group. We asked Government's thinking on how that Group's further recommendations, eg. Responsibility to manage resources sustainably and in the public interest, could be delivered. In response to your invitation for our thoughts we indicated that this could be achieved by a mix of better implementation and enforcement of legislation on licensing wildlife management, improved deer management, consideration of new legislation for game management (currently being reviewed) and enhanced penalties for wildlife crime (as recommended by recent review). Your officials confirmed that Government is looking at policies on use, management and ownership in the round and acknowledged that this might be more clearly articulated. You reported that Government sees linkages also with a much wider environmental agenda including rural housing on which legislation is to be proposed for the next parliament.

We noted that progress towards the 2016 target for voluntary deer management is very poor, albeit with Government encouragement to DMGs to publish plans. ENGOs in and beyond LINK have taken an active interest in this key aspect of public policy on land use and management over many years. We represented their concern at the voluntary system's failure to deliver, that it is impeding delivery in some cases, and that failure to manage deer is preventing achievement of some biodiversity targets, woodland enhancement ambitions and plans for peatland protection in the Scottish uplands. We outlined the ENGOs' amendments for the Land Reform Bill, modest steps which reflect the LRRG recommendation that Scotland should not wait for the 2016 deadline, and would allow the current problems posed to be addressed in the short term. We hoped these will have your support and were glad of your assurance that Government has agreed not to wait until late 2016 but to start work as quickly as possible. We appreciate your undertaking to forward details of the proposed process and timescale to us and will proactively engage in shaping the changes which our natural heritage needs. Whilst there are legal complexities involved, we noted that Government also has responsibility to deliver its biodiversity targets for 2020, and are pleased to note that you value our support in pressing for positive results there.

Direction of travel on Protected Areas in the context of REFIT and SNH review

We very much welcomed your statement in support of the Directives and against any watering down. With regard to REFIT going forward we discussed opportunities Scotland has to improve their implementation here and encourage other member states to support them as they stand. You flagged the Dutch Presidency's plans for a June conference and we will be pleased to talk with officials about opportunities to promote the Directives. Your officials reported that SNH's review of protected areas is an open dialogue between the Agency and its stakeholders on whether PAs can be better used as a key tool for biodiversity, and that Government will not make decisions on a Ministerial intervention until the output has been considered.

(2) Government's ambitions, subject to re-election

Sustainable development at the heart of policy

We strongly welcomed Government's decision to sign Scotland up to the Sustainable Development Goals and looked forward to hearing how that will go forward. We outlined the 6 steps to sustainable development forming the core of LINK's manifesto for the Holyrood elections. This was shared in draft with SNP and other parties and will be forwarded now to Malcolm Fleming as you requested. We advocate that Government reflects its support for the SDGs in the National Performance Framework with sustainable development as a key outcome. Noting the NPF roundtable is to meet in February we invited your reactions to our recommendation ahead of that. LINK's manifesto also flags importance of investment in transition to a low carbon economy, the use of sound science in guiding policy development (with the precautionary approach to development in the marine environment as a case in point), the establishment of a civic forum to aid sound governance, the important environmental aspects of a socially just Scotland, and resource efficiency as a key focus for debate on environmental limits. You noted the link between this and natural capital and would consider the manifesto's contents. You thanked us for flagging members' interest in and wish to be part of the process of the two moratoria on unconventional fossil fuels. We confirm that we look forward to being invited to contribute thoughts to the processes already ongoing as part of the moratorium on onshore unconventional oil and gas, as well as the examination of underground coal gasification that Professor Campbell Gemmill will undertake. We have written / are writing to the Minister for Business, Energy and Tourism to confirm our interest as stakeholders.

The environmental dimensions of social justice

We reported real interest within LINK around the concept of a more equitable Scotland. We are aware that the considerable connection between the environment and social agendas is not widely perceived. LINK's response to the Fairer Scotland conversation focusses on these connections and we would be continuing to prioritise such linkages. We asked how the Environment Directorate was engaging and you shared the thinking about connections from discussions with CSGN and communities you have visited in Glasgow and Edinburgh. We undertook to forward a copy of our response (attached) and looked forward to engaging with the Directorate around opportunities for change in green and social infrastructures, for example around what social justice should mean in terms of energy efficiency, investment in active travel routes to benefit many instead of more road building which benefits fewer. You agreed there is a huge opportunity for Scotland to lead the way in bringing about a change from grey to green infrastructure. We observed that the planning review is a real opportunity to consider people and quality places, with planning advice strengthened to support delivery of desired change across Scotland.

