29 May 2018

Dear Graeme,

Thank you for your letter of 2 May 2018 requesting an update on the Government’s progress on key issues in the Environment, Climate Change and Land Reform (ECCLR) portfolio. I have set out my response to the questions in the attached annex.

I look forward to continuing to work with the Committee over the coming year.

Yours,

ROSEANNA CUNNINGHAM
Environment

Biodiversity 2020

Progress, areas of concern around targets, actions to address the concerns

Scottish Natural Heritage (SNH) continues to lead and coordinate delivery, including by a number of public bodies and partners in the third and private sectors, of the Scottish Biodiversity Strategy and the Route Map to 2020. Regular reports on progress are published.

The most recent assessment of Progress of the Scottish Biodiversity Strategy (2014-2016) was published in July 2017 and the second annual report on the Route Map to 2020 was published March 2018.

Good progress is being made but some areas of concern were identified in the Scottish Biodiversity Strategy Progress report 2014-2016, including on upland birds, wintering waterbirds, specialist butterflies and breeding seabirds. On designated sites, species in favourable condition are relatively low for amphibians and reptiles (50%) and non-vascular plants (65%). Habitats on designated sites are a cause for concern. Those whose status is either “favourable” or “unfavourable recovering” are woodland (53%), heath (56%) and grassland (50%).

Upland birds

Since 1994, there has been a significant decrease in upland bird species by 14%. For some individual species such as curlew, the declines have been significantly greater.

Action underway:
- SNH are working to support delivery of the Curlew Recovery Programme;
- The South Scotland Golden Eagle Reinforcement Project will expand the range and numbers of breeding golden eagles in South Scotland; and
- In 2017, SNH and the Scottish Government published The Muirburn Code which provides good practice guidance for burning and cutting of vegetation. It also sets out statutory restrictions and is aimed to help ensure good management practice in the uplands.

Wintering waterbirds

There is a mixed picture for wintering waterbirds, with geese showing a substantial recovery to a peak in 2010 of 340% above the low numbers recorded in 1997. Ducks and swans have remained relatively stable but waders have been declining since 1996 with the lowest value on record in 2012 at only 57% of the 1994 population.

Action underway:
- Geese – see separate correspondence which will be with you shortly; and
- There are a number of management options under the Scottish Rural Development Programme’s Agri-Environment Climate Change Scheme
(AECS) to support management of the uplands for target species including waders, hen harriers and other farmland bird species.

**Specialist butterflies**
Long term changes in populations have been linked to habitat loss and fragmentation. Some generalist species are increasing because of climate change but specialist butterflies have declined by 67% since 1979: three species in particular - small pearl-bordered fritillary, grayling and large heath - have experienced significant declines.

Action underway:
- A number of management options under AECS support management of habitats to benefit butterfly species, particularly for marsh fritillary. Many other management options for arable, grassland, woodland and wetland will greatly benefit other species of butterflies as well as many other insects;
- SNH supports Butterfly Conservation to increase, develop and support volunteers; provide advice and support to landowners and managers as well as assess the impact of previously provided advice; increase the number of records collected; and undertake targeted action for key priority species; and
- SNH published the Pollinator Strategy for Scotland in 2017, with an implementation plan currently in development with the Scottish Government and stakeholders.

**Breeding seabirds**
Since 1986, there has been a marked decline in both abundance and productivity of breeding birds, with declines recorded in arctic tern (72%) and blacklegged kittiwake (68%). Food availability, weather conditions and predators are all having an adverse impact on seabird numbers.

Action underway:
- Shiant Island rat removal project. This RSPB-led project has successfully removed black rats from the Shiant Islands. Artificial nest burrows are in place with the aim of encouraging breeding of shearwater and petrel on the islands; and
- The network of 30 Nature Conservation Marine Protected Areas (MPAs) covering both inshore and offshore waters designated by Marine Scotland will help the conservation of many marine species including seabirds.

**Attitudes to biodiversity**
On average almost 70% of adults living in Scotland have expressed some interest or concern about biodiversity. However, only 25% of the population felt biodiversity is very relevant to their lives.

Action underway:
- There is work underway by many organisations, including SNH, to reconnect people with nature and thereby increase their appreciation of biodiversity and better understand how it benefits people and society; and
- The next Scottish Nature Omnibus Survey planned for 2019 will provide some useful information which will help us assess the impact of this collective work on attitudes to biodiversity.
The second annual report on the Route Map to 2020 identified insufficient progress had been made against three of the fourteen targets.

**Target 3:** Creation on new native woodland – an area of 8,981ha has been created since 2014, through Scottish Rural Development Programme (SRDP) funding, slightly below the lower end of the target (9,000 – 15,000ha).

Action underway:
- Forestry Commission Scotland (FCS) administers the Forestry Grant Scheme as part of AECS support for land managers. FCS expects the rate of planting to increase further as applicants become familiar with the new scheme.

**Target 4:** Restore 10,000ha of native woodland. Since 2015, the annual management grants for native woodlands, which includes a deer management plan and control component, covers 7,244ha. Applications for a further 2,400ha are being processed.

Action underway:
- SNH and FCS are working to support Deer Management Groups in developing deer management plans to secure more native woodland restoration; and
- FCS and SNH, along with stakeholders, have established a Lowland Deer Network for Scotland, which will increase the awareness of the impact of lowland deer on woodlands as well as support the development of lowland deer management groups and deer management plans.

**Target 12:** Improve connectivity between habitats and ecosystems - SNH continues to develop its thinking on ecological connectivity, including the role of existing networks such as the Natura 2000 network.

Action underway:
- In September 2017, SNH held a workshop with a range of key stakeholders;
- The EcoCo Life project in the Central Scotland Greener Network (CSGN) area, which has delivered many aspects of an ecological network at a local scale, has now been extended to July 2018 and is delivering: habitat restoration and species management; conservation management of protected sites; and improvements to green infrastructure; and
- SNH is developing an ecological connectivity indicator as part of the Ecosystem Health Indicator suite.

