

The Highland Council

Minutes of Meeting of the Land, Environment and Sustainability Strategy Group held in the Well of the Chamber, Council Headquarters, Glenurquhart Road, Inverness on Wednesday, 17 June 2009 at 10.30 a.m.

Present:

Ms I McCallum	Mr R Rowantree
Mr G Farlow	Mr J Gray
Mr D Mackay	Mr J Holden
Mr R Coghill	Mr J Crawford
Mr I Ross	Mr B Gormley
Mr R Greene	Mr D Hendry
Dr A Sinclair	Dr M Foxley
Mr R Durham	Mr S Park
Mr S Black	

Officials in attendance:

Mr S Black, Director of Planning and Development
Mr G Robson, Head of Environment and Development
Mr G Hamilton, Countryside, Heritage and Natural Resources Manager
Mr J Bromham, Aquaculture Development Officer
Mr K Walker, Policy Officer, Health Improvement
Ms L Lee, Committee Administrator
Mr S Taylor, Administration Assistant

Also in attendance:

Mr D Palmer, Branch Head, Marine Strategy Branch, Marine Scotland
(Item 2)
Mr D MacLeod, Agricultural Consultant (Item 4)

Ms I McCallum in the Chair

1. Apologies for Absence

Apologies for absence were intimated on behalf of Mr M Finlayson, Mr A Torrance, Mrs A MacLean, Mr B Barclay, Mr H Wood, Mrs P Munro, and Ms G Sinclair.

2. Marine (Scotland) Bill

There had been circulated Report No. LES15/09 dated 5 June 2009 by the Director of Planning and Development providing an outline of the Marine (Scotland) Bill as introduced in the Scottish Parliament on 29 April 2009. It highlighted the potential implications of the Bill including associated time and cost implications that were likely to arise from the establishment of Scottish Marine Regions and the marine plans that would be prepared for each region.

Mr David Palmer, Branch Head, Marine Strategy Branch, Marine Scotland, gave a presentation on the Bill covering a number of areas including:

- the timescale for the Bill's progress through Parliament

- the devolution of planning and conservation powers from the UK to the Scottish Government, from 12 to 200 miles from shore – once a Marine Policy Statement had been agreed, Scotland would have a voice on reserved matters including oil, gas and the MOD
- various aspects of the Bill, including:
 - local accountability and how planning powers would be delegated
 - marine regions
 - streamlining licensing of marine activities (eg coastal protection, dredging, dumping at sea, wildlife, renewable energy)
 - marine protected areas and marine conservation orders, in particular protection and control of species, eg seals – the Bill proposed both conservation measures and a year-round licence for culling seals, each to be used as and when appropriate
 - enforcement powers (entry, seizure etc) – the Scotland Bill would align closely with the UK Bill on these matters
- the Financial Memorandum, estimating the costs of the Bill (more accurate figures would be compiled once the Regions had been identified).

In answer to points raised, Mr Palmer advised that:

- any amendments put forward at stage 2 of the Bill would be published on the Scottish Government website – the Council would be able to comment on these
- although some Local Authorities were understood to have expressed reservations as to whether they wished to continue exercising powers via Town and Country Planning legislation, COSLA was of the robust view that this should be a Local Authority function and Ministers had accepted COSLA's view
- conservation / control of species, particularly seals, relied on accurate scientific data – numbers could increase or decrease rapidly for reasons that were not understood; the Fisheries Research Service was being brought back into the Government fold
- boundaries for the Regions had not yet been set; characteristics and criteria were currently being studied and the Scottish Coastal Forum was expected to report shortly on this - the findings would be forwarded to the Countryside, Heritage and Natural Resources Manager
- there would always be a national security consideration which would override other marine interests; however, it was hoped that through closer working between stakeholders, including the MOD, any adverse impact of the diverse marine activities on each other could be minimised
- the Crown Estate would be subject to the provisions of the Bill – any enforcement or authorising licences must comply with the Bill; this would allow Local Authorities to input to such matters as off-shore renewables, for example
- aquaculture currently sat within the Town and Country Planning legislation framework, although it could be argued that the Marine Plan would be a more appropriate governance route; this matter might require to be resolved in future – bullet point 2 above refers
- there were various options as to how mapping of marine areas could be carried out; pilot projects were being undertaken in Shetland and on the Clyde and these had proved useful as demonstrations.

