**Internal note of SEPA and LINK liaison meeting 19 September 2019 at WWF Scotland offices.**

**Attending:** Bob Downes (SEPA Chair), Terry Ahearn (SEPA CEO), Scot Mathieson (SEPA Principal Conservation Officer). Deborah Long (LINK CO), Craig Macadam (LINK Trustee, Buglife, Wildlife Subgroup), Vhairi Tollan (LINK AM), Bruce Wilson (SWT, Land and Economics Groups), Alice Walsh (LINK DO).

Deborah chaired the meeting.

1. **Sector response to the First Minister’s declaration on climate change: SEPA actions and LINK actions**
SEPA board had discussed this and Brexit the previous week. Their strategy is built around One Planet Prosperity, so they feel ahead of the game, without being complacent about what the emerging policies on climate change will mean, and there are resource questions too. Bob is conscious of SEPA attracting antagonism from some quarters, they find themselves out in the open at times. Pace will depend on the changes Terry and the team can make. Others are coming to SEPA for partnerships, eg the new South of Scotland agency. The resource issue is helped by working partnerships better. Conscious they have to know exactly where they are accountable, ensuring compliance is the bottom line, though they can do other things too.

Terry recapped on the role of compliance being only a first step. SEPA’s contribution is the sectors they regulate, they have got to be compliant, and in getting as many as possible to go beyond that, eg whiskey sector, the need to do it through partnerships, it is the core of what they are trying to do, working on systemic issues.

Bruce spoke on the wider public goods from land use being very important, mentioned Deborah’s position on the Cab Secs’s new agriculture group to come up with a vision for post 2024. Discussion on the challenge of persuading people it can be done financially and environmentally, and the benefits of showing best practice from around the world.

Terry noted the huge amount of change happening within SEPA to pull the power of the organisation together, giving example of Scot M’s work with the Stirling city partnership. They will be doing more of this which will help them work with us better.

Opportunities of the COP in Glasgow 2020 – this is mainly to influence content of speeches. They will keep us informed of plans as early as possible. Terry was thinking of pension funds contact (Sustainability Bob) who is investing in transformational farming. Bruce noted that ECCLR has a year’s work programme looking at public goods and how to incentivise them. It was agreed it would be **useful to get inspirational people in front of that Committee**.

Bob talked of operational changes in Scotland being hard and frustrating. Example of a group working on reducing farm plastics, people have actions, but SEPA ends up doing it all, even when there is agreement from others to act. Farmers are filling up old buildings with plastics when others should have been pulling together to solve the problem upstream. Scotland should be thinking more about processes that will help us get beyond compliance. If looking at Circular Economy need to think about the whole picture and operationalising it. He said they have been irritating civil servants on insect decline, and how SEPA has responsibility for only one bit of the environment, and the problem of the lack of join up with other agencies.

Bruce, on LINK’s work on the forthcoming **Circular Economy Bill**, said it would be useful it would be to know how the operationalisation issue should to feed into that, thinking through who is involved, why previous initiatives did not work and good examples of how they can work better. Had SEPA a strategy to influence the consultation? Bob replied that legislation is the easy bit, and the hard part is making it work. **Agreed it would be useful to compare notes soon**. **For Economics Group.**

Terry talked about the Leven growth partnership as a good example, 10 organisations involved. Pauline Silverman at SEPA leading, orgs sign up to pool resources, is sustainability in action, taking a CE approach, or inclusive growth approach. SEPA is facilitating people getting together though cannot do it everywhere. What are the right mechanisms for that sort of coordinated approach?

Deborah explained that in relation to LINK’s revised corporate strategy we need to be working much more effectively with more organisations and with much better and wider partnerships in place, we are on a parallel track. How do we make the most of it?

**One Planet Prosperity** and sector approach. They feel the OPP is pinned to SEPA, and the more people own it the better. **They would like to see us pushing on it, why is it not more central to Government policy**. Its a measurable way to manage our resources better.

On CE and waste, Bob was frustrated about how long it takes to prosecute. If Govt is serious about achieving this, need to stop the criminals who are getting away with it. **He would like prosecuting powers for SEPA or some other means to make it easier to prosecute**. Deborah updated him on LINK progress to set up the Environmental Rights Centre.

Agreed the Glasgow COP is a massive opportunity for Scotland. Regarding plans, there are lots of ideas but nothing concrete yet. SEPA’s contribution is regulation of business, so how to use the focus there will be on COP to treat it as a main game issue. Bob is looking at how to influence speakers, get to them to bring in the good examples. May be opportunities for fringe events. Terry thought the main interest for eNGOs is the run up and the legacy, to ramp up pressure.

LINK needs to work out where to put energy and resources in relation. May be members rather than LINK centrally. Terry: will bring business people, ones that have the environment as core to their business strategy. Natural solutions should not be for offsetting, or writing off pollution. **Agreed to keep in touch and keep the conversation open.**

**2. Sector response to First Minister declaration of Scotland being a world leader on biodiversity: SEPA Actions, Link Actions**Terry, pretty straightforward, noting not much x-over with SNH. SEPA’s main contribution is that biodiversity thrives if the environmental quality is good. Will take the discussion and debate from meeting the standards that are there, example Scottish Water: Won’t use very much, will waste none, commenting we invest billions to make it easy for people to waste water.