**The remit of the RAFE Delivery Board (The most recent update from the Scottish Government was in June 2017)**

I wrote to the Committee in October 2017 outlining the revised purpose and remit of the RAFE Delivery Board, now called the Environment and Economy Leaders’ Group (EELG).

EELG ensures strategic delivery across public bodies associated with the environment and rural economy portfolios and forms the “top tier” of governance on biodiversity, with the Scottish Biodiversity Strategy Coordination Group reporting to it directly.
In carrying out this governance role, EELG draws on SNH’s progress reports and:

- provides strategic oversight of the SBS 2020 Challenge and Route Map implementation to ensure overall implementation is on track;
- ensures strategic linkages are made with the ECCLR portfolio and beyond; and
- Provides strategic oversight of Scotland’s progress towards meeting the Aichi targets.

In carrying out this governance role, EELG has reviewed the ‘2nd Annual Report on Progress with the Route Map to 2020’ and ‘Scotland’s Biodiversity Progress to 2020 Aichi Targets – Interim Report 2017’.

**Progress in the 13 Ecosystem health indicators**

SNH has been asked to deliver a suite of indicators to assess the state of Ecosystem Health across Scotland. This project forms part of the 2020 Challenge for Scotland’s Biodiversity, our commitment to the delivery of the Aichi Targets for Biodiversity. The work is being taken forward by a group chaired by Professor Davy McCracken and Professor Jeremy Wilson on behalf of the Scottish Biodiversity Strategy’s Science Support Group.

The 13 Ecosystem Health Indicators are now available on Scotland’s Environment Web for use by policy makers, land managers, freshwater managers and users. These new indicators will complement the existing suite of biodiversity indicators and can be used alongside other environmental data sets. Several of these indicators are now fully searchable, for example users can access information on individual features on sites protected for nature. Other indicators, such as soil condition, show results by catchment areas.

Action underway:

- SNH are working with SEPA and other organisations to improve the resolution of data available through SE Web. This continued improvement will provide users with greater access to data at a local scale to help them make informed decisions about local action they can take.

**Progress in meeting the Aichi targets**

On 22 May 2018, Scotland was the first country to publish a full assessment of progress towards the 20 international Aichi Targets for biodiversity. There are seven Aichi targets assessed as being on track, twelve showing progress and one moving away from target.

There are a number of areas where Scotland is progressing well with mainstreaming biodiversity, including work to increase public awareness and engagement and embedding biodiversity values through the development of policy and practice on natural capital.

The area of work that has proved challenging relates to the direct pressures on biodiversity. Although positive changes in relation to sustainable management, pollution reduction and protection of ecosystems vulnerable to climate change are underway, there is still more to do. Development of improved metrics and focused action on a range of pressures are being planned and implemented.
There has been good progress in safeguarding biodiversity with the designation of marine and terrestrial protected areas now exceeding the international target. The development of Scotland’s National Marine Plan and the reformed Common Fisheries Policy, along with the Marine Strategy Framework, are all helping to focus efforts towards sustainable management in the marine environment. Work will continue to 2020 to ensure management, representativeness, integration and connectivity is improved. Further work is required to identify additional actions for certain species, including seabirds, waders, upland birds and specialist butterflies. The development of a priority species indicator and metrics for genetic diversity for Scotland will contribute to this work.

Those targets focused on the benefits from biodiversity and ecosystem services have progressed well. The restoration of peatlands across Scotland is underway with 10,300ha under active restoration and a further target of 8,000ha for restoration. The ecological status of freshwaters habitats is continuing to improve. Ambitious targets for native woodland planting and restoration have yet to be met and further work is required on implementation of deer management plans. Both the ecological and wider social, economic and environmental benefits of these actions will take some time to realise. Much work is on-going and continues to be developed to ensure ecosystem services are safeguarded; such as the EcoServ GIS tool for Scotland and the application of the Ecological Coherence Protocol.

The improved collation of data and data management are ensuring decisions are informed and information is shared and accessible. More work is required to address improved data recording, data analysis gaps and data relating to ecosystem functions.

**Re-introduction of Beavers**

*Progress in the development of the management approach*

*The proposed legislative procedure - affirmative or negative instrument and likely laying date*

The management framework is close to being finalised. This will set out the suite of policy, guidance and actions to ensure that when beavers are given protected species status they can be effectively managed to prevent adverse impacts on agriculture and other land uses. There are four key elements to the framework:

- **Management guidance and policy.** This includes guidance on licensing, ecological and legal definitions, and the approach to lethal control and translocations;
- **Management actions.** How expert advice will be provided to people affected by beavers, a beaver mitigation scheme to fund mitigation techniques and a technical group to develop new approaches;
- **Survey and monitoring.** How beaver populations and their impacts will be monitored; and
- **Beaver benefits.** How the many benefits that beavers can provide can be promoted and facilitated.
Some of the most relevant elements of the framework are covered below.

**Provision of advice to farmers and other stakeholders**
SNH will continue to offer expert advice on the telephone and via free site visits by experts to advise landowners and managers. They will also advise of any licence requirements and, when a licence is necessary, will gather the requisite information to enable a licence to be granted without the applicant having to complete an application form. They will also be able to offer advice on possible mitigation options and funding for them via the mitigation scheme (see below).

**Licensing control of beavers with European Protected Species status**
With the help of the Scottish Beaver Forum, SNH is finalising guidance for land managers on licensing arrangements and advice for those experiencing problems with beavers.

Many activities will be undertaken without the need for a licence. If a licence is needed then a simple mechanism is proposed whereby a licence can be issued on the basis of a site visit or even a phone-call. Where prime agricultural land is likely to be affected then the key licensing tests are presumed to have been met (licensable purpose, no satisfactory alternative and no impact on conservation status of beavers) and a licence will be issued – this is likely to include the option of lethal control.