In discussion, Members' comments included that:

- the Scottish Environment and Protection Agency (SEPA) should be included in measures to streamline marine licensing / consents
- the Fisheries Research Service should be included in the Marine Plan
- there were likely to be significant resource issues for the Council in the medium term; these must be recognised and adequate funding provided
- Local Authorities should be empowered through the Bill to provide meaningful input, in particular to off-shore renewable energy development.

The Strategy Group **NOTED** the presentation and the information given, and that the Council had been granted an extension for submission of comments to 17 June 2009; and **AGREED** that the comments raised in discussion, as set out above, be forwarded to the Parliamentary Rural Affairs and Environment Committee, and also cascaded to Group Members.

3. Draft River Basin Management Plan for the Scotland River Basin District and Draft Area Management Plans: Consultation by the Scottish Environment Protection Agency (SEPA)

Declaration of Interest:

As a Trustee of the Wester Ross Fisheries Trust, Mr R Greene declared a non-financial interest in this item but, having applied the test outlined in Paragraph 5.18 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.

There had been circulated Report No. LES16/09 dated 9 June 2009 by the Director of Planning and Development providing an outline of the consultations being carried out by the Scottish Environment Protection Agency (SEPA) in relation to the preparation of a River Basin Management Plan for the Scotland River Basin District. The report highlighted the processes involved in developing the plan and provided background to the questions asked in the consultation. A draft response on behalf of the Council had been provided at Appendix 1.

The Aquaculture Development Officer summarised the report. In response to Members' questions he advised:

- more work was needed to be carried out to identify pressures on water quality – it could happen that migrating geese could temporarily affect water quality on a seasonal basis, for example
- of the 8 management plans in Scotland, 5 came to some extent within the Highland Council area – however, the Council would be concentrating on the 3 plans which were most fully within its boundaries
- discussions on the River Spey Catchment Management Plan were currently taking place, with a view to fine-tuning the document's recommendations and identifying smarter objectives.

The Strategy Group **AGREED** to recommend the draft response as set out in Appendix 1 for submission as the Council's response to the consultation.

4. Implementation of The Common Agriculture Policy Health Check in Scotland: a consultation

Declarations of Interest:

Mr R Durham, Mr R Coghill and Mr S Black, as farmers and land managers, and Mr R Rowantree as a crofter, declared financial interests in the subject matter of this item, but, having been elected to represent the interests of the agricultural and wider rural community, remained in the room and participated in the discussion.

There had been circulated Report No. LES17/09 dated 8 June 2009 by the Director of Planning and Development introducing a Scottish Government consultation on the implementation of the Common Agricultural Policy (CAP) Health Check. It outlined the Government's proposals and set out in Appendix 2 a draft Highland Council response.

Mr D MacLeod, Agricultural Consultant to the Council, updated the Group on recent developments, including:

- the Cabinet Secretary for Rural Affairs and the Environment, Mr Richard Lochhead's recent announcement that, with regard to addressing the issue of falling livestock production in rural areas, Scotland had chosen not to pursue the options open to it under Article 68, but would take this forward under the Less Favoured Area Support Scheme (LFASS); overall this appeared to be a positive approach for farmers but the detail was still awaited
- a review of the Single Farm Payment (SFP) had recently been announced - in order to secure SFP beyond 2013, Member States would need to move to an Area-based payment scheme; the review would be headed by Mr Brian Pack, former Chief Executive of Aberdeen and Northern Marts Group
- information on changes to the new entrants scheme had not yet been published – this would be provided to Members as soon as it was available
- the report on the Scottish Rural Development Programme (First Stage Review) had now been published and would be made available on the Members' bulletin.

