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CONSERVATION

PHALAROPE TRACKING

The *BBC News* website reported that a tracking device, attached to a red-necked phalarope from Shetland, showed westward migration never before been recorded for a European breeding bird. RSPB Scotland, working alongside the Swiss Ornithological Institute and Dave Okill of the Shetland Ringing Group, fitted individual geolocators to ten red-necked phalaropes nesting on the island of Fetlar in Shetland in 2012. One of the tagged birds returned to Fetlar last spring when experts discovered it had made a 16,000 mile round trip to Peru during its annual migration. It had previously been assumed that Scottish breeding phalaropes joined the Scandinavian population at their wintering grounds, thought to be in the Arabian Sea.

Further tags will be retrieved from phalaropes after their winter migration next year, which will help to understand how the Scottish population may be impacted by future changes at sea and how the species might respond to any change. Any negative impacts on the birds in wintering areas could be mitigated by conservation management in Scotland. The red-necked phalarope is one of the UK's rarest birds, and between 15 and 50 nesting males are found only in Shetland and the Western Isles.

MERESHAD

The *BBC News* website reported that RSPB Scotland's nature reserve at Mersehead, near Southwick in Dumfries & Galloway, was damaged in recent storms. The reserve was affected by salt-water flooding in storm surges that stretched far inland and altered the dune landscape of its beach.

Colin Bartholomew of RSPB Scotland said: "The salt water will naturally be flushed from some of the wetland areas, but one of the most interesting prospects will be to see how the layout of the coastal strip has changed. New tidal creeks and pools will have been formed and whilst areas of dune have been lost, sand and sediments will have been shifted to form the very early beginnings of new dunes. This is a lesson for the future for other coastal strips, as with sea levels rising, there will inevitably be more tidal surges of this and even greater magnitude."

He said that only by managing the area as a nature reserve could such 'dynamic forces of nature be allowed to act with a relatively free rein.'

The fate of Mersehead's natterjack toads is, as yet, unknown; the area in which they hibernate was inundated by floodwater. As a coastal species, however, RSPB Scotland said that the toads might be able to adapt to the sudden event and could be found to be safe and well in new areas on the reserve by spring.

FERAL GOATS

An online petition has been set up to stop a cull of feral goats proposed for Pollochro Woods Site of Special Scientific Interest on Loch Lomond [Nov 13]. An animal sanctuary in England has offered to re-home the goats.

See: www.thepetitionsite.com/616/387/908/stop-the-rspb-from-carrying-out-a-cull-of-wild-goats-at-loch-lomond

CLACKMANNANSHIRE BIRDS

The Birds of Clackmannanshire, the first ornithological atlas for the county, has been published by the Scottish Ornithologists' Club.

The breeding and wintering distribution of birdlife is recorded and will allow for the precise targeting of conservation action and provide a baseline for monitoring future changes in bird populations locally. Copies are £15. Contact: email: n.bielby@sky.com

ARRAN SQUIRRELS

A survey of red squirrels on Arran was undertaken by the University of Edinburgh's Royal (Dick) School of Veterinary Studies and funded by the People's Trust for Endangered Species and Forestry Commission Scotland. It found that the red squirrel population on the island is 'fit and healthy' and showed no signs of squirrelpox. The virus is often carried by grey squirrels and is usually fatal to the red species. Arran is one of 19 strongholds for the species in Scotland where there are no grey squirrels.

Professor Anna Meredith said: "Arran's squirrels would be an ideal 'Arc population.' As long as we can keep them healthy and genetically diverse, if we need to repopulate areas of Scotland with red squirrels this would be an ideal source."

BUTTERFLIES

The Herald reported that a University of York study found that some butterfly species, once found in the south of England, are moving to Scotland as climate change makes these areas more habitable.

The abundance of common 'garden' butterflies in the UK has decreased by 24% over ten years whilst a minority of common species such as the peacock, comma and speckled wood have continued to spread northwards. Only butterflies whose populations are stable or increasing have managed to expand and thrive in the new environments. Endangered species face extinction because their populations are already in decline and unable to migrate.

BEAVER TRAIL

The Scottish Beaver Trial, in Knapdale, Argyll won the award of Britain's Best Conservation Project in the *BBC Countryfile Magazine* awards. The Basking Shark Tagging Project was runner-up [Dec 13].



FARMING

SEA EAGLES & LAMBS

The Scottish Farmer reported that the NFU Scotland Argyll branch met Scottish Natural Heritage (SNH) to discuss their concerns about sea eagles attacking lambs [Dec 13]. A resolution asked NFU Scotland headquarters to formally acknowledge that 'the ever expanding population of sea eagles is unsustainable and certain things need to happen to stop the situation getting more out of control.'

Euan Warnock, of NFU Scotland, said that there is a suggestion that sea eagles are pushing golden eagles out of their territory. On Mull, the golden eagles are breeding less often, and there are also fewer brown hares. He said that farmers were concerned that sea eagles are also affecting

the breeding success of wild goats. There is a need for some form of control on the size of the population, but he stopped short of calling for a cull; individual birds should be relocated where they are found to be having a disproportionate impact on local farms.

James Reynolds, of RSPB Scotland, said: "Sea eagles are mobile. They fly and will go where they wish. They will make sure they can set up home in habitats that can support their numbers. We can't start moving them around because they will simply come back and fill the vacuum."

The farmers claimed that they were looking at a population of 90 sea eagles in Lorne and Mull. The *Raptor Persecution Scotland* blog disputes this figure and states that there are not even 90 breeding pairs in the whole of Scotland. It contends that there are probably no more than 25 pairs in the whole of Argyll, and being highly territorial they will forage on their 'own patch.' The blog said that 'to imply that 90 sea eagles are descending on sheep farms in this area is just absurd.'

An SNH spokeswoman said that an external consultant is reviewing the existing compensation scheme. The report will be complete at the end of March.

SNH said that the population of white-tailed (sea) eagles is growing at between 8% and 10% a year. Professor Des Thompson, of SNH, told BBC Scotland: "The population is still growing and we may eventually have several hundred breeding pairs of sea eagles. That shouldn't be a concern. Scotland is a big country. There is plenty of space for them. Why on earth would we talk about controlling sea eagles? There are lots of good management measures we can put in place. We can look at improving livestock husbandry and ensuring that there's ample prey for sea eagles."

SNH said that the birds are much more likely to feed on lambs which have already died on the hillside, and that attacks on live lambs are comparatively rare. Robert MacDonald, a farmer from Skye, denied that was the case and warned that the issue could 'sound the death knell' for sheep farming in the north west of Scotland.

The Scottish Farmer ran a survey to ask whether the sea eagle population should be 'controlled.' The result showed that 92% of respondents believed that the Scottish sea eagle population should not be controlled. The editor, however, added a note to the results which stated: "This poll is intended to gauge the farming industry's views on topical matters. Market intelligence, together with this poll's exceptionally high response, leads us to believe that the vast majority of responses to this particular poll have come from outwith the farming community."

TENANTED FARMLAND

A new map has been published by the Scottish Government which shows the distribution of tenant farms across Scotland and the percentage of tenanted agricultural land by parish, excluding tenanted croft land.



WOODLAND

NATIONAL TREE

The Scots pine, *Pinus sylvestris*, has been named as Scotland's national tree in the Scottish Parliament following a three month consultation. The rowan, *Sorbus aucuparia*, was the runner up in the vote [Sep 13].

WINDFARMS & RENEWABLES

The Herald reported that Forestry Commission (FC) Scotland figures show that more than five million trees (2,510 hectares) have been felled

to make way for windfarms since 2007 [Nov 13]. Fewer than 1.6 million trees (792 hectares) have been planted on these sites to replace those felled. The figures were released after a Freedom of Information request was made by the Scottish Conservative party.