**Mitigation Scheme**
The Scottish Government has committed to funding a mitigation scheme for beavers and has asked SNH to set up and deliver this as soon as possible. The objectives for the scheme are to develop a suite of mitigation and monitoring techniques that demonstrate how beaver activity can readily be managed in Scotland to minimise adverse impacts, specifically:

- installing traditional (i.e. tried and tested) mitigation techniques;
- trialling new methods; and
- identifying methods to support land/fisheries manager monitor beaver activity and technique effectiveness.

The intention is for the scheme to cover a transitional period and is expected to be operational for two-four years, prior to the establishment of any new post-Brexit agri-environment scheme if and when Scotland leaves the EU.

The scheme will cover the following key elements:

- expert beaver advisors to support land managers;
- installation of traditional (i.e. tried and tested) techniques that have been developed elsewhere in Europe or North America;
- technical group to advise on developing new techniques and methods;
- mitigation trials to test and demonstrate new techniques and methods; and
- technology trials to support land manager to reduce time taken to a) monitor beaver activity and b) check techniques are working to address impacts.

**The Scottish Beaver Forum**
The Scottish Beaver Forum provides the opportunity for stakeholder groups to discuss beaver management and the benefits provided by beaver reintroduction. Key members include: Fisheries Management Scotland,
The forum has met seven times since the first meeting in May 2017.

**The proposed legislative procedure – affirmative or negative instrument and likely laying date.**

Scottish Ministers announced on 24 November 2016 that the beaver populations in Knapdale in Argyll and in the Tay and Earn catchments can remain in Scotland, subject to satisfactory completion of a Strategic Environmental Assessment (SEA) and a Habitats Regulations Assessment (HRA). The HRA is completed, whilst the consultation on the Beavers in Scotland Strategic Environmental Assessment Environmental Report (2017) closed on 6 March 2018 and the Scottish Government is currently analysing the 533 responses received.

The intention is that beavers in Scotland will be given protection under the law as a European Protected Species (EPS) as soon as is practicable after completion of the assessment processes as required by the Habitats Directive. Article 12 of the EU Habitats Directive requires that Member States establish a system of strict protection for all animals in Annex IV to that Directive within their natural range.

Annex IV of the Directive includes beavers. The Scottish Government has assessed that beavers would be considered to be within their natural range and therefore we are obliged to provide strict protection in line with the requirements of the Directive. The Conservation (Natural Habitats, &c.) Regulations 1994 which implement the Habitats Directive, will remain on the statute book if and when Scotland leaves the EU. I intend to put a Scottish Statutory Instrument before the Scottish Parliament during the course of 2018 which will add beavers to Schedule 2 of the 1994 Regulations and so will grant beavers EPS status. It is likely that the SSI will be laid in the Scottish Parliament after the summer recess. It is likely that the instrument will be subject to affirmative procedure but this is subject to confirmation once drafting is further progressed.

**Deer Management**

*Progress in action to meet the recommendations in the ECCLR Committee report of March 2017, including progress of the working group*

Key issues identified by the ECCLR Committee following their report on Deer Management are all being progressed. This includes establishment of and support for the independent Deer Working Group and the Lowland Deer Panel; hosting a Parliamentary event on Lowland Deer to provide ongoing impetus on lowland deer management; continuing to engage with Deer Management Groups in the uplands and setting out clear metrics for assessing Deer
Management Groups in 2019; providing additional funding to support deer management.

The independent Deer Working Group, chaired by Simon Pepper, is six months into its eighteen month term and is on track to report in April 2019. The Group is meeting regularly, has nearly concluded its fact-finding and it is beginning to identify areas of further focus.

The Lowland Deer Panel, chaired by Peter Watson, has been established under Section 4 of the Deer Act to provide SNH with advice and recommendations for addressing the range of issues on lowland deer. The Panel is meeting regularly and it has sought input from a range of stakeholders, receiving 150 responses to its online questionnaire. Further evidence sessions are planned with key stakeholders in June. The Group is planning to have a draft report by September 2018.

SNH has been working closely with the Association of Deer Management Groups to set out clear expectations and metrics for checking progress of Deer Management Groups (DMGs) in April 2019.

**Section 7 Agreements**
Of the eight Section 7 agreements that were in place at the time of the Deer Management review in 2016, three have been satisfactorily concluded; four have been reviewed and amended and are set to continue; and one is under consideration for further action as population targets are not being be met.

**Intervention**
SNH is working with a number of poorer-performing DMGs identified through the 2016 DMG assessment and has sought to intervene and work with the groups to enhance their performance and delivery. SNH is also engaged in casework where deer are causing damage to agricultural interests and where SNH regulatory powers may be required. SNH has used new powers under the Land Reform Act to require Deer Management Plans to be produced.

**Lowland Deer**
SNH is working closely with Local Authorities, Transport Scotland, Forestry Commission Scotland and Forest Enterprise Scotland to help them understand the duty placed upon them through the deer code and have supported work to develop deer strategies and management plans which fit within their wider land management planning.

**Assynt**
A Deer Management Plan has been produced and agreed by the DMG. An interim assessment shows that progress has been made on a number of fronts. Two of the three key properties within Ardvar Woodlands SSSI have entered into woodland management contracts with Forestry Commission Scotland. The recent deer count and imminent woodland impact monitoring will be reviewed and management agreed to deliver on the agreed plan objectives.

**Resources**
SNH has increased staff resource to support work on deer and the SNH financial allocation to support deer management this financial year is approximately £500,000.
**Land Use Strategy**

**Progress in implementation of the Land Use Strategy**

We are making progress on a number of the policies and proposals put forward in the Land Use Strategy for Scotland 2016-2021, including through SNH’s promotion of an ecosystems approach and its further work on the Natural Capital Asset Index, ensuring that there are links between the land use strategy and the planning system, taking forward the preparation of a new Scottish Forestry Strategy, publishing SNH’s scoping report on the potential to develop a strategic vision for the uplands, and publishing the world’s first Land Rights and Responsibilities Statement in September 2017.