Environmental limits with regard to marine protection and enhancement, biodiversity targets, re-wilding

In the Scotland's marine environment, we flagged our view that there is evidence we are already living beyond environmental limits in some areas, such as poor seafloor status, declines in species, particularly seabirds and sharks, skates and rays, and the lack of diversity in the inshore fishing catch. We gave a strong welcome for the Cabinet

Secretary's recent robust and well-evidenced position on managing fishing within our inshore MPAs and SACs, appreciated the challenge of the situation, were aware of quieter voices within the industry and looked forward to continued progressive direction of travel for the next tranche of management measures for inshore sites. We were keen to work with Government to depolarise the situation by promoting the benefits for all that a healthier marine environment can deliver. We stressed the importance of a properly resourced research and monitoring strategy which engages all interests, recognising the welcome announcement by the Cab Sec of funds to support a monitoring role for displaced fishing vessels. We appreciate Scotland's good progress towards establishing the network of sites though urged for speedy completion to include seabird SPAs, the next four nature conservation MPAs and harbour porpoise SACs. Though we were disappointed with delays, particularly as England, Wales and Northern Ireland commence their harbour porpoise SAC consultation, we will be supportive when the time comes. Noting the light which the MPAs process has shone on the shortcomings of inshore fisheries management and legislation, we urged that reform should follow swiftly to support the progressive direction of travel indicated by Mr Lochhead, ideally toward recognising the inshore area should be considered a 'low impact' zone with spatially managed fisheries. We are pleased to see the National Marine Plan after many years of advocacy and recognise the next challenge will be ensuring the delivery of regional marine plans that integrate with inshore fishing and deliver an ecosystem approach. We were glad of your assurance that Government shares our vision for improved management of our seas and the importance of a well-resourced monitoring framework. We appreciate that there will be budgetary and other difficulties ahead, and were glad to hear that further steps will continue over the next 5-10 years to secure a sustainable marine environment.

We flagged our concern that the Scottish Biodiversity Strategy is under-resourced and asked your judgement as to whether things are on course with the current strategy and in the next parliamentary term for the 2020 deadline. You indicated work afoot and acknowledged the European Commission's view that a step change is needed across member states. We heard that you wish to see outcomes of SNH's work mapping progress against specific targets before deciding what additional impetus is needed to meet 2020 targets, but encouraged Government to place clear and serious expectations on all players; we cited the Water Industry Commission's recent report which says little, despite WIC's being a player with the ability to have a considerable impact on progress, and despite their counterparts elsewhere in the UK being well ahead in understanding the cost benefits and sustainable land use opportunities achievable through meeting biodiversity targets. With regard to new SBS structures we said LINK would be pleased to field reps to the new forum, would respond shortly to the proposals and urged that you confirm these with a minimum of delay.

We discussed scope for and challenges of species reintroductions noting this offers opportunities for Scotland in resource management terms, though the term 'rewilding' needs reclaimed to convey a concept in which the role of people is central to owning the management needs of the natural resource. We outlined LINK interest in large scale habitat restoration and see opportunity for reinstatement of oyster reefs on the seabed, of seagrass beds and carbon sequestration in marine terms besides various terrestrial projects. You indicated work afoot which should inform future Government thinking. In this context we noted with some concern the continued delay in a decision on beaver reintroduction; while we understand that Government wishes to assess the issues carefully, we encouraged an urgent decision and indicated that LINK would support reintroduction including the necessary management procedures - structured and regulated so as to pre-empt controversy.

Characteristics of a sustainable economy

We asked what you feel can be achieved with Cabinet colleagues to encourage stronger Government messaging about the direction Scotland needs to take in economic decision-making, to support the adjustments a low carbon economy demands. We cited recent boosts for the North East, for oil jobs ahead of transition, which represent considerable investment, and urged that this kind of decision grasps opportunities in terms of shifting to a low carbon economy; we

also saw opportunity for Government to proactively encourage a shift of public and private sector pension funds from fossil fuels into low carbon housing and sustainable transport. You indicated this is challenging for Government: we urged you to encourage Cabinet level discussion of how to ensure a shift of a percentage of spend from grey to green, identifying opportunities to communicate clearly where Government wants to see the balance changed. With regard to our commitment to future generations as part of the SDGs we asked Government's thinking on how to invest in natural capital for the longer term. We hoped to work with Government to develop subsidies, incentives and grant regimes which drive a sustainable economy, and proposed direction of travel be assessed against the NCA Index, as part of the revised NPF for a successful Scotland. We welcomed Government's initiative on the circular economy, were contributing views and looked forward to the strategy. We sought your support for a deposit return scheme as a commitment for the post-election administration.

Enhancing Scotland's governance

You confirmed that LINK will be kept informed of Government's thinking on how forestry is to be integrated in Scotland's governance structures and reported that the promised options paper on environmental courts is in preparation. We informed you of a LINK article to be published in the Scotsman on 9 February on environmental courts and explained our view that these should benefit all stakeholders in terms of speed and consistency of decision making.

Enc

LINK submission to Scottish Government's Fairer Scotland conversation