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**SCENES**, an independent digest of environmental news in Scotland, was launched in 1987 by Dr James Fenton. Issues 49 to 161 were edited and published by Michael and Sue Scott. It is for anyone with an interest in the land and sea, whether professional or amateur. It is based solely on published material, and contains only news, with no editorial comment or opinion.

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## CONSERVATION

### GAIRLOCH ESTATE

The *BBC News* website reported that John MacKenzie, owner of the 60,000 acre Gairloch & Conon Estate, has put up signs on his estate with the message 'RSPB not welcome here either.' He accused RSPB Scotland of treating landowners, farmers, crofters and estate workers with 'a degree of suspicion.' He said: "If you were to speak to 98-99% of all shepherds, farmers, crofters, ghillies, foresters, stalkers, gamekeepers and landowners in the Highlands they would say they simply do not trust the RSPB in the way they operate."

Mr Mackenzie has recruited other landowners throughout Scotland and the north of England to do the same. *The Herald* reported that people in Forsinard, in Caithness, had also put up similar signs, following their opposition to a £9.6m field centre and observatory planned by RSPB Scotland in the Flow Country; they claimed that there had been a lack of consultation about the project. The *Daily Telegraph* reported that Mr Mackenzie claimed that there are no capercaillies left in Forsinard (*sic*) because RSPB Scotland refuses to kill foxes but the birds are flourishing on neighbouring private estates where vermin are controlled. He said that he has an osprey nest and red kites on his estates, which the RSPB visits without 'the decency to ask permission.'

The *Daily Mail* reported that he said: "The RSPB has lost the plot and are out of control. They seem more intent on continuing to raise vast sums of money rather than performing their primary role of conservation and promoting the growth of protected species. I admit it is years of frustration and anger boiling over. Landowners, farmers and gamekeepers have always been an easy target, blamed by the society for the poisoning and shooting of raptors. But the RSPB itself is doing damage. They are so big and so powerful now, someone has to try to make them stop and think. If we can make them have a rethink, then at least we will have achieved something."

Peter Hingston, of the 18,000 acre Fairburn Estate in Easter Ross, has erected similar signs. He said: "The intention is to raise awareness of the fact there are some people who are unhappy about the way other people are being treated by the RSPB. I feel strongly about it. They seem to be getting out of control and spending an extraordinary amount of money on publicity. They seem to be going the same way as the RSPCA: taking as much trouble to stop hunting and other sporting activities that irritate them. We have red kites and I was unaware that the RSPB come and visit the sites. I've got no objection to them coming but find it irritating to discover they have been driving around looking at things themselves. As far as I can see they can do what they like. It rather suggests the RSPB don't trust landowners to look after their land properly when we do so much for them. I don't like it when people seem determined to try to catch us out rather than discuss any problems they have with us."

Mr MacKenzie had given permission for the monitoring of a red kite nest on his estate, believing that the work was being done by staff from Forestry Commission Scotland. However, he withdrew his consent when he learned it was being done by the RSPB. He also found out that the RSPB was monitoring a different bird's nest on his land than the one he had been told about.

RSPB Scotland said it was not required by law to notify landowners of its survey work, but usually did so as a courtesy. A spokesman added that the monitoring that was done on Mr MacKenzie's estate had involved the use of a vehicle provided by the Forestry Commission as part of its support of red kite conservation. He said: "Whilst we would prefer a constructive dialogue with anyone who disagrees with our charitable work, especially in local communities, it is of course the right of any individual to erect a sign on their private land expressing their opinion, if they wish to do so."

### BEAVERS

A report has been produced by the Beaver Salmonid Working Group (BSWG), looking at how salmon and trout populations might be affected, if beavers were to be reintroduced to Scotland following the Knapdale trial in Argyll [Dec 14]. The report was prepared for the National Species Reintroduction Forum.

The report found that there would be a range of impacts on salmon and trout as a result of beavers, and although further research is required, any successful reintroduction would depend on a management plan.