We have also published guidance on engaging communities in decisions relating to land, which will support land owners in engaging with local communities. The latter document is aimed at all those with control over land, including private and public land owners, NGOs, charities and community owners and is an important piece of work to support positive and constructive engagement between land owners and communities across rural and urban Scotland.

Another major development since the second Land Use Strategy was published is the establishment of the Scottish Land Commission on 1 April 2017.

Under section 22 of the Land Reform (Scotland) Act 2016, the functions of the Scottish Land Commissioners include, on any matters relating to land in Scotland, reviewing the impact and effectiveness of any law or policy, recommending changes to any law or policy, gathering evidence, carrying out research, preparing reports and providing information and guidance. The Act makes it clear that the matters relating to land include the use of land, including the Land Use Strategy.

As set out in its first three-year strategic plan, ‘Making More of Scotland’s Land’, published at the end of September 2017, one of the Commission’s areas of focus across both urban and rural land is to seek to improve the quality and accountability of land use decision-making through:

- promoting inclusive decision-making, collaboration and a culture of accountability; and
- addressing policy coherence and alignment through local, Scottish and UK levels in order better to inform decisions.

Productivity – including effective use of Scotland’s land – is also central to the Commission’s vision. The Commission will focus its efforts on identifying barriers to productive use of land, and devising new ways of overcoming them to unlock energy and creativity.

Finally, the Climate Change Plan (CCP) published on 28 February 2018 sets out details of the mixture of policies, proposals and milestones all aimed at achieving emissions reductions from land, including those associated facilitating a cultural and behavioural shift towards low carbon farming.
practices. As highlighted in the Land Use Strategy, there are key areas in which should look to generate emissions reductions and these are addressed within the agricultural chapter of the CCP through five overarching policy outcomes.

While significant steps have been taken, the outcome of the EU referendum has required us to refocus on emerging priorities and we are now taking steps to integrate the work developing future strategic policy for the environment (a Programme for Government commitment) and for agriculture with next steps on the Land Use Strategy. A new team is being set up in the Environment and Forestry Directorate to co-ordinate this work, which will include dedicated resource on land use. The UK’s exit from the EU has some profound implications for land-based policy and resources, and it is right that we take stock now of the existing land use strategy in the context of wider strategic work in order to inform decisions on any future actions which will most significantly contribute to the vision for land use and objectives set out in the Strategy.

We will therefore be taking opportunities in the next few months to build policy alignment and apply the principles in a number of key areas. These include:

- developing a new Forestry Strategy. The Forestry and Land Management (Scotland) Act 2018 places a duty on Scottish Ministers to prepare, consult and publish a forestry strategy. This new strategy will replace the existing 2006 document and will be published by 1 April 2019 as an important element of the new fully devolved arrangements for forestry;
- identifying opportunities to further align work to achieve the Land Use Strategy objectives with on-going reforms to the planning system, including through the next National Planning Framework; and
- considering how the policy and proposal on agri-environment can be taken forward within the framework of wider evidence-gathering on future agriculture policy. Since the second Land Use Strategy was published, the Greening Review Group, chaired by Professor Russel Griggs, and the Agriculture Champions have been tasked with considering the design of future policies to encourage sustainable agriculture, and their findings will help to frame the context for this evidence-gathering.

**Upland Management**

*Scottish Government response to and action following the SNH report on upland management*

No specific action has been taken following receipt of the SNH scoping report on the potential to develop a strategic vision for the uplands as it is considered advisable to wait until the groups looking at grouse moor management and deer management report in spring/summer 2019. Both of these groups are likely to make recommendations relevant to the management of the uplands. We will also need to consider next steps in the context of the wider work on developing a strategic approach to the environment, future agriculture policy, rural support arrangements, and rooted in wider rural economy matters as much as in natural heritage issues.
Management of Grouse Moors

Progress in addressing the issues in the management of grouse moors including those raised in the petition calling on a licensing system for gamebird hunting (PE1615)

The Grouse Moor Management Group has met three times. The Group has received an overview of grouse moor management and practices, SNH licensing and raptor persecution. Two further evidence gathering sessions covered environmental law, SEPA licensing systems, codes of practice including Wildlife Estates Scotland, raptor persecution associated with grouse moors, predator management associated with grouse moors and mountain hare knowledge/evidence and reasons for control.

A further evidence gathering session will be held on 20 June 2018 which will cover medicated grit and muirburn. At this meeting and the next meeting (July), the Group will compile questions/requests for advice and issue a number of invitations to people/organisations to submit written evidence, for review in the autumn. This element of work will be to fill any evidence gaps, and to look at the ways forward.

The Group, with the specialist advisers, is planning a two day field trip (2 and 3 July) to visit some grouse moors. The sites visited will demonstrate different intensities of management and different issues faced, so that the Group has a good overview of all varieties of grouse moors.

Raptor Persecution

View of the Scottish Government on the need to set up a national register of tagged birds

We see that there could be value in developing a national register of tagged raptors. A register could make it easier to quickly identify which bird or birds are involved in any potential wildlife crime incident. Positive identification of individual birds may (in some cases) help enable the police to raise a charge of illegal possession under Section 1 of the Wildlife and Countryside Act 1981.

A national register may help satisfy requests greater coordination of satellite-tagging activities, and provide an overview of the national situation and the various parties involved. Restrictions would be necessary on the release of species sensitive data and equally a register would have no authority over the tracking of satellite tagged birds, which would remain with the tag owner.

It is worth noting that compiling and updating a detailed register (if every bird was to be covered) is potentially a big task which may require dedicated staff. It would also depend on the goodwill of those organising projects to supply updates regularly.

Hunting with Dogs
**Update on the work of the stakeholder group looking at a code of practice on hunting and a new hunt monitoring scheme**;  
**Progress in the consultation on the recommendations of Lord Bonomy**

On 20 June 2017 the Scottish Government announced the appointment of former Deputy Chief Constable Ruairidh Nicolson to lead a stakeholder group to develop a new code of practice for hunting and to consider the feasibility of monitoring. The group has met six times and the draft Code of Practice is now at an advanced stage. Consideration of a new hunt monitoring scheme is underway.