Environment & Climate Change minister, Paul Wheelhouse, said: "With careful planning of the development of windfarms on the National Forest Estate, we have re-planted nearly 800 hectares, and restored significant areas of important open habitat where this is best for the environment. The result is that of the area felled for windfarms, only 315 hectares of land suitable for another rotation of trees has not been re-planted. It was the Scottish Government that took a proactive role in protecting Scotland's forests and woodlands. In 2009, we tightened up the guidance around felling for windfarm developments. A key component is to keep any felling to a minimum and compensatory planting undertaken where suitable. Every energy company building windfarms has to comply with this policy. All renewable developments are subject to environmental scrutiny through the planning process and this manages any impacts on the natural environment, landscape and communities."

An FC Scotland spokesman said that the statistics related to areas of commercial forestry, rather than areas of historic woodland.

• *The Sunday Herald* reported that David Sulman, of the UK Forest Products Association, accused FC Scotland of 'risking a rapid decline of the domestic wood processing industry' by failing to plan for future stocks of conifers, specifically those felled to construct windfarms [Nov 13].

There is also increased demand for wood, stimulated by public subsidies for burning wood in power stations *via* renewable obligation certificates. He said that, in permitting the lease of forestry land to windfarms, FC Scotland was failing to follow best practice in Scandinavia and the rest of Europe, where 'keyholing' is practised – restricting felling to trees immediately surrounding the turbines rather than clearing large areas.

The Scottish Government claimed to be supporting the planting of 31,000 hectares of new planting. However, it is not clear if this extended to FC Scotland planting like-for-like commercial trees on its own land. Compensatory planting does not appear to have been enforced, as the requirement was simply an 'advice to planners.'

An FC Scotland spokesman said: "The results from the 25 year softwood forecast shows that there is increasing timber potential availability until the early 2030s. We are already working with stakeholders to develop the forestry elements of the next Scotland Rural Development Programme, which will include measures aimed at incentivising the private sector to make a substantial contribution to our commitment of creating a further 100,000 hectares of new woodland over the next ten years, with an increased emphasis on productive woodland."

FOREST DEER

Deer culled on FC Scotland land produces around 26,000 high-quality deer carcasses every year which are sold to meat dealers, with a portion ending up in Europe. The demand for venison has proved to be a lucrative source of income for FC Scotland, with the price charged for the meat going up 50% in three years. In the last four years, Scottish venison has sold for £4.84m; last year's cull was worth £1.52m compared to £991,000 in 2009.



FISHFARMING & FISHERIES

WILD SALMON & FISHFARMS

The Herald reported that the Rivers & Fisheries Trusts of Scotland (RAFTS) has published a detailed map identifying the most sensitive locations for wild salmon. It shows that 57% of the salmon farms in the West Highlands and Hebrides are located in the most important areas for wild salmon and sea trout.

Roger Brook, of RAFTS, said: "It is imperative that the salmon farming industry avoids those areas." He said that RAFTS and other wild fisheries groups had argued for years that many fishfarms were too close to migratory fish rivers, increasing the risk that sea-lice released from fishfarms will infect wild salmon and sea trout. He said that serious consideration should now be given to a selective relocation programme for fishfarms.

WILD FISHERIES

The Scottish Government has asked Andrew Thin (the outgoing Scottish Natural Heritage chairman) to chair an independent review of wild fisheries management in Scotland.

The aims of the review are 'to develop and promote a modern, evidence-based management system for wild fisheries fit for purpose in the 21st century and capable of responding to the changing environment, and to manage, conserve and develop wild fisheries to maximise the sustainable benefit of Scotland's wild fish resources to the country as a whole and particularly to rural areas.'

Dr Alan Wells, of the Association of Salmon Fishery Boards (ASFB), said: "During the parliamentary passage of the Aquaculture & Fisheries Act, a number of questions relating to funding, salmon conservation, exploitation and management were identified as being key issues to be covered by the review."

The review is expected to start in March and will take around six months.

SPRING SALMON

ASFB has asked fishermen not to kill any salmon in Scotland – either by nets or rods – until at least 15 May [Nov 13]. It warned that the number of returning adults was very low in some areas and some stocks this year may not be sustainable. The earliest running fish are the most vulnerable.

ASFB said that, if local evidence demonstrates that additional protection is required, District Salmon Fishery Boards (DSFBs) may wish to maintain a zero exploitation policy for a longer period. Over recent years very high levels of catch and release have been achieved during the spring, largely through voluntary policies, and all DSFBs are being encouraged to ensure that their conservation policies reflect this position.

• However, the 2014 salmon fishing season is now under way on the River Tay. The Tay, which is especially famed for its early running spring fish, has operated a catch and release policy since 1999. This year, all salmon caught on the river until 31 May will have to be released. Anglers on the Tay are also being prevented from using worms to catch fish to reduce the numbers being fatally injured when hooked. This year's salmon season is due to run until 15 October.

SALMON CATCHES

The Herald reported that the Spey Fishery Board (SFB) said that catches of salmon and grilse (salmon which have spent only one winter at sea before returning to the river) for the 2013 season were 5,780, in comparison to the 7,490 caught for the same period last year. These are the worst

catches since 1952. A long, cold winter, followed by drought conditions in the summer are being blamed. In addition, 'significant volumes' of water on the Spey are diverted for hydro electric schemes. Warming sea temperatures also affect food sources for salmon on their migration routes and feeding grounds.

The situation was reflected across many rivers in Scotland last year. More fish caught were returned to the river than ever before. Throughout the season, 88% of all salmon and grilse caught were released; the release rate for spring salmon, traditionally caught between February and the end of April, was 92%.

Brian Shaw of SFB said, however, that juvenile salmon and trout counts were good in all areas, and at a level not seen in the last six years.

- The Ness District Salmon Fishery Board has recorded a provisional total rod catch of 920 salmon in 2013 compared with 847 in 2012, an increase of 8%. The rise came despite low expectations because of falling river levels and poor fishing conditions. Catches of 1,000 fish *per* year were regularly achieved over the last half century.

The river had the best spring catch for 19 years with 261 fish caught compared with 174 in 2012 and well above the five-year average of 177 fish. The spring release rate now stands at 98%.

ELECTRO-FISHING

In a letter to *The Herald*, John Grieve of the Razor Clam Fishermen's Forum said that, while electro-fishing is not legal in Scotland, 5% of the Netherlands' fishing fleet has a derogation from the European Union to use electro-fishing to beam trawl for flatfish [Dec 13]. He wrote: "In 2007, EU fisheries commissioner Joe Borg asked member states to make proposals for electric fishing methods where they would replace more harmful gears. The Welsh government, using EU grant aid, carried out extensive studies into the method of catching razor clams, giving it a clean bill of health.

"The alternative is the extremely destructive hydraulic dredge, which blasts a half metre deep trench in the sea bed. As far as we can ascertain, no field study has produced evidence of mortality to sealife caused by the type of electro-fishing array that would be used in the razor clam industry. Seafish's sustainability adviser, Bill Lart, said: 'We would welcome further research to allow for an accurate and objective portraiture of the activity based on scientific findings.'

"This forum is managing just such a project within Marine Scotland's Fishing Industry Science Alliance Programme, funded by the Scottish Government and industry. If the report is positive, Marine Scotland could apply to the EU to seek derogation for a limited razor clam fishery. The letter [by chef Tom Kitchin *et al*] said that 'electro-fishing is one of the most damaging ways of catching food that mankind has devised.'

"Without pre-empting the research project, we maintain that it is the least damaging of any fishery method in this country."