The report also found that beavers may affect salmon and trout positively by, for example, increasing the number of invertebrates available for fish to feed on, as well as increasing the variety of habitat for fish, including areas for rearing, overwintering and avoiding fast flows. However, negative impacts may include beaver dams sometimes limiting salmon and trout moving along waterways and the loss of valuable spawning habitat.

Roger Wheatley, the chair of BSWG, said: "The BSWG recognise that beavers may benefit biodiversity in the Scottish countryside, but beaver dams on small rivers and streams may also, under some circumstances, create barriers to migratory fish, including the iconic salmon and trout, thus denying them access to their spawning areas. Our report has indicated that if beavers are to be reintroduced, clear and unequivocal management plans are needed. Without such plans, any possible benefits to salmonids from beavers may not be realised. Further research and monitoring of wild beavers will be essential as an aid to further planned releases and their management."

See: [www.snh.gov.uk/docs/A1514802.pdf](http://www.snh.gov.uk/docs/A1514802.pdf)

- Scottish Land & Estates (SLE) met with the environment minister, Dr Aileen McLeod, to set out concerns over proposals that would see beaver confirmed as a reintroduced species to Scotland [Dec 14]. SLE highlighted the problems that arable farming members in the Tay catchment have been experiencing with flood bank erosion, damming leading to heightened water levels, tree felling, and, crucially, their fears over management regimes if the species is allowed to stay in Scotland.

- The UK Department for Environment, Food & Rural Affairs is to consider the Knapdale beaver population and its integration with other land uses before deciding whether or not to change the status of beavers to 'native' in the UK. At present, the pending infrastructure bill would classify beavers as non-native animals, thus denying them legislative protection.

John Hayes MP, the UK minister for transport

and maritime issues, said that he would consider listing the European beaver alongside other former native species, effectively turning it back into a native protected animal.

**SSSIs**

SNH has notified a new Site of Special Scientific Interest (SSSI) in Midlothian and the Scottish Borders called Carlops Meltwater Channels. This incorporates and replaces two SSSIs, Newhall Glen and Windy Gow/Carlops Dean that were notified under the National Parks and Access to the Countryside Act 1949. Consultation concludes on 22 April. Contact: *Chris Miles, SNH, Anderson's Chambers, Market Street Galashiels TD1 3AF; telephone: 01896 756652*

• The partial denotification of North Berwick Law SSSI has been confirmed. The effect of this was to remove a field from the SSSI.

See: [bit.ly/1Lh0N7b](http://bit.ly/1Lh0N7b)



**FARMING**

**TENANT FARMERS**

The final report from the Agricultural Holdings Legislation Review Group (AHLRG) has been published. Tenanted land makes up 23% of Scotland's total agricultural area of 6.2 million hectares but has experienced a 42% fall since 1982 [Jan 14]. 400 tenants are still involved in Limited Partnership tenancies, and will mostly remain farming on a year-to-year basis.

Rural affairs secretary, Richard Lochhead, led the review. The report contains 49 recommendations. It said: "The review group has concluded that a general or absolute right to buy should be ruled out by the Scottish Government on the basis that it would not be in the long-term interest of the tenanted sector. The concept of an absolute right-to-buy, through its potential impact on the supply of tenanted land and on the wider confidence of investors in rural Scotland, is one that the review group believes is not and would not be helpful in seeking to further the Scottish Government's vision for tenant farming."

The group made several recommendations aimed at strengthening right-to-buy. These include giving all tenants under 1991 agricultural holdings legislation an automatic pre-emptive right to buy their land if it comes on the market, removing the current requirement to register an intention to exercise the pre-emptive right.

Tenants could apply to the Scottish Land Court to force the sale of the holding if a landlord was not meeting their obligations.

The review also recommended the establishment of a Tenant Farming Commissioner to improve relationships in the industry and minimise disputes, as well as a clearer process for setting rents based on the productive capacity of a holding. Other proposals include the creation of tenancy apprenticeships to try and encourage more people into the industry.

Mr Lochhead said: "These radical proposals have the potential to provide tenants with a solution to escape the clutches of bad landlords – but for the vast majority of landlords who have good relationships with their tenants, these radical proposals pose no threat. This is a once-in-a-generation review with wide-ranging and radical recommendations aimed at ensuring a secure and vibrant future for the sector. I am confident this report is the turning point for tenant farming and Scottish agriculture, and I hope it will instil confidence and enable those working in the sector to strengthen relationships and build a strong future together."