Following the completion of consultation on 31 January 2018, consultation responses (for which permission was given) were published on 14 March 2018. We plan to complete the analysis of the consultation on Lord Bonomy’s proposals before summer recess and will announce any plans to change the law once we have completed the analysis.

**Wildlife Crime**

**Plans to implement Poustie recommendations on penalties**

The Scottish Government is committed to implementing the recommendations made by Professor Poustie on increasing criminal penalties for wildlife crime. This will require primary legislation. The Scottish Government will ensure that either a suitable legislative vehicle is identified or a Bill is brought forward to complete this commitment.

**Animal Welfare**

**Plans to address the need for further legislation following 10 May 2017 correspondence**

I have asked my officials to explore the possibility of updating legislation on performing animals to protect the welfare of animals used for public performances or display. This follows the successful Parliamentary passage of the Wild Animals in Travelling Circuses (Scotland) Act 2018.

The exhibition and training of an animal for public displays other than circuses is required to be registered under the Performing Animals (Regulation) Act 1925. The Scottish Government is considering how the 1925 Act can be updated to provide greater relevance in the current landscape of increased numbers of ‘animal encounters’ and ‘mobile zoos’.

The Scottish Government is supporting a research project by the University of Stirling, in collaboration with the Scottish SPCA and the Universities of Edinburgh and Glasgow, to better understand the number and type of animal experiences being offered. My officials will contact stakeholders in the first half of June to invite them to participate in the research.
Plans to introduce regulations to require the registration and licensing of animal sanctuaries, rescue centres and rehoming agencies

The Scottish Government consulted on this Programme for Government 2017-18 commitment between 11 December 2017 and 4 March 2018. The responses have been analysed and were published on the Scottish Government website on 9 May 2018.

The consultation received 185 responses, of which 18% were received from a range of organisations involved in the care and welfare of animals, 9% from local authorities and 73% from members of the public. The main feature of responses was the almost unanimous agreement (98%) in favour of the proposal to regulate on a national minimum standard and to deliver conditions of care.

My officials are currently drafting regulations to register and licence animal sanctuaries, rescue centres and rehoming agencies. The regulations are expected to be presented to the Scottish Parliament later this year.

Plans to review the dealing and breeding of cats, dogs and rabbits (registration and licensing requirements)

My officials are currently drafting a consultation document on proposals to introduce new regulations for the licensing of dog, cat and rabbit breeding activities in Scotland. This will build on the results from the consultation on animal sanctuaries and seek views on a modern system of licensing for dog, cat and rabbit breeding activities allowing for independent accreditation of applicants to reduce the burden on local authorities.

We intend to launch the consultation by the end of June 2018.

Electronic training collars – plans to consult the Committee (24 January 2018 correspondence) and stakeholders

In my letter of 24 January 2018, I informed the Committee that the Scottish Government had published initial draft guidance making it clear that training which includes unpleasant stimuli or physical punishment can cause pain, suffering and distress and that any such pain, suffering and distress caused by an inappropriate training method, including electronic collars, may constitute the offence of causing unnecessary suffering under the Animal Health and Welfare (Scotland) Act 2006.

Stakeholders have offered views on the draft placed on the Scottish Government website on 24 January 2018. Those comments have been considered fully and a final version is near completion. I will share the wording of the final version with the Committee and take any comments that members may have into account before publishing the guidance.

Marine Environment
**Expected new Marine Protected Areas (MPAs) – plans for further consultation and introduction**

The public consultation on the Marine Protected Area proposal for Loch Carron is on-going. This is the subject of separate correspondence with the Committee.

In 2016 the Scottish Government consulted on proposals for 15 Special Protection Areas under the EU Wild Birds Directive. Finalising this process has taken longer than anticipated. A Strategic Environmental Assessment is ongoing, and we expect to consult on the resulting Environmental Report in later summer. This should lead to a final decision on designating these sites before the end of this year.

There are four MPA proposals under active consideration following additional funding secured by Marine Scotland and Scottish Natural Heritage (SNH) in the 2018 Budget. I expect to be able to designate these sites by the end of 2019, subject to the various consultation and assessment processes being satisfactorily completed.

SNH is updating the various scientific documents that underpin the four proposals to ensure they are based on the best available evidence. In parallel Marine Scotland is commissioning a Sustainability Appraisal to assess the social, economic, and environmental effects of the proposals.

It is expected that there will be a stakeholder workshop in autumn 2018 to discuss the draft assessments with stakeholders, leading to a public consultation launch before the end of the 2018. SNH will deliver a number of engagement events during the consultation.

In the 2017-18 Programme for Government there is a commitment to evaluate options to create a deep sea national marine reserve. The feasibility study is nearing completion and if it reaches a positive conclusion, a full scientific, social, economic, and environmental assessment will be carried out. Officials will also engage with stakeholders later in the year and there may be a public consultation in 2019.

**Progress in implementation of the pilots of the regional marine planning areas, including Orkney**

**Orkney**

Orkney’s timeline for becoming a Regional Marine Planning Partnership (RMPP) is dependent on the outcome of the Islands (Scotland) Bill. Due to the challenges in finding a partner to create a Marine Planning Partnership, as required under the Marine (Scotland) Act 2010, an amendment is proposed that would allow for a simple delegation to the local authority. If the outcome of the Bill process enables the delegation to a single authority, it is envisaged that an advisory group will be established to enable formal representation of the regional, commercial, environmental, community and recreational interests in the development of the regional marine plan and associated processes.
In advance of Orkney becoming a RMPP, a pilot process was undertaken and the Pentland Firth and Orkney Marine Waters Spatial Plan was published in April 2016. This was a joint initiative between Highland Council, Orkney Islands Council and Marine Scotland. The plan provides non-statutory supplementary planning guidance and is a material consideration in decision making. It is used in licensing decisions and its use is monitored.

Once the Islands Act comes into force, officials will engage with Orkney Islands Council on the next steps for creating the Orkney Marine Planning Partnership.