FAROES QUOTAS

The Faroese government has asked the World Trade Organisation to look at its dispute with the European Union concerning 'illegal' sanctions imposed over herring and mackerel quotas [Nov 13]. The Faroes and Iceland have continued to unilaterally set increased quotas for both fish.

NORTH SEA FISH SIZE

The *BBC News* website reported on a University of Aberdeen study which showed that the maximum body length of fish in the North Sea has fallen by

as much as 29% over 38 years. This coincides with an increase in water temperatures of between 1°C and 2°C.

Dr Alan Baudron said: "We used data collated by the International Council for the Exploration of the Sea reporting the age and length of commercial fish in the North Sea. Our analysis showed that the majority of species examined – specifically, haddock, whiting, herring, Norway pout, plaice and sole – experienced a synchronous reduction in their maximum length over the time period. What is interesting is that this was detected across a range of fish species eating different diets, living at different depths and experiencing different levels of fishing mortality.

"The synchronicity suggests that the one common factor they all experienced – increasing water temperatures – could have been at least partly responsible for the observed reductions in length. The timing of the reduction in maximum length coincided with years when water temperature in the North Sea increased.

"Other factors, such as food availability or fishing pressure, also contribute to variability in body length. However, we showed that it is less likely that these factors could explain the synchronous change in length observed across species."

The research was published in *Global Change Biology*.



MARINE

SPERM WHALE

A dead sperm whale was washed up on Joppa beach, Portobello, near Edinburgh. Corinne Gordon, of British Divers Marine Life Rescue, said that it had suffered deep cuts around its mouth and to its dorsal fin. She said: "It is a 13.8 metre male sperm whale which is not adult that has washed up. It was possibly hit by a boat or propellers and that has caused severe damage. It has been dead for some time."

The young, 30 tonne whale was buried in landfill in Dunbar, East Lothian.

MONTROSE LINKS

Plans are being drawn up to help prevent further erosion at Montrose Golf Links in Angus. Over the last 20 years, coastal erosion has affected the beach at Montrose; much of the second fairway has been lost. It has been estimated that the coastline could erode by up to 90 metres over the next 50 years.

DALGETY BAY

The *BBC News* website reported that the Scottish Environment Protection Agency (SEPA) has published a report by a Ministry of Defence (MoD) agency which shows four management options to deal with radioactive contamination on the beach at Dalgety Bay in Fife [Dec 13]. The 11 acre contaminated area covers beach, tidal zone and vegetation. It also contains the sailing clubhouse, stores, jetties, slipways and sewer outfall. The report warns that the potential risk to people using the area for recreation is considered 'significant.' The options are:

- Exclude potential users of the beach by erecting a big fence. This has the advantage of being easy to construct and manage.
- Coastal defences in key areas would be reconstructed to form a barrier to stop the sea releasing more radioactive materials on the beach. This could also involve a large concrete apron being constructed on the slipway. The radioactive materials would remain *in situ*.
- Excavation of the area to remove the

radioactive materials. The report states that this would take a long time and may not be 100% effective. This option would incur very high costs both for the removal and treatment of the material.

- Optimised approach which could be a combination of the above options.

Gordon Brown MP said that he was 'quite shocked and dismayed' that one of the options that is still being considered is 'actually to do nothing.' He has asked the minister to rule out this option and wants the MoD to now fund, in full, the £1m work on making the foreshore safe.

SEPA said that it had met with Fife Council, the Dalgety Bay Sailing Club and the Defence Infrastructure Organisation of the MoD. All parties agreed to look at how they can work collaboratively and ensure that any future works at Dalgety Bay are 'proportionate and can be delivered without unnecessary delay.'



POLITICS & PARLIAMENT

LAND REFORM

The environment minister, Paul Wheelhouse, told a BBC Scotland documentary, *The Men Who Own Scotland*, that the dominance of large, traditional sporting estates should be reduced. He said: "I doubt anyone would design a system where you ended up with only 432 people owning half the private land. I wouldn't design a system where you ended up with such a concentration of wealth and ownership in such a small group ... My party genuinely believes that there should be a fair distribution of land. Communities should have access to land to fulfil their aspirations. I think if we don't see a fairer distribution of land, then we in parliament will have failed the people of Scotland."

Douglas McAdam, of Scottish Land & Estates (SLE), said: "A recent survey of a cross section of our membership revealed their combined investment plans in rural development projects are in excess of £820m. Our very conservative estimate is that across the membership, that figure would be well in excess of £1 billion. We will continue to put forward progressive proposals to government on land reform that will make a difference to Scottish rural life, rather than focus on out-of-date arguments."

- The Land Reform (Scotland) Act 2003 (Modification) Order 2013 has come into force. The Order is accompanied by statutory guidance for access authorities such as National Park and local authorities. The amendment provides for the exercise of access rights over core paths to be temporarily prevented or restricted (*i.e.* closed) where land is already able to be exempted from access rights. This includes the exercise of statutory powers to deal with an animal disease outbreak or by way of a section 11 Order under the Land Reform (Scotland) Act 2003 for some events such as the Commonwealth Games.

- *The Herald* reported that Community Land Scotland (CLS) gave evidence to the Scottish Government on the Community Empowerment Bill consultation. CLS chairman, David Cameron, said that the bill proposed to alter the Land Reform Act to make it more effective. CLS proposed that non-crofting communities should enjoy an extended right to buy, similar to their crofting counterparts. Currently they are limited to a right of first refusal, if the owner decides to sell. It said that in circumstances where a request to purchase has been registered 'and the triggered discussion, mediation or negotiation has failed' ministers should be able to approve a community buyout,

if it is in the public interest and if it furthers sustainable development.

CLS called, once again, for a land agency to be created to help in this process. It also wants a new provision to require the approval of Scottish ministers to the purchase of the most substantial areas of land most often seen in the sale of large estates, the threshold to be determined by regulation. It also wants ministers to have 'regard in their considerations and actions to the achievement of greater equality and diversity in the ownership of land in Scotland, including through community ownership.'

Douglas McAdam of SLE said: "When there are so many people and organisations working together to deliver real benefit to rural Scotland, the championing of the enforced sale of property and land businesses is a backward step – particularly since the First Minister himself has said that it is a route the Scottish Government did not want to pursue. The suggestion that the state should interfere or have some control in an open property market is absurd. This would have a negative impact on the property market and send out the wrong message about Scotland being a place to do business. It could also have the effect of paralysing the many amicable transfers of land that happen across Scotland. Such a measure would be a threat to land businesses of any size and is completely out of step with the forward thinking required to benefit rural Scotland."

- A public meeting agreed to investigate the potential of a community land buyout at Leadhills, South Lanarkshire. Land reform legislation could give the community the right to first refusal if all or some of the Leadhills Estate comes on the market.

- Residents on the 11,400 acre Carloway Estate on Lewis are to vote on a community buyout of estate land by the Carloway Estate Trust (Urras Oigreachd Chàrlabhaigh). This would include buying the sporting and mineral rights from the current landowner, the Galloway family.

NATIONAL BIRD

The Public Petitions Committee considered a call to make the golden eagle the national bird of Scotland [Nov 13]. The petition was put forward by RSPB Scotland with support from wildlife cameraman Gordon Buchanan. MSPs agreed to ask the Scottish Government to consider whether to hold a formal consultation on the proposed national bird.

WILDLIFE CRIME

A parliamentary motion was lodged by James Dornan MSP, concerning illegal poisoning of the golden eagle, *Fearnan* [Dec 13]. An amendment to that motion was made by Claire Baker MSP, calling for sufficient police and Crown Office & Procurator Fiscal Service resources to address raptor persecution. She also called for a review of the laws that cover game management to assess whether further measures could be taken against the criminals.