*The Herald* reported that Christopher

Nicholson, chairman of the Scottish Tenant Farmers Association (STFA), said: "Many tenants will be disappointed that the report has chosen to propose powers to force the sale of a tenanted farm to escape the clutches of bad landlords rather than introduce a more general right to buy. Although this proposal deals with the problem of bad landlords it does not address the difficulties faced by tenant farming businesses whose progress is inhibited by their tenancy. There is no doubt that on becoming owner occupiers, tenanted businesses invariably grow and prosper. We consider that the AHLRG has made a grave error in not taking this into account in its research."

STFA is also disappointed that, having spent last summer examining the merits of assigning 1991 tenancy (secure tenancies) for value the AHLRG has elected instead to opt for the less valuable proposal to allow conversion of a 1991 tenancy to a long-term LDT (Limited Duration Tenancy) of a minimum of 35 years..

David Johnstone of Scottish Land & Estates (SLE) said: "SLE deeply regretted that the Scottish Government seems set on a course that could leave it open to very substantial compensation claims because of the damage to a landowner's property rights, through the conversion of secure tenancies and the substantive widening of succession rights. The proposal to allow tenants with no successor to convert secure tenancies to limited duration tenancies of a minimum of 35 years effectively denies for a lifetime the landlord the opportunity to farm the land or re-let. We also believe the proposals to widen succession rights are now far too wide-ranging and raise the issue of infringement of the landowner's property rights."

**FARMING INCOMES**

Scotland's chief statistician has published *Total Income from Farming Estimates for Scotland 2012-2014*, which contains near-final estimates of Total Income From Farming (TIFF) for 2013 and an initial estimate of 2014 TIFF. The figures show income increased by 29% in 2013 compared to the previous year, but initial estimates for 2014 suggest a drop of 18%.

Agriculture was worth £823m to the Scottish economy in 2013, up from £630m in 2012, with potatoes, milk and vegetables all doing well. Although not all the data are yet in, income for 2014 may have fallen back to about £688m. The potato and cereal sectors both suffered from poor prices, though the reduction for cereals was offset by a very productive harvest. Income from potatoes fell £105m to £170m, though this is relative to an exceptionally strong year in 2013. Cereals fell by £46m to £38m.

Overall, livestock saw a small increase in value, though there was a small decline in the largest sector, the beef industry, with falling prices and slaughter numbers. Output from slaughter or sales of cattle amounted to an estimated £710m. However, sheep had increased prices and numbers resulting in a 15% increase in output to £203m. The pig industry had an estimated output of £94m, up £15m on 2013. Poultry was down £18m to £100m.

Total costs were estimated to have fallen slightly in 2014. Feed costs are estimated to have fallen as much as £40m, to £644m. The cost of fertiliser is estimated to have fallen £31m to £167m, and fuel by £14m to £127m. However, labour was up £15m to £361m. Subsidies amounted to £560m in 2013 and £491m in 2014. The large reduction in 2014 was due to Single Farm Payments being affected by both a less favourable exchange rate and an 8% reduction in the original euro payment. Subsidies remain an important factor in the profitability of farming, accounting for 11% of gross income.

On a regional level, the highest level of income from farming is in the south west, on a *per* hectare basis. This is mainly due to income from milk, accounting for about 40% of the region's output, and beef production. The north west (*sic*) is the second highest, with beef and cereals being its strength. The Highlands & Islands has the lowest income from farming, where agriculture is estimated to have made only a very small profit once support is included. Eastern Scotland has the most diverse distribution of output, with cereals, potatoes, horticulture, cattle, poultry and other income each producing more than 10% of the region's output, with none of them above 20%.

The 2014 figures will be revised next year, once more complete data are available. See: [www.scotland.gov.uk/stats/bulletins/01138](http://www.scotland.gov.uk/stats/bulletins/01138)



**WOODLAND**

**LOCH AWE WOODLAND