Mr MacLeod advised that a Council response to questions 1 – 8 had already been submitted. The Strategy Group's views on questions 9 to 20 were now being sought. He summarised this section of his report.

In discussion, Members raised a number of points including:

- there could be a long term detrimental effect on areas through land abandonment, affecting landscapes, habitats and access in addition to agriculture
- once a small producer had reduced livestock numbers it was difficult to increase these; timescales for SFP were tight
- there could be an adverse impact on wildlife if buffer strips along water courses and field margins became overgrown
- consideration should be given to linking CAP payments to labour units, in order to avoid substantial payments being made to large producers; a cut-off point could also be introduced
- there was a need for a complete strategic overview to be put in place across all sectors to allow economic forward planning

- the review of Less Favoured Areas was crucial to the Highlands
- the wording of the response should reflect positive progress made to date
- it would be useful for the review on the structuring of the area payments to be monitored through the Highlands and Islands Conveners' Group
- the Council should engage with the SFP review to be carried out by Brian Pack.

The Strategy Group **NOTED** that the report on the review of the Scottish Rural Development Programme had now been published, and **AGREED** to recommend:

- i. the draft response contained in Appendix 2, subject to inclusion of comments raised in discussion as set out above, for submission to the Scottish Government as the Council's response to the consultation;
- ii. that a letter be sent to Richard Lochhead, Cabinet Secretary for Rural Affairs and the Environment, to reiterate the Council's concerns regarding the negative and irreversible consequences of land abandonment, and the need to ensure that support was directed to those actively working the land in Less Favoured Areas; and
- iii. that the Government be lobbied regarding the low level of funding received in Scotland under European Agricultural Fund for Rural Development (EAFRD) (£7 per ha, compared with £12 pha in England, and up to £100 pha elsewhere in Europe).

5. Highland Council Allotments Policy

There had been circulated Report No. LES18/09 dated 8 June 2009 by the Head of Policy and Performance presenting a draft of the proposed Allotments Policy and providing details of the next steps to achieving an approved policy by the end of October 2009.

The Policy Officer, Health Improvement, summarised the report, emphasising that the aim was to empower communities, with the Council taking a supporting role facilitated through Ward Manager input.

Members welcomed the Policy. In answer to questions raised, the Group was advised that:

- there were no plans to move allotments currently managed by Housing Officers to Ward Management responsibility
- training for Ward Managers and Service Point staff would be given
- Council Policy opposed to genetically modified (GM) produce would apply to allotments; decisions as to whether an allotment should be organic would be for allotments associations to decide.

A number of comments were made in discussion, including:

- that Scottish Natural Heritage should be included in the list of potential partners and land holders identified in paragraph 2.2 of the report
- a way for the Council to further promote locally grown food would be to use the planning system to stipulate that every house must have garden ground

- there was a need for clarity as to how allotments could be set up and the funding that might be available
- the language of the lease was difficult – an explanatory note should be included alongside the lease, or simpler wording used

In response to a question regarding a scheme which brought together those who were unable to look after their gardens with people who wanted to work a garden but had none, the Chairman undertook to find out more details of the scheme and pass this information on as required.

The Strategy Group **AGREED**:

- i. to recommend the draft policy to Council, subject to the incorporation of comments raised in discussion above;
- ii. to recommend to Council that the draft policy proceed to public consultation; and
- iii. that a report be brought to the Strategy Group in October with the finalised proposed policy.

6. Local Food Action Plan

There had been circulated Report No. LES19/09 dated 8 June 2009 by the Director of Planning and Development updating Members on actions being taken by the Highland Council to support the use of local produce, products and services, and to develop its own Action Plan for local food which complemented and supported the developing National Food and Drink Policy for Scotland.

In speaking to the report, the Countryside, Heritage and Natural Resources Manager confirmed that a number of meetings with representatives from local food organisations had been held and a list of action points was contained within the Action Plan. He described the key actions for the Highland Council to take forward and advised that the development of the Action Plan would be monitored through the Planning and Development Service.