 **GENERAL ENVIRONMENT**

GROUSE LICENCES

The *BBC News* website reported that the Scottish Raptor Study Group (SRSG) has urged the Scottish environment minister, Paul Wheelhouse, to introduce licences to operate grouse shoots. SRSG said that the measures were necessary because of the continued persecution of birds of prey on Scotland's grouse moors. It proposed a system whereby the licencing would cover

individuals as well as land-holdings (estates).

A spokesman for Scottish Land & Estates said: "Little more than a year ago, the Scottish Government introduced radical legislation to deal with any illegal persecution of bird species. There is no real basis for this to be revisited so soon and the introduction of a licensing system for red grouse management could only serve to damage and undermine a business sector that is very important to rural communities. There has been clear evidence from official statistics that raptor persecution is in significant decline and given this trend such draconian measures as a licensing system would serve no purpose."

The Scottish Gamekeepers' Association (SGA) said: "Perpetual over-regulation against responsible estates will simply put people off from investing in Scotland's countryside, gamekeepers will be taken off the moors and the species which help sustain golden eagles, such as red grouse and hares, will gradually disappear in tandem with the lack of management.

"The SGA consistently advocates that legal solutions are the only way to deal with problems where there are conflicts and has been quick to deal with proven cases of persecution, if its own members are involved. However, it does not feel that introducing a sweeping catch-all licensing system, which will ultimately damage the species it is designed to protect, is a sensible or workable solution."

In a letter to the minister, the president of the Scottish Ornithologists' Club wrote about the continuing levels of crime against raptors, despite all the 'new measures' designed to combat the killing, and asked him to consider introducing further measures to regulate the game-shooting industry.

The SRSG also published research showing that there are 52 active nests in the 'keepered grouse areas' in the eastern and central Highlands, of which only eight are on driven grouse moors. An additional 57 'non-active' golden eagle territories are found in this area; 31 of them (54%) 'happen to be' on grouse moors. The SGA said that there were at least 55 active golden eagle nests in the same area [Jul 13].

BUZZARD DEATH

The *BBC News* website reported that a dead buzzard was discovered by a member of the public near Tomatin, south of Inverness, in December. Wildlife crime officers are now investigating the incident, after an examination of the buzzard suggested it had not died of natural causes. Police Scotland Officers have asked anyone who may have information to contact them.

SUSPECTED POISONING

The Herald reported that Police Scotland is investigating suspected poisoned bait found on open ground in the Carmichael area of South Lanarkshire. The bait was recovered along with the carcass of 'a wild bird' and will now be sent for forensic analysis.

Ian Thomson, of RSPB Scotland, said: "If people are leaving poison out in the countryside, which has been a crime for over a century, it could affect not just protected birds and animals but potentially pets and even humans. Some of the chemicals used are extremely toxic and can be fatal even if they just come into contact with the skin ... 2013 seemed to suggest there had been a bit of a resurgence in poisoning activity."

People who were targeting birds of prey with poison were also using other methods such as shooting, trapping and destroying nests.

DEAD BADGERS

Six carcasses were dumped beside a road in Peebles in the Scottish Borders. They had all been skinned of their pelts, and were thought to be badgers. A Police Scotland spokesman said that the Wildlife Crime Unit was investigating the incident and appealed for witnesses.

Christine Grahame MSP lodged a question in parliament, asking the government, in light of the discovery of the 'badger' carcasses, whether it is content with Police Scotland's resource allocation for detecting and preventing wildlife crimes.

However, tests at the Scottish Agricultural College in Edinburgh showed that the carcasses belonged to roe deer; poachers are suspected to be responsible for the deaths.

PLANNING

The proposed National Planning Framework (NPF3) has been published [Oct 13]. It proposes 14 infrastructure developments across Scotland to deliver economic growth and sets out a sustainable vision of growth and development. Two new national developments are added to the list; pumped hydroelectric storage, including that at Cruachan, Argyll (a nationally important hydroelectricity facility with significant potential for enhanced pumped storage capacity) and a Digital Fibre Network to connect remote rural communities.

When finalised, NPF3 will provide the context for development plans throughout the country. It will now be considered for 60 days by the Scottish Parliament.

The proposed national developments include Ravenscraig, Dundee Waterfront, Carbon Capture & Storage Network and Thermal Generation, High Voltage Energy Transmission Network, Central Scotland Green Network, Metropolitan Glasgow Strategic Drainage Partnership, National Long Distance Cycling & Walking Network, High Speed Rail, Strategic Airport Enhancements, Grangemouth Investment Zone, Freight Handling Capacity on the Forth and Aberdeen Harbour.

A position statement, providing an update on progress towards preparing the Scottish Planning Policy (SPP), has also been published. The Scottish Government expects to adopt the finalised NPF3 and SPP in June 2014.

Dr Maggie Keegan of the Scottish Wildlife Trust (SWT) said: "In the past, poor planning decisions have led to some of Scotland's most prized natural assets becoming degraded, isolated, or disappearing completely – which is deleterious to Scotland's wildlife and people's enjoyment of outdoor spaces. SWT is pleased that the Scottish Government's strategy recognises the importance of working with, not against the environment, places more importance on working at a landscape scale and expects planners to 'green up' cities and towns.

"SWT would also urge the Scottish Government to strengthen nature's resilience to key threats such as climate change by endorsing, in planning, a national ecological network which would join up protected sites and greenspaces not just in the central belt but across the whole of Scotland."

See: www.scotland.gov.uk/npf3-spp-review

CULLODEN HOUSING

The *Press & Journal* reported that a proposed housing development, close to Culloden Battlefield in Inverness-shire, has been approved. The National Trust for Scotland (NTS) objected to the application by Inverness Estates for 16 homes, about half a mile from the battle site. Highland Council refused planning permission.

Following an appeal, the Scottish Government has granted planning permission subject to an agreement being reached on a financial contribution from the developer towards affordable housing and

footpaths. The reporter has agreed with Historic Scotland that it is unlikely that the proposal would have any impact on the character and ambience of the battlefield.

The *BBC News* website reported that the Highland Astronomical Society has also raised concerns about the housing plans, concerned that light pollution could obscure views from its observatory at the battlefield.

Sir Kenneth Calman, chairman of NTS, wrote in a letter to *The Herald* that the NTS accepts that Historic Scotland and the Scottish Reporter worked within the existing guidelines, but said: "It is clear that these parameters are wrong and need to be questioned. It seems to us the fundamental issue is that there must be better ways to taking strategic decisions about protecting sites of national importance. We must find a way to prevent a piecemeal approach in which many individual, small-scale permitted developments incrementally join up to overwhelm a heritage site ... Historic Scotland did very good work in preparing an inventory of battlefield sites – but what use is this if we do not have the legislative and procedural means to ensure the intrinsic value of these sites is considered in any decisions that affect them?"

He said that the specific development at Culloden did not in itself fatally impinge on the battlefield, but that it set a precedent. Developers could now argue for more portions of land to be given over to yet more housing, which was the danger recognised by Highland Council.

A Scottish Government spokeswoman said that the Reporter had concluded that the proposed houses at Culloden would be largely contained within the footprint of existing buildings and would be significantly lower in height. She said: "The draft SPP on which we consulted during 2013 updates planning policy to reflect more recent legislation on the protection on battlefields."

She said that the draft SPP included the statement that 'planning authorities should protect, conserve and, where appropriate, seek to enhance the key characteristics and special qualities of sites on the current Inventory of Historic Battlefields.'

The first ever Historic Environment Strategy for Scotland was being developed in partnership from across the historic environment sector, including the NTS.

KINFAUNS CASTLE

Ann Gloag, owner of Kinfauns Castle in Perthshire, has been refused permission for three houses adjacent to the castle. Perth & Kinross Council ruled that the proposed development is a green-belt site in an Area of Great Landscape Value where there is a presumption against built development, except where necessary for operational need; this has not been demonstrated in this case. The council said that development within a green belt area would only be permitted where it can be demonstrated that development is essential for agriculture, horticulture or forestry operations that are appropriate to the green belt.

