

Consultation Title: Consultation on Environmental Protection Post-Brexit

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The European Parliament
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Belgium

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Scottish Land & Estates is a member organisation that uniquely represents the interests of both land managers and land-based businesses in rural Scotland. Scottish Land & Estates has members with interests in a great variety of land uses and welcomes the opportunity to respond to your consultation on environmental protection post-Brexit.

As the UK negotiates withdrawal from the EU, what are your priorities for ongoing protection of Scotland's natural environment and those who depend upon it?

Landowners and farmers are expected to deliver a diverse range of benefits from their land. They play a vital role in improving biodiversity, securing our natural resources and helping meet the challenges of climate change. They also manage the landscape that defines the UK and provide the recreational opportunities people value so much.

Exit from the EU provides the opportunity to see if we can meet these expectations in new and different ways. We will be seeking to ensure a policy is devised which supports and incentives farmers and land managers to ensure they can continue to fulfil these important roles. To this end we have published both some initial thoughts on the issues (in conjunction with the CLA in England & Wales) which are available on our website. Link at the foot of the page. We are also in the process of developing a paper on our more detailed ideas for Scotland's rural land based businesses, which will be available in the Spring.

http://www.scottishlandandestates.co.uk/index.php?option=com_content&view=article&id=5262:scotlands-rural-economy-and-leaving-the-eu&catid=71:national&Itemid=107

Which elements of the Birds Directive would you wish to (i) retain, (ii) revise; (iii) eliminate?

Scottish Land & Estates advocated that all EU legislation should be taken wholesale across to the UK when we leave the Union, and we are pleased that the Great Reform Bill aims to achieve this. We believe that it is important we do not lose aspects of our current legislative framework without due and timeous consideration.

In terms of the Birds Directive, we fully acknowledge that it offers vital legal protections. However, sometimes it can make little immediate sense at a regional or local level. That is, a recurring theme for Scottish Land & Estates when we sought views of members was that although the Articles within both Directives on the face of it appear to be broad-based and enable a reasoned and flexible approach, once this is translated through national legislation and then to regulatory agency implementation the reality can be quite different for those being regulated. So, something in the chain from directive to on the ground implementation means that flexibility is often lost and greater prescription is introduced.

Both the Birds and Habitats Directives endorse a sustainable development approach which encourages finding a sustainable level for protected species to continue to do well in an area while still taking account of economic and social requirements in reaching that level. We are supportive of this approach. However, it appears to us that the focus of the regulator in Scotland has tended to be on species protection with less weight being given to economic and social factors.

Another issue that is reported to us by our members is a view about the inflexibility of the regulator with regard to the geographic location of a designated site in relation to breeding birds. The point has been made that breeding birds can move location from year to year but this isn't always recognised. The consequence is that although the landowner might want to carry out some work/allow livestock to graze on the "old" breeding site for sound reasons, he is prevented from doing so by the regulator who recognises only the originally defined location.

On a more hopeful note, the regulator in Scotland, Scottish Natural Heritage, has recently piloted a more flexible "adaptive management" approach for wild, migratory geese which overwinter in large numbers in the main on Scotland's west coast and islands. The approach attempts in the long-term to achieve sustainable populations of the various species, while not allowing them to increase to the extent that they impact unreasonably on farming businesses. This in the short-term requires a reduction in geese numbers and Scottish Natural Heritage has successfully applied for a derogation to enable meat from the culled geese to be sold through local outlets.

We very much welcome this sensible approach. We see it as a first step towards adaptive management approaches being used more widely where species that were once endangered have now recovered to an extent that some active management needs to occur to achieve a balance with economic and social objectives.

In summary, we believe the ethos and overarching desired outcomes that the Birds Directive seeks to achieve are right and valid, but we would wish to see processes of implementation that are more enabling and supportive.

Which elements of the Habitats Directive would you wish to (i) retain, (ii) revise; (iii) eliminate?

Our comments on the Birds Directive above also apply to the Habitats Directive.

Which elements of the Common Agricultural Policy (CAP), as it relates to environmental protection, would you wish to (i) retain, (ii) revise; (iii) eliminate?

Our paper which will be published within the next couple of months will set out our position more fully. However, the papers produced jointly with CLA and which we refer to on Page One of this response, give the headline messages in terms of our thinking.

Primarily we see that there is a strong justification for public funding to support the delivery of public goods and services from rural land-based businesses, and that the productive aspects of farming should operate on a profitable, market driven basis.

Do you believe the current funding arrangements for the protection of the natural environment are adequate?

There needs to be a policy which incentivises farmers and land managers to ensure they can continue to fulfil the important roles they play. As set out in our New Opportunities papers, before existing support is removed, there needs to be a fully funded food, farming and environmental policy in place ready to be implemented.

What future challenges do you believe should be included in any post-Brexit environmental legislation?

An advice service or services that give landowners and land managers help in implementing new approaches to land management and helps them understand the importance of biodiversity to their businesses and society is necessary.

In addition, regulators need to be encouraged and facilitated to take a more constructive and flexible approach to the implementation of environmental legislation. In essence, business and government need to work together to achieve the outcomes society desires. The concept of sustainable development should be more fully embraced, so that we see a balance between economy, environment and society.

What funding arrangements do you believe are required to address upcoming environmental challenges?

Continuation of environmental land management schemes targeted at landowners and land managers which can help deliver environmental priorities specifically focused on increasing biodiversity and helping our wildlife.

Do you believe that stakeholder involvement in the determination of environmental regulation is adequate? How would you like to see it reformed?

Scottish Land & Estates experience is that we are consulted and involved in the determination of environmental regulation. We have no criticisms in this regard.