How to use natural management approaches? Cannot expect Scottish Water to reinvent everything, need to start trialling with them. Sustainable growth agreements – a replay of mechanisms Terry used in Australia and Northern Ireland; voluntary agreements, memos of understanding. The concept is important because the CEO has to sign. SEPA can partner on all or part, eg Superglass. Scottish Water has 3 trials of specifics to try and find ways ahead. A way to give areas a future.

Biodiversity could be an important thing in the sector approach, if you don’t think its all up to SEPA. Large upland areas, would be part of it but not driving the whole thing. An idea for other people to play into.

The challenge is to get from 3 planets to 1. On beyond compliance, its opportunistic as SEPA has no power over them. They have discussions with trade bodies.

Bruce raised the Programme for Govt commitment to reinvigorate regional land use partnerships in each part of Scotland. Would the Leven catchment be an example of it? A framework already in place. Possibly.

LINK has been working on the NEN concept for some time, has an agreed vision with SNH. We’ve hit a brick wall with civil servants. Invited suggestions of how to push it. Terry asked what the issue was, the problem is perception of it as a planning designation. SEPA has a specific role, and cannot be prescriptive about a Scotland wide model. They can help open doors to push the concept and Terry would be willing to be involved in a meeting with SNH to help pursue if we organise. **Action:** **LINK to pursue.**

There was some discussion around that about what we mean by the NEN, functional connectivity for biodiversity beyond Protected Areas . The need for Government to drive it rather than leaving landowners to do it themselves as Bob suggested (for many reasons), the fit with the LUS, a strategic framework to direct funding, its scariness for some, its potential. No big picture overview though Govt have made big statements.

**3. SEPA Sector plans**. **General update**
There are 33 sectors. Several are published. 16 are either finalised or out for comment. Other 17 will be done in batches. Terry wants to learn from the earlier approaches. The Issues, influencers and what to do in a day. He is aware our resources are limited and suggests we can highlight the top line issues for consideration, in whatever way that suits us. **Action: LINK to contribute to relevant Sector Plans via Subgroups**. NB **Food and Farming Subgroup**.

How do these plans react to what happens subsequently, eg in forestry, how do they evolve and incorporate others’ strategies? Terry said there is enough scope to change and adapt for significant developments. They don’t have a statutory basis. There are 3 / 4 different problems areas. The plans could have been internal documents if SEPA had not wanted to be open. They are doing economic and industry analysis. There can be jealousies and cultural changes between depts and agencies.

We said it is really useful we have an agency which is taking that kind of leadership. A Govt agency catching up with what eNGOs have been saying for years, systemic issues. **SEPA needs our help and support in saying these are issues that are important.**

Is Horticulture a sector? No, with peat and pesticides. **There are x-cutting issues**, including carbon emissions and biodiversity, and **good to identify any missing**.

**4. Environment Act / Governance / Principles: update on Fight for Scotland’s Nature Campaign and actions**
The LINK briefing had been circulated. Deborah invited thoughts on progress to date, any concerns, views on gaps, as a regulator.

Terry liked the broad thrust of it, had no fundamental disagreement. He has thoughts on overarching governance and replacement for the EU which he talked about before. Holding jurisdictions to account and sensibly replicating that. It can be just another layer of bureaucracy. How does the jurisdiction have a function to hold itself to account? Deborah said we have commissioned some research on how other countries do it to inform ourselves.

How willing is Govt to discuss? Some areas are easier than others. On principles we are fairly optimistic. On an independent watchdog, middling. Targets is where we really struggle.

The focus on targets is important in our submission, fingers burned on biodiversity and land use strategy, casualties of rhetoric versus reality. Targets drive action, eg the Climate target has driven action in a way we don’t see elsewhere. If we have no target it becomes meaningless. Terry noted a danger that if the target is in legislation its hard to change it if the situation changes. With climate change its easy enough, its GHGs. The National Performance Framework is far from perfect (eg Natural Capital Index) and needs a wider conversation.

Terry suggested on the conflict between locking targets in through legislation, can you do it through sub instruments that gives the ability to adjust? If Govt is required to produce targets, sometimes that can be enough. Eg employment. He gave the example of the Leven catchment, new housing with costly high fences to stop residents seeing the horrible river – absurd.

We noted the Survation poll results, statistics of 50% wanting a raise in standards of environmental protection, and 33% want them to stay the same.

Are there links we should be making between One Planet Prosperity and Fight for Scotland’s Nature?

Terry thought it would be good if we can **use OPP as a reference point**. There is logic and evidence and models behind it. **Why not use it and have it more to the foreground in policy and to encourage systemic thinking.**

Bob’s concern was about the unintended consequences of a watchdog, if it leads to SEPA being tied up more, can be used by the opposition. He asked how many issues have been taken to the European court. We suggested that this could be a **topic of the next meeting if helpful**.

Other suggestion was that we have never used the full weight of the constitutional settlement, the power to exercise through committees.

Usefulness of these meetings? Yes, they are important. The open nature of them and being able to bounce ideas around and be honest.

Terry was a bit surprised aquaculture was not on the agenda. (we had checked with Sam Colin). He thought it worth having a wider debate about how we feed ourselves in the 21st century.

**Themes for future meetings**: when it comes to watchdog, and court, legalistic ways of resolving conflict. About getting in the room. Would like the pressure to be on the agency to facilitate. As tensions between economy, society and environment, how to get the conversations going to build effective partnerships going forward. Terry is up for that, with liaison beforehand.

Next meeting to be arranged for March.