COMMON GOOD LAND

A Holyrood committee has supported the introduction of a private bill to make way for a replacement Portobello High School in Portobello Park, which is common good land [May 13].

Initial plans were halted when it was ruled at the Court of Session that the city council's preferred site is inalienable common good land.

A spokesman for Portobello Park Action Group said that the positive vote would provide authorities with an easy option to bypass the legal protection of common good land and take it for

any purpose they wish. Other Scottish parks that are common good land, such as Bogton Park in Forres, Westerton Park in East Dunbartonshire, Coo's Green in North Berwick and Cowan Park in Barrhead, are already earmarked for development, which will be made easy if this bill is passed.

Stephen Hawkins, of the action group, said: "For all the arguments that have been submitted, from both MSPs and the council, no-one has yet to address the real issue at hand. We are worried about the precedent this will set across Scotland. If one council builds on common good land, then there is no reason why others won't do the same." He said that the need to replace the school is simply not a good enough reason to ignore the common good land issue.

Edinburgh City Council must now secure parliamentary approval to change the use of the common good land so it can be used for the development.

NEW LANARK QUARRY

The *BBC News* website reported that Cemex's planning application to extend Hyndford Quarry, close to the New Lanark World Heritage Site, has been called in for review by Scottish ministers [Dec 13]. A Reporter will now examine the scheme and recommend to ministers whether planning consent should be granted.

The proposed extension lies inside the buffer zone of the site and Falls of Clyde Designed Landscape, and is adjacent to New Lanark Conservation Area, part of the Clyde Valley Woodlands National Nature Reserve, a Site of Special Scientific Interest and a Special Area of Conservation. The nature reserve, managed by the Scottish Wildlife Trust, has more than 100 species of birds, including a pair of nesting peregrine falcons.

South Lanarkshire Council, which approved the plans, has agreed a community benefits scheme with the developer. Payments are likely to be set at 5p *per* tonne of sand and gravel extracted, compared to 25p a tonne for extracted coal in other areas.

AVIEMORE TESCO

The *Strathspey & Badenoch Herald* reported that Tesco's plans for a new store in Aviemore were approved in 2012, but has only now met conditions that came with the planning permission [Apr 12]. These included providing the Cairngorms National Park Authority with more information on the plans, which is to be built on the derelict Santa Land site. Another condition of the consent is that Tesco arranges for the safe translocation of northern damselfly from a pond on the site to another habitat.

FLOOD MAPS

The Scottish Environment Protection Agency (SEPA) has published maps online, outlining the flood risks facing communities across Scotland. The maps form a comprehensive source of national data on flood hazards. The maps were developed with the help of local authorities and Scottish Water and show different types of flooding (river flooding, coastal flooding and surface water), the likelihood of it happening and the effect such flooding can have. The information also shows the potential depth and velocity of flood waters.

The new maps will help a more co-ordinated, sustainable and targeted approach towards reducing the impacts which flooding can have. SEPA will use the new resource to produce flood risk management strategies and local flood risk management plans. See: www.sepa.org.uk/flooding/flood_maps.aspx

WILD LAND

The Herald reported that the Crofting Commission warned that designating certain areas with Wild Land status would be divisive. Scottish Natural Heritage (SNH) put out the Core Wild Land 2013 Map for consultation which sets out 43 areas of remote and often challenging terrain [Dec 13]. Over 40% of the Highlands is identified as Core Wild Land.

The Crofting Commission disagrees with the basic assumption that 'the purpose of establishing a map based Wild Land status is to create a designation status against physical structural development in these identified areas for the protection of the experience of a quality of 'wildness'. The Commission said: "Having established that some areas of land appear to be 'natural, uncultivated, desolate or inhospitable', it is then assumed such a quality is desirable, without any explanation of how it has been established that such a quality is felt to be desirable, and by whom."

The Commission says the Wild Land concept takes as a basic assumption that all evidence of human activity is felt to be undesirable, and proceeds from that viewpoint. It said: "The Crofting Commission is concerned the Wild Land map and the assumptions that underpin its production, seek, through both the production of the map, and the wording of the consultation paper, to render invisible the people who have managed that land for many generations and who continue to manage it in the present and for the future."

The Commission is concerned that, in the process, conservation charities such as RSPB Scotland and the John Muir Trust (JMT) might become involved in crofting affairs. It recommends that as a way forward SNH explores the concept of *Duthchas* – a Gaelic word that describes 'man's relationship with and love and knowledge of an area, its landscape, soil, natural environment and everything it contains.'

John Hutchison, of the JMT, wrote in a letter to *The Herald*: "I can reassure the Crofters Commission that the JMT has no intention of becoming involved in crofting affairs outwith our own estates, and we certainly do not proceed from the assumption that human activity is undesirable in these areas. No-one has ever suggested that the Wild Land map should exclude physical structures. The map itself will offer less protection than existing designated land, such as National Scenic Areas and National Parks – both of which, as it happens, include within their boundaries not just crofts, but also numerous towns, villages, major roads, bridges and tourist facilities.

"Wild Land by its nature has little of that infrastructure. But even in the areas mapped, there are existing houses, lodges, bothies, farm buildings, lighthouses and even small business premises. The purpose of the map is not to remove or prevent such developments but to prevent the destruction of some of our most spectacular landscapes by those multinational corporations and big private landowners who see Scotland's wild land as a goldmine to be plundered for profit.

"Even that bastion of the free market, the United States, has had legislation in place for the past 50 years that protects the country's nationally-important landscapes and ecosystems from profiteers. Almost half the land mass of California, the most populous state in the country, is protected by law. In comparison, the Wild Land map published by SNH is modest in both scale and status. It is not even a designation.

"Ultimately, decisions about what is allowed within its boundaries will still be decided by politicians at local and national level. But the map does provide strong locational guidance to planners, developers, councillors and ministers,

helping us make decisions that can balance protection of our landscape with economic and social considerations.”

The *West Highland Free Press* reported that Community Land Scotland (CLS) said that the maps have ‘the potential to become a precise tool to guide specific land uses.’ It said that its members had wider economic and social development ambitions for their areas, in addition to encouraging visitors.

CLS said: “That development activity leads them to want to beneficially utilise their land assets in appropriate ways. This inevitably and quite properly leads them into activities which impact on the landscape and which could be in the form of the creation of workspaces, new access paths and interpretation facilities, wind turbines, hydro water retention, forestry, the development of housing, and the like ... the Wild Land map provides boundaries which in turn present opportunities, often for those who do not live in the area concerned, to mount arguments as to why particular and wholly legitimate developments should not proceed, simply because they fall within the boundaries of the particular map. This would be the case even if the map was considered to only be intended to be used as a strategic tool.”

The *Strathspey & Badenoch Herald* reported that Highland Council said that a balance should be struck between the appropriate protection of the natural heritage and ‘other objectives.’ The authority said that the proposed Core Wild Land areas were too ‘extreme and big.’ The land was already managed by Highland estates, and that the proposed map would restrict future developments in the Highlands. However, Councillor Bill Lobban said: “This is one case where SNH has got it right and Highland Council has got it completely wrong.”

An SNH spokesman said the Scottish Government had asked it to map Wild Land areas because of the high value placed on wildness and to help take account of it in developing national planning policies. He said: “We are fully aware Scotland’s wilder landscapes are not empty of human activities or influence. Nevertheless, had we ignored the fact that many areas have Wild Land character, regardless of the historic reasons for that, we would have failed in our duty. The recent consultation was to get people’s views on the map. With more than 400 responses it can be argued this objective has been achieved. We will now use the responses to prepare our advice to ministers.”