During discussion, a number of comments were made, including:-

- local food groups appreciated the Council's efforts to allocate space for local produce to be stocked in major retailers – the Council should continue to promote this
- purchasing food nationally through Scotland Excel provided savings, but did not match with the Council's policy of promoting local food – there should be discussions with Scotland Excel to see if a way could be found to accommodate the Council's local food policy
- the Leader of the Council's Administration would take forward local food issues via the Convention of the Highlands and Islands
- licensing requirements, such as for digital weighing equipment and slaughterhouse regulations, which placed prohibitively high costs on small scale production, should be investigated and addressed where possible
- a more detailed report on the actions identified in the Local Food Action Plan, showing successes and failures, should be brought to the Working Group
- more emphasis should be placed on the link between businesses stocking local food and the Highlands' carbon footprint; whether food miles could

be included in the Council's Carbon Reductions Commitment calculations should be ascertained.

In response to comments that greater progress would be made if local food issues were considered at a Strategic Committee, the Leader of the Council's Administration and the Chairman of the Planning, Environment and Development Committee advised that consideration of these issues at the Working Group allowed for fuller discussion and the minutes were submitted to the full Council. That the issues had been under discussion for a number of years did not imply that progress had not been made – changing circumstances had been responded to.

In response to a number of queries, the Chairman undertook to:-

- raise issues relating to the Market Operator's license at a meeting with local food producers at the end of June
- explore the possibility of a derogation regarding the procurement of local food being written into the National Food and Drink Policy for Scotland in the course of future discussions with Alistair Prior, Scottish Government Food Industry Policy Leader, and Robin Gourlay, member of the Scottish Government's Leadership Forum formulating Scotland's Food and Drink Policy
- forward information on slaughter houses as required

The Strategy Group **AGREED** to recommend the draft Local Food Action Plan, subject to the inclusion of comments raised in discussion as set out above to the Council for implementation, and **NOTED** that monitoring and reporting of progress would be undertaken by the Planning and Development Service.

7. Protocols Governing the Allocation of Natural Resources Project Funding

There had been circulated Report No. LES20/09 dated 5 June 2009 by the Director of Planning and Development seeking guidance on the allocation of financial resources in support of strategic projects linked to natural resources.

The report set out a proposed protocol for the future allocation of project funding utilising European funding from European Fisheries, LEADER and SRDP. The report highlighted the need for projects to tie into the Programme for the Council, the Single Outcome Agreement and the work of the Highland Environment Forum and to enhance the Council's delivery of strategic responsibilities in relation to aquaculture, forestry and biodiversity.

In speaking to the report, the Countryside, Heritage and Natural Resources Manager advised that the financial position of the Council could impact on the future availability of project funding.

Responding to a question, he also advised the Strategy Group that, where projects did not fit with the protocol, they could be brought to the Strategy Group for consideration, with any recommendations then being taken forward to the Planning, Environment and Development Committee. Funding for Geo-Parks might fall within this category.

The Strategy Group **NOTED** that the financial position of the Council could impact on the future availability of project funding and **AGREED** to recommend:

- i. that the Council continue the financial support of appropriate strategic projects linked to natural resources;
- ii. support for the broad strategic priorities as established in section 2.2 of the report; and
- iii. the protocol proposed for the approval and allocation of financial resources to appropriate strategic projects, via the Planning and Development Service.

8. Highland Environment Forum

At its meeting held on 21 January 2009, the Planning, Environment and Development Committee agreed that the Minutes of meetings of the Highland Environment Forum, and any matters arising for Council consideration, be reported to the Council via this Strategy Group.

There had been circulated Report No. LES21/09 dated 29 May 2009 by the Director of Planning and Development informing Members of the outcomes of the meeting of the Highland Environment Forum held in Inverness on 28 May 2009. The Action Note of the meeting was appended to the report.

The Strategy Group **NOTED** progress with the development of the Highland Environment Forum.

The meeting ended at 12.50 p.m.