Clyde

Before the Clyde Marine Planning Partnership (CMPP) was created, a Firth of Clyde Marine Spatial Plan project was undertaken by Scottish Sustainable Marine Environment Initiative (SSMEI) and published in July 2010. In March 2017, Scottish Ministers delegated authority for developing the Regional Marine Plan for the Clyde Region to CMPP.

A Statement of Public Participation was published in February 2018 to inform stakeholders of the process that will be followed in order to develop the Regional Marine Plan and how they can engage in this process throughout the plan development process. CMPP are undertaking public and stakeholder workshops to raise awareness of the plan and inform content.

Shetland

Before the development of the Shetlands Islands Marine Planning Partnership, the Shetlands Islands Council adopted a Marine Spatial Plan (fourth edition 2015) as supplementary planning guidance.

In March 2016, Scottish Ministers delegated authority for developing the regional marine plan for Shetland to the Shetland Isles’ Marine Planning Partnership (SIMPP).

A Statement of Public Participation will be published later this year which will inform stakeholders of the process that will be followed in order to develop the Regional Marine Plan and how they can engage in this process throughout the plan development process. SIMPP are also currently progressing public and stakeholder workshops to raise awareness of the forthcoming plan development process.

Scottish Government involvement in the UK assessment of progress towards achieving “good environmental status”

The Scottish Government has made a significant contribution to the monitoring and assessment processes required across the 11 descriptors of Good Environmental Status. This has included technical development of many indicators as well as providing monitoring data, analyses and expert interpretation in order to assess the environmental status of UK waters.

The Scottish Government has also provided policy input throughout the six year cycle and is part of the editorial team that is now finalising the assessment
of public consultation. This team is also developing new targets for Good Environmental Status to be used in the next six year cycle.

The Scottish Government will host a meeting of the UK Marine Assessment and Reporting Group in early July. The assessment of Good Environmental Status, and new targets for the next cycle, will be agreed at official level at this meeting. Following this meeting, Ministers from the UK Administrations will agree to a public consultation on the assessment and the new targets which are expected to begin later in the summer.

**Timing and scope of the expected consultation on priority marine features including proposals**

The work to improve the protection given to Priority Marine Features (PMFs) outside the MPA network is progressing well. The aim is to ensure that there is compliance with General Policy 9 of the National Marine Plan, which requires that, “Development and use of the marine environment must not result in significant impact on the national status of Priority Marine Features.” It is focused on 11 PMFs as those which are most vulnerable to physical disturbance, such as that which can be caused by bottom contacting mobile fishing gears.

A sustainability appraisal has been commissioned which will assess the potential environmental and socio-economic effects of improving their protection. This work has reached the Screening and Scoping stage required for Strategic Environmental Assessment (SEA). The draft report for this was discussed with stakeholders at a workshop on 14 May 2018. Alongside this, SNH has been developing advice for the 11 PMFs to support this process. Stakeholders at the workshop on 14 May 2018 were invited to review draft advice for three of the PMFs – flame shell beds, maerl beds, and seagrass beds.

There are two planned consultation stages. The first will be to meet the obligations to consult on the Screening and Scoping report for SEA purposes. This consultation will be widened by seeking views on the SNH advice for the 11 PMFs, our understanding of the footprint of fishing with bottom contacting mobile fishing gears, and the options that will be assessed by the Sustainability Appraisal. I expect this consultation to take place during the summer.

This will be followed by the full assessments required for the Sustainability Appraisal, and a further stakeholder workshop to discuss the emerging conclusions. It is expected that the full Sustainability Appraisal, and how Scottish Government propose to manage fisheries to protect the 11 PMFs, will be subject to consultation during winter 2018.

**Wild fisheries/Salmon farming**

*Plans to address the concerns of the Committee highlighted in its recent report on the environmental impacts of salmon farming; scope and timing of legislation, plans for further consultation.*
I intend to consider the conclusions of the Committee’s report on the environmental impacts of salmon farming and the related report from the Rural Economy and Connectivity (REC) Committee together. It is not yet clear when the REC Committee will publish its report. The Farmed Fish Health Framework was published last week and there are plans for an independently chaired Interactions Working Group, both of which are relevant. I will await the conclusion of the inquiry process before considering future legislation, including if and how any new legislative needs might sensibly fit into our existing plans to introduce a Wild Fisheries Bill.

Waste and the Circular Economy

Update on progress on the advisory group on fiscal levers to change behaviours on waste and the consultation process

Earlier this month I announced that Dame Sue Bruce will lead a panel of experts from retail, the waste and chemical industries, the public sector and academia to provide advice on steps Scotland can take within devolved competence to significantly address issues associated with single use items. She will be joined by behavioural expert, Dame Teresa Marteau, economist Professor Liam Delaney, Mike Barry the director of sustainable business at Marks and Spencer, Roger Kilburn from the biotech and chemical industry, Professor Margaret Bates from the Chartered Institute of Wastes Management, disability advisor Professor Kate Sang, and legal academic Professor Aileen McHarg. Gemma Stenhouse from the 2050 Climate Group will represent young people. In addition, Terry A’Hearn, Chief Executive of SEPA and Iain Gulland, Chief Executive of Zero Waste Scotland, will attend the group.

This Expert Panel will have an initial working life of two years and will provide advice to Ministers on a range of issues including single-use items such as disposable cups and plastic straws. The news release is available here.

The Expert Panel is due to hold its first meeting in June 2018, and I will be hosting a discussion with them about their workplan and priorities.

How the issues raised in the petition calling for single use cups to be biodegradable (PE1636) are being taken into account

As set out in our response to this petition in 2017, powers to set product standards are reserved to the UK Parliament, however the Scottish Government is committed to ambitious targets to reduce waste by 15% and recycle 70% of all waste by 2025. The Scottish Government’s priority for waste, as laid out in our ‘Making Things Last’ Circular Economy Strategy, is to keep valuable materials in as high value use as possible. This includes increasing recycling and encouraging re-use. The Expert Panel I have appointed will be considering issues such as single-use items and provide advice on bold actions we can take in Scotland to encourage long-term and sustainable changes in consumer and producer behaviour.
When it meets next month, the Expert Panel will be discussing an outline programme of work and agreeing areas of focus which I expect will include disposable cups. Our policy is to shift behaviour away from single use material wherever possible, rather than to displace activity into alternative single use materials. Where this is not possible, we want to see materials being recycled as effectively as possible.