AIR POLLUTION

The *Sunday Herald* reported that Friends of the Earth (FoE) Scotland has published a list of Scotland’s most polluted streets in 2013 following analysis of data gathered by roadside and kerbside monitoring stations. Streets in Glasgow, Edinburgh, Aberdeen, Dundee, Perth and Paisley are all listed in the league tables.

Hope Street in central Glasgow is named as the area with the most serious nitrogen dioxide (NO₂) pollution; Market Street in Aberdeen is claimed to be the worst in Scotland for particulate matter pollution (PM10).

Dr Richard Dixon, of FOE Scotland, said that the research showed that air pollution was also a threat to health in smaller towns and villages. He said: “For example, we’re missing health targets in Crieff, in Perth, and even in small villages in some parts of West Lothian and North Lanarkshire. It’s taken us a decade to talk about it, but do very little, and we need to see much more action if we’re going to solve the problem and give ourselves the clean air we deserve.”

Environment & Climate Change minister, Paul Wheelhouse, said: “We recently consulted on proposals for further action to improve air quality and expect to set out next steps later this year. While we have seen nationally a 65% decrease in nitrogen oxides, a 78% decrease in sulphur dioxide and a 58% decrease in particulates between 1990 and 2011, we recognise that more can be done.”

Dr Stefan Reis, of the Natural Environment Research Council’s Centre for Ecology & Hydrology in Edinburgh, said: “Comparing measurements over longer periods of time is important, as the effect of weather conditions can be larger than year-to-year reductions due to emission limits for new cars or buses for example. Longer-term trends show a gradual decline of concentrations of key pollutants, but more needs to be done to tackle the levels of pollution urban populations are exposed to. This means not only urgently adopting stricter, binding standards such as the limit value recommended by the World Health Organisation for fine particulate matter (PM2.5) of 10 micrograms *per* cubic metre, but also enforcing the attainment of these standards. It will, however, require policies as well as individuals to consider the use of private cars or using solid fuel stoves to achieve this.”

See: www.scottishairquality.co.uk

POLLUTION PROSECUTIONS

ScottishWater was fined £10,000 at Alloa Sheriff Court, for a pollution incident in which 2,640 gallons of sulphuric acid leaked into the River Devon.

The tank, at Scottish Water’s Glendevon Water Treatment Plant near Dollar, Clackmannanshire, is surrounded by a holding bund that should have caught the spill. However, the strength of the acid, 96% concentrated, was so high that it burned through the bitumen coating of the bund and the road surface outside and drained into the nearby Castlehill Reservoir. It reacted with sludge in the reservoir and caused a ‘slug’ of pollution to make its way down the River Devon.

The acidic river water, and poisonous aluminium being released from the sludge, caused a massive kill of fish, molluscs and shrimps. An estimated 30,000 fish, including 2,000 brown trout, were killed in the incident.

Scottish Water also admitted a second charge relating to a discharge of sewage from St Serfs Sewage Pumping Station, Clackmannan, into the Goudnie Burn.

• Glen Catrine Bonded Warehouse Ltd was fined £12,000 at Ayr Sheriff Court after more than 6,000 litres of whisky were spilled into the River Ayr in 2011.

GUGA HUNT

The *BBC News* website reported that an online petition, with more than 70,000 names, is calling for an end to Scotland’s last traditional guga (young gannet) hunt on Sula Sgeir off Lewis [Aug 11]. Sula Sgeir has about 9,000 to 10,000 pairs of gannets, according to SNH which described the annual hunt of 2,000 birds as ‘sustainable.’ SNH licenses the annual guga hunt, which includes a condition to ensure that the birds are humanely despatched.

The *Herald* reported that an SNH spokesman said: “We undertook a count of the Sula Sgeir population last summer which showed a final count of 11,230 sites apparently in occupation. This represents a 2.2% *per annum* increase on the last count of 9,225 in 2004. The UK and Scottish gannet population is also increasing and this leads us to conclude that the hunt is sustainable.”

The Scottish SPCA has repeatedly opposed the hunt and described the method used to kill the

birds – a blow to the head – as ‘cruel and barbaric.’

• The inaugural world guga eating championship was held in Ness, Lewis as a celebration of the traditions of harvesting and eating guga. See: www.care2.com/news/member/100041282/2431438



ENERGY

WINDFARM UPDATES

Borders: The *BBC News* website reported that a legal challenge to plans for two wind turbines at Cockburnspath has been rejected. The Court of Session in Edinburgh was told that the appeal, against the Local Review Body of Scottish Borders Council, was the first of its type in Scotland. The authority gave planning permission despite expert advice to the contrary but the judge ruled it was entitled to do so.

The site is on coastal farmland which was considered to be ‘highly sensitive,’ near the Berwickshire Coast & Lammermuir Hills Special Landscape Areas and the Southern Upland Way. Objectors claimed that there had been a failure to take into account material considerations and that the interpretation of relevant planning policies had not been properly carried out.

• RES is planning a 37 windfarm in Dykeraw Forest, near Hawick. 29 turbines would be located on woodland owned by the Church of England Commissioners; the remaining eight would be on a local farmer’s land.

Philip Kerr, of Southdean Community Council, said: “The community council was, and still is, looking for someone from the Church of England to come and justify the reasoning behind the development to the community as a whole. Surely if the church were getting involved it would be as part of a community-led scheme, not led by a developer.”

Easter Ross: The Mountaineering Council of Scotland (MCofS) has lodged an objection with Highland Council to the five turbine Woodlands Wind Farm, proposed for a site near Dingwall, adjacent to the Ben Wyvis massif. David Gibson of MCofS said that the impact would be completely unacceptable: “There is already an operational turbine at Dingwall with three more approved in the same area.”

Clark Crosbie, of ABO Wind UK, said: “From the beginning, we were very much aware of the potential impacts and we very much recognise the sensitivities relating to Ben Wyvis.”

Highlands: The *Herald* reported that the Stop Highland Windfarms Campaign said assurances by the Scottish Government that windfarms would only be permitted ‘in the right places’ would be tested by whether the proposals at Allt Duine (RWE Npower Renewables) and Stronelairg (SSE Renewables) go ahead [Dec 13].

Campaign convener, Pat Wells, said: “These are large-scale industrial developments and both sites are within the mapped Scottish Natural Heritage (SNH) Core area of Wild Land. When the map was published last April the Scottish Government heralded its total commitment to protecting these special Core Wild Land areas from windfarm developments. The question now being asked is whether the government will honour this commitment. It would be inconsistent and illogical to approve one of the windfarms and refuse the other because they have so many factors in common. We maintain that the sites for Allt Duine and Stronelairg are definitely not the right places referred to by the Scottish Government and if ministers are genuinely committed to protecting Core Wild Land, both applications will be refused.”

• The 32 turbine Bhlairaidh Wind Farm, on Glen Moriston Estate near Invermoriston, has

been granted planning consent by the Scottish Government. Formerly known as Balmacaan, it will be developed by SSE Generation Ltd [Sep 12]. The MCoFS and the John Muir Trust were amongst the objectors, with concerns that the windfarm would have a significant adverse visual impact on nationally designated landscape areas.

- The Scottish Government has approved Eneco Wind UK's plans for the 20 turbine Moy windfarm south of Inverness [Mar 12].

Dumfries & Galloway: E.On has submitted a planning application to build a 19 turbine windfarm at Quantans Hill near Carsphairn.

Midlothian: Wind Prospect Group and EDF have re-submitted a planning application for the nine turbine, 20.7 MW Mount Lothian windfarm. A previous application was withdrawn in May 2013 to allow further ecological studies to be carried out. The developer said that community benefits would provide funding for specific measures to improve and protect local wildlife habitats.

Shetland: Sustainable Shetland has launched an online appeal to raise £20,000 for ongoing legal costs in connection with its opposition to the 103 turbine Viking windfarm. The case will go to the Court of Session in February.

The Scottish Government has appealed a judicial review, which ruled that the government had failed to fulfil its obligations under the European Birds Directive, and that the application was 'incompetent' because the developer, Viking Energy, had no electricity generating licence [Sep 13]. See: www.crowdfunder.co.uk/sustainable-shetland

Sutherland: Wind Prospect Developments' 13 turbine windfarm proposed for Craggiemore near Rogart has been recommended for approval by Highland Council planning officials. Councillors have deferred their decision until after a site visit. Concerns have been raised about the windfarm's impact on tourism, peat and a lack of grid capacity in the area.

OFFSHORE WIND

SSE is conducting a two month review of its offshore wind portfolio in Scotland, including the Islay Array, in the Firth of Forth and at Hunterston in North Ayrshire. It will report on its conclusions at the end of the 2013/4 financial year.

Lindsay Leask, of Scottish Renewables, said: "Despite having all the right ingredients to build a world-class offshore wind sector there is growing unease from developers because they feel they are being held back from delivering projects. With around 5 GW of potential offshore wind development in planning – enough to meet the annual demand of three million homes – we can't afford to see these projects, and the investment decisions related to them, left in limbo."

SSE blamed the review on the UK government's failure to include the £3bn Beatrice windfarm off the Caithness coast in a list of ten projects which could share an initial UK government subsidy of £4.5 billion.

A Scottish Government spokesman said: "The Final Investment Decision enabling plans are flawed. They were made with zero consultation with the Scottish Government, and must be revisited. If not, then the UK Government should explain why so much support is being directed towards new nuclear technology, instead of helping Scotland harness its green energy potential. Instead of putting barriers in the way of Scottish offshore wind deployment the UK Government should be providing support."

Linda Holt, of Scotland Against Spin, said: "The rest of the UK has 18 operational offshore windfarms; Scotland has two. Despite the Scottish

Government spending over £10m on test sites and other incentives, offshore wind development is at least six years behind schedule."

The Herald reported that Scottish Renewables had obtained figures from offshore wind developers with projects in Scottish waters about their investments in Scotland during 2013. These suggest £28.9 million was spent in 2013 compared to £63.6m in 2012.

Ms Leask said: "Uncertainty throughout the industry is growing, as none of the major projects planned for Scottish waters have had their planning applications determined, and the details around accessing market incentives are still unclear. A reduction of some 55% (in investment) in a year is cause for concern not only for the sector, but should also be a worrying sign for the Scottish and UK governments too."

ABERDEEN OFFSHORE

The Herald reported that Aberdeen Offshore Wind Farm Ltd has lodged an appeal against a decision to turn down the planning application for a substation at the former Blackdog landfill site [Oct 13]. A series of surveys had uncovered traces of asbestos and other contaminants. The proposed European Offshore Wind Deployment Centre (EOWDC), to be constructed in Aberdeen Bay, needs the substation in order to connect to the grid.

Speaking for the project partners behind EOWDC, Andy Paine said: "The project partners have made every effort to engage and work closely with the local community to assure them that finding low level traces of asbestos in the ground is not unusual for a brownfield site such as this." He said that EOWDC was committed to improving the area of ground, if consent was granted for the onshore works, in order to render it safer and of a higher quality than at present. An independent site-specific asbestos risk assessment of the proposed development had been undertaken to provide further reassurance about the asbestos risk and how this would be managed during construction.

George Sorial, of the Trump Organisation, said: "We have already instructed our legal team to challenge the appeal and fight every aspect of this terrible scheme. The Formartine Area committee determined that the proposal, which would be constructed over a toxic landfill site, is dangerous and puts many lives at risk. This project is fraught with insurmountable problems and the worst type of politics. It would be a financial and environmental disaster for Scotland."

ANGUS OFFSHORE

Council planners said that turbines planned for ten miles off the Angus coast would be five times the size of the 200 year old Bell Rock lighthouse and would dwarf the view of the lighthouse.

The council, in comments on the development to Marine Scotland, said that the impact of the planned 213 turbine, 450 MW Inchcape windfarm would be 'significant and unacceptable' on the seascape. The council has asked Marine Scotland to further investigate the effects of the windfarm.

Historic Scotland and the Scottish Environment Protection Agency have not objected to the proposal. SNH has yet to respond.

PENTLAND FIRTH

The *BBC News* website reported that research by Edinburgh and Oxford Universities claimed that turbines in the Pentland Firth between Orkney and the Scottish mainland could produce 1.9 GW of electricity, enough energy to power about half of Scotland. The report, which analysed the interactions between turbines and the tides closely, said that the turbines would need to be

located across the entire width of the channel to fully exploit it. Earlier estimates had been that the firth could produce anywhere between 1 GW and 18 GW of power.

4.2 GW could be harnessed, but because tidal turbines are not 100% efficient, the estimate of 1.9 GW was a more realistic target. The study outlined locations where turbines should be positioned to boost the area's energy producing potential.

Fiona Matheson, of Orkney Fisheries Association, wrote to the letters page of *The Herald*. She said: "The lack of concern for communities like our inshore fishery in Orkney whose fishing activities could be ended by the deployment of underwater turbines is disappointing. Many prototypes for tidal turbines do project above the sea surface. While communities may be visually cossetted from the intrusion of the energy industry on their eyes, they may reap the further destabilisation and end of their local fishery industry in the process."

DUNDEE TEST CENTRE

The *BBC News* website reported that a £2m marine renewables test centre is to be created at the University of Dundee. The facility will help develop and test construction materials to be used in projects such as offshore windfarms, complementing work undertaken at the European Marine Energy Centre (EMEC) in Orkney.

The new centre, headed by Professor Rod Jones, is being supported with £833,000 funding from the European Regional Development Fund.

OPENCAST COAL

The Herald reported that Fergus Ewing, the energy minister, has written to UK energy minister Michael Fallon to ensure that 'at least some' of the coal levies raised from coal produced in Scotland be made available to restore opencast sites in Scotland [Dec 13]. There is an estimated £200m shortfall in the amount set aside by coal firms to restore former mines because insurance policies intended to pay for restoration work might be 'almost worthless.'

Mr Ewing, who has already written to Mr Fallon twice on the issue and says he has yet to receive any reply, said: "As the chair of the Scottish Coal Taskforce, a key priority to move forward with restoration of opencast coal mines is engagement and collaborative working. Collaboration with Scottish and UK governments, agencies, local councils, community groups, coal operators, regulators and unions to work together and bring expertise to the table is vital to secure appropriate restoration.

"However, with a financial shortfall in restoration costs it makes sense that the money collected by the UK government over the years from coal mined in Scotland be put to good use to help with the restoration of opencast sites. We understand the levy income collected from Scotland to date is within the region of £15m. This money, or at the very least a proportion of it, should now be put to good use to help with the restoration of opencast sites."

However, Sandra Osborne MP said: "The responsibility for mine restoration falls squarely on the shoulders of the Scottish Government as contained in the Scotland Act. But if you look at the agenda, minutes, reports etc of the coal taskforce there is no mention of funding." She said that the £15m Mr Ewing says has come from levies so far is a 'drop in the ocean' compared to the £200m shortfall in the amount set aside by coal firms to restore former mines.

- *The Herald* reported that Scotland's Auditor General, Caroline Gardner, said that local authorities could have to factor into their accounts

the cost of bringing landfill sites, opencast mines and quarries back to their natural state. She is conducting an inquiry into restoration bonds [Nov 13]. She said that checks on such environmental costs could feature as part of the next year's annual audit in individual councils or as part of the future programme of national performance audits.