In addition, from 4 June, single use hot drink cups will no longer be available in staff restaurants and Costa branches in the main Scottish Government buildings. We are leading by example by cutting down on single use catering items and reducing our overall waste across the Scottish Government estate.

**Issues to be addressed by the forthcoming legislation and likely introduction timeframe**

The Government’s programme for the year ahead including the timing and purpose of Government Bills is set out in our Programme for Government (PfG). I am afraid I cannot pre-judge the timing or content of legislation in advance of PfG.

The Government is continuing to engage with a wide range of interests in relation to priorities for action to support the circular economy. Through the Expert Panel and engagement with the sector, I want to explore what measures would require legislation and which would be best pursued through wider measures to encourage changes in behaviour and production methods.

**Plans to introduce secondary legislation banning the sale and manufacture of cotton buds**

Plastic cotton buds are contributing to the global marine plastic problem, damaging the marine environment. They increase risk to public health from contact on beaches and bathing waters and risk health further when fragments of the plastic contaminate the food chain.

There have been many campaigns to promote behaviour change to stop people disposing of these items down their toilets. Manufacturers and retailers have been encouraged to switch to biodegradable alternatives through the work of the Cotton Bud Project led by the Scottish charity, Fidra. However, plastic cotton bud stems continue to feature in the top ten most common litter item found on our beaches.

Introducing secondary legislation under section 140 of the Environmental Protection Act 1990 will ensure behaviour change at the point of manufacture and sale. This will create a level playing field in the industry and further promote the importance of marine litter prevention with the public. The Scottish Government is the first administration in the UK to propose this legislation.

Officials have produced an evidence paper and a public consultation on the proposal was launched on 27 April. The consultation closes on 22 June 2018. Responses so far are universally supportive.
Draft legislation is expected to be laid in Parliament in January 2019.

** Plans to introduce secondary legislation on microbeads (anticipated before summer recess to tie in with uniform roll out across the UK) **

The Government is drafting legislation under section 140 of the Environmental Protection Act (1990) to ban the sale and manufacture of rinse-off personal care products containing plastic microbeads. Our legislation has been drafted with DEFRA and the other Devolved Administrations using the same evidence paper and UK-wide public consultation.

DEFRA’s ban on manufacturing came into force in January 2018. The date of DEFRA’s ban on sales changed throughout the legislative process, resulting in a change in timetabling of the process in Scotland to match the new date of 19 June 2018. On this date, our bans of both manufacturing and sale will come into force. There is an expected date of 30 June in Wales and an unknown date in Northern Ireland due to their current political situation.

** Climate Change Plan **

** Plans to establish a monitoring and evaluation and reporting framework and integrate this with the Scottish Government Budget process **

The initial version of the monitoring framework for the Climate Change Plan, including the set of indicators that will be used to track progress, was set out in the final version of the Plan published in February 2018.

Work is now underway across the Scottish Government to prepare for the first annual report on the framework, which will be published in October 2018. I have asked my officials to establish a technical working group of key stakeholders to help inform the design of the first report. The Clerks to the Committee and SPICe researchers would be very welcome to participate in this group.

A governance body for the framework will be established following publication of the first monitoring report. As set out in the Plan, this body will include relevant Scottish Government Directors and an external non-executive member. I expect the body to hold its first meeting during winter 2018-19, and two to three times a year thereafter. The body will review the monitoring information available through the annual reports and other sources to assess progress against the policy outcomes in the Plan. It will then provide advice to Ministers on this information, including where adjustments to policy might be required. A note of the governance body’s meetings will be made public.

The monitoring framework will continue to evolve in 2019 and future years. In particular, the Climate Change Bill proposes to place the framework on a statutory footing, with separate monitoring reports on each sector of the Plan being laid annually before the Parliament. Further evolution of the framework may also be possible in terms of both the content of the indicators and matters of process and timing. One area already being explored is the interactions
between the annual cycles of the monitoring reports, the independent progress reports from the Committee on Climate Change, the Scottish Government budget process and the climate change outputs associated with that process. My officials met with the Clerks to the Committee on 3 May and have separately met with NGO stakeholders for initial discussions on these matters.

**Plans to update the Plan following the passage of the Climate Change Bill (CS described this as mandatory in evidence to the Committee)**

The Climate Change Plan published was prepared according to the statutory requirements of the Climate Change (Scotland) Act 2009 and sets out how emissions targets in the period 2018-2032 are to be met. Under the Act, the draft version of the next Plan would be prepared as soon as reasonably practicable after the annual targets for 2033 to 2037 have been set. Those targets are due to be set in October 2021.

In practice, the Scottish Government expects the next Climate Change Plan to be produced under the new statutory framework established through the Climate Change Bill. The Bill proposes that this Plan must be produced within five years of the new legislation coming into force and that the current Plan will retain its status until that occurs. The exact timing and content of the next Plan will depend on Parliament’s decisions regarding the targets and planning duties in the new legislation.

As I said to the Committee in February, I intend to look again at the current Plan as soon as the Bill has passed through Parliament. In doing so, one of the things to consider will be whether it is more appropriate to update the current Plan in the short term and then bring forward a new Plan a little later, or to simply bring forward a new Plan a little sooner. I am mindful of the knock-on effects for the timing of subsequent Plans, and on how their production could interact with the cycles of the Paris Agreement stocktakes and Scottish elections. I am also mindful of the need for Plans to be fully implemented and bedded-in across the board before delivery partners and stakeholders are asked to change course. I would also like the Just Transition Commission to have delivered its advice on how to ensure continued decarbonisation leaves no-one behind before embarking on a new Plan process.