Patrick Harvie MSP said: "The crisis over coal-mine restoration does raise questions about the cost to the taxpayer of other environmental scars such as landfills and quarries. Many landfill sites are full and councils are in the process of restoring them. They must face ongoing costs relating to maintenance and monitoring for pollution, and it is right that local communities know how much this is costing them.

"The rising rate of landfill tax has helped steer councils away from burying rubbish and towards recycling and reducing at source. But the costs of our landfill legacy must be made clear given the coal-mines experience and the continuing financial pressure on councils to cut local services. Restoration bonds are not unique to opencast coal. Other developments such as mineral workings and unconventional gas extraction use them to pay for end-of-life restoration and monitoring costs and I therefore suggest any investigation is not limited to opencast coal."

• East Ayrshire Council commissioned the Scottish Government's former chief planner, Jim Mackinnon, to review how the shortfall of £132m, intended to restore landscapes at 22 mines, occurred. His report said that procedures for assessing the value of insurance bonds meant to cover the cost of restoration were 'wholly deficient and defective.'

A council summary of the report said that the bonds were 'not based on the actual estimated cost of restoration.' Figures provided by mine firms were accepted without independent assessment, in breach of council policy. The failure to appoint independent assessors was 'completely inexplicable.' Monitoring progress on sites was wholly inadequate, letting planning consents be broken and creating 'extensive environmental degradation.' Opencast sites were not visited or inspected regularly, and the authority did not have enough skilled staff to regulate the industry.

The report said: "Neither elected members nor senior management were provided with any accurate or authoritative assessment of the scale of the problem or the funding required to address it. The review team concludes that there are significant management and communication failings, particularly within the planning service, and that the regulatory aspect of the planning service was not given the priority that was required in relation to the operations of opencast coal operators."

The review also found that the council had contravened Scottish Government guidance in the way it granted permissions to individual firms. There was a lack of awareness within the senior management of East Ayrshire Council of the environmental damage wreaked by the operators and the financial implications. Persistent failures to comply with the terms of planning permissions and legal agreements should have been identified and addressed.

Fiona Lees, of East Ayrshire Council, said: "There is unlikely to be sufficient funding from any and all potential sources to deliver full restoration as envisaged in the original restoration plans and so a flexible alternative approach is required to deliver a reasonable degree of restoration at a substantially reduced cost. The council continues to actively engage with the current operators of active sites – landowners,

all relevant public agencies and a range of other third parties to promote and deliver acceptable alternative restoration solutions. We will engage with our local communities on these proposed schemes on a site-by-site basis."

The review discovered that an independent study, which examined restoration guarantee bonds for opencast coal mines, had been carried out in 2006 [Dec 13]. Although it contained warnings which were passed on to council officials, these were never heeded or acted upon.

The council said that it has 'no absolute statutory or other legal obligation' to meet the shortfall for cleaning up the opencast sites. Councillors are being asked to consider and agree proposed arrangements for a formal disciplinary investigation.

Aedán Smith of RSPB Scotland, said: "This is symptomatic of a longstanding, institutionalised culture of light-touch regulation of the coal industry ... at all levels, which must have no place in a sustainable modern Scotland. Many communities across Scotland are badly affected. There needs to be a national moratorium on new extraction until a new regulatory system is in place and there needs to be national action to restore the legacy of ruined landscapes created by the opencast coal industry."

BIOMASS

The Scottish Government has approved Forth Energy's plans for a combined heat and power biomass plant at the Port of Rosyth in Fife. The development would produce the equivalent of more than 40% of the Fife Council area's electricity requirements. A series of conditions have been made to the consent in order to protect the environment and air quality. The fuel used in the biomass should be from sustainable and responsible sources.

 **RECREATION & TOURISM**

LEDGOWAN ACCESS

Ramblers Scotland said that the Ledgowan estate, near Achnasheen in Wester Ross, is reported to have introduced a new access policy [Nov 13]. Walkers are likely to be stopped and asked for their name and address, and if these are not forthcoming, photographs of the walkers and their vehicles will be taken.

A Ramblers Scotland spokesperson said: "While this is said to be in response to recent thefts and poaching incidents, Ramblers Scotland condemns the apparent lack of respect for Scotland's access legislation which gives duties on landowners to take proper account of the interests of persons exercising access rights across their land."

Helen Todd, of Ramblers Scotland said: "Ledgowan Estate has been known to us for a number of years, following reports of intimidatory behaviour and obstructions, such as locked gates, on this estate. It is frustrating that the behaviour of this one landowner has tied up the local authority and local access forum for countless hours while they have to deal with the many complaints, when they should be free to positively promote access in the area. This particular landowner is refusing to recognise his obligations under the land reform legislation, unlike the vast majority of landowners in Scotland.

"It is not illegal for landowners and their employees to take photographs of walkers, but walkers are under no obligation to give their contact details to anyone except a police officer. If they feel threatened or intimidated while walking responsibly on the estate, they should call the

police, as we advised in guidance jointly published last year with the Mountaineering Council of Scotland (MCofS). We encourage people to continue walking on this estate, in a responsible way, as to avoid the area would be to give in to bullying tactics."

The MCofS said, under the Land Reform (Scotland) Act 2003, people have a right of access to most land and inland water in Scotland, so long as they act responsibly as detailed in the Scottish Outdoor Access Code. "Landowners should respect these access rights when managing their land or water and act reasonably when asking people to avoid land management operations. They are also expected to cooperate with their local authority and other bodies to help integrate access and land management."

Andrea Partridge, of MCofS, said: "If anyone feels they have been intimidated or threatened while exercising their statutory rights of access, they should report the incident immediately to the police by calling 101. They should make a note of the time and location of the incident, individual's names if appropriate, and vehicle registration numbers."

A letter, signed by the son of the landowner, was distributed to local residents. It said: "We encourage access to Ledgowan using our managed tours. We run safaris taking members of the public on the hill roads to view the wildlife pointed out by our stalkers ... We let the houses out to UK and foreign guests who all look for security (Russian, German and Danish) and it is imperative that we can offer this."

GLEN LYON ACCESS

A public survey is to be carried out by the MCofS to gauge the extent of access problems on the North Chesthill Estate in Glen Lyon, Perthshire. Hill walkers have said, for several years, that their right of access is being denied.

Perth & Kinross Council, which has the legal duty of enforcing access rights, had held discussions with Alastair Riddell, the estate owner, but so far had failed to solve the problems. He claimed that his business has been cut by two-thirds over the past few years, because of pressures created by irresponsible walkers. Mr Riddell claimed that there was an 'imbalance' between what was sustainable for an estate owner and the access code.

See: www.surveymonkey.com/s/GlenLyonSurvey

 **NEWS OF ORGANISATIONS**

MILLPORT FIELD CENTRE

The University Marine Biological Station Millport on the Isle of Cumbrae has been awarded £1m by Scottish and local government [Oct 13]. The station had its funding from The University of London withdrawn, and ownership is to transfer to the Field Studies Council in February, together with the University of Glasgow. The new facility is to be called the Millport Field Centre.

North Ayrshire Council has been awarded £500,000 from the Regeneration Capital Grant Fund, which is funded and run jointly by the Scottish Government and the Convention of Scottish Local Authorities, with a contribution from Highlands & Islands Enterprise.

A further £500,000 has been allocated by the Scottish Funding Council to Glasgow University for its role in delivering services. The council has also committed up to £1.5m in capital investment.

SEPA

Michelle Francis, Dr Jackie Hyland, Nick Martin and Trisha McAuley have been appointed to the board of the Scottish Environment Protection Agency (SEPA).

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