All in all there is a lot to factor in when making this decision, which I will look to do as soon as Parliament’s decisions around the new legislation are clear.

**Update on planned work on next Climate Change Adaptation Plan** [also covering separate item entitled “Adaptation Plan: Plans for review and update”]

Scotland’s first statutory five-year Climate Change Adaptation Programme Climate Ready Scotland was launched by Scottish Ministers in May 2014 under the Climate Change (Scotland) Act 2009. The Programme aims to increase the resilience of Scotland’s people, environment and economy to the impacts of a changing climate and has around 150 individual policies and proposals spanning three themes - natural environment, buildings and infrastructure, and society.
The Scottish Ministers make statutory annual reports on progress, with the fourth annual report being finalised for publication. Scottish Ministers have commissioned two independent assessments of the Scottish Programme from the Adaptation Sub-Committee of the Committee on Climate Change, with the first laid before the Scottish Parliament in September 2016 and the second due to report in early 2019. Scotland’s second five-year Programme is under development and due to be published in May 2019.

Public Sector Leadership

Update on the work of Ingage on public sector climate leadership

Delivering on our climate change ambitions calls for public services to be exemplars, leading the way and inspiring others across Scotland to follow.

In December 2017, I invited members of the Scottish Leaders Forum (SLF), from across public services in Scotland, to discuss how they can lead Scotland’s transition to a low carbon economy. Key themes of the discussion were collaboration and existing good practice: the importance of overcoming barriers to implementing low carbon initiatives through collaboration not only within organisations, but also between organisations, was highlighted. Another key theme was the reframing of challenges posed by climate change around opportunities to improve people’s lives, which can be a helpful way to improve engagement. Attendees noted the importance of an inspiring vision, simple messages and appropriate language, all of which we have taken onboard within Scottish Government. SLF members also discussed a range of existing good practice in this area, and a conversation was had around how best to share this information within the network so members can learn from each other. We are considering a series of SLF events on climate change in the future.

The Sustainable Scotland Network (SSN) has a vital role to play in taking these issues forward. The Scottish Government has recently awarded a new contract for the SSN secretariat to the Edinburgh Centre for Carbon Innovation. They have an ambitious approach to developing the SSN, connecting the excellent practice and examples of climate change action in the public sector more clearly with a wider audience of decision makers and leaders. This approach will strongly align the SSN with the step change in climate action required to deliver on the Climate Change Plan and Scotland’s transition to a low carbon society.

Public Sector Duties

Views on the most recent results of the reports which were published in January and plans for further work

Climate change

The reports published in January 2018 showed an 8% emissions reduction by public bodies required to report under the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015, in 2016-17 from 2015-16.
The reports also showed that an increase in mitigation projects implemented by public bodies; an increase in reported carbon savings from renewable electricity generation; and an increase in reported carbon savings from renewable heat generation. A full analysis of the 2016-17 reports can be found on the Keep Scotland Beautiful website and hard copies can be made available upon request.

While it is too early to comment on specific trends, overall the direction of travel by public bodies on emissions reductions is positive and remains in-step with national targets. The majority of reporting bodies agree that the introduction of mandatory climate change reporting has helped their organisation to strengthen climate change action and to further raise the profile of climate change amongst public sector leaders, and this is to be welcomed.

In the context of this feedback, and the increased ambition set out in the Climate Change Bill, I intend to review the 2015 Order in the current Parliamentary session i.e. over the next three years, to ensure that it supports all relevant public bodies to optimise their climate change action. The review will look at whether there are options to increase the value of the reporting while decreasing the bureaucratic burden, and consider ways to further improve the quality and consistency of reporting. It will look in detail at the reporting template and platform, as well as the list of public bodies required to report.

**Biodiversity duty**

Under the Wildlife and Natural Environment (Scotland) Act 2011, public bodies in Scotland were required to publish Biodiversity Duty reports on 1 January 2018. We have been notified that 44 public bodies have so far reported on their duty. These publications are listed on the SNH website with web links to reports where they were provided.

No assessment has been undertaken so far of these reports. We undertook an evaluation of the previous Biodiversity Duty reports submitted in 2015 which included a list of recommendation for increasing both the number and quality of reports.
Land Reform

Plans to introduce legislation to set up the Register of Controlling Interests in Land

We will shortly be publishing proposed draft regulations to create a Register of Controlling Interests in Land. As required by Part 3 of the Land Reform (Scotland) Act 2016, we will lay the draft regulations before the Parliament for consultation for a period of 60 days, exclusive of periods of Parliamentary recess. We will also publish an explanatory document to accompany the draft regulations. We will be consulting publically and with stakeholders.

Progress in the valuation of shooting interests

The Land Reform (Scotland) Act 2016 repealed the exclusion of shootings and deer forests from valuation. This means assessors are required to include them in local valuation rolls from 1 April 2017. As of 10 October 2017, assessors had finalised the majority of valuations, with approximately 10,200 shootings on the valuation roll. By the end of the 2017-18, around 12,000 valuations had been input into the valuation roll.

The valuation notices that are issued are also published on the Scottish Assessors Association website. Using the website, owners, tenants or occupiers are able to lodge an appeal within 6 months of the date of the notice. Valuation appeals are managed by Independent Valuation Appeals Committees and are done so in accordance with the statutory timetable. In the first instance appeals go to either the Valuation Appeal Committee or to Land Tribunal Scotland.

As with any other rateable property, owners, tenants and occupiers may apply for different reliefs. The new rates liabilities are fair and sustainable but many of the smaller shoots may benefit from 100 per cent rates relief under the Small Business Bonus Scheme, particularly in light of the increase in threshold to £15,000 rateable value, and unutilised shooting rights may qualify for empty rates relief.

The Scottish Fiscal Commission report published alongside the Draft Budget estimated that the net revenue of non-domestic rates from shooting and Deer Forests would be £6m. The Scottish Government is continuing to actively engage with delivery partners and the sector in the implementation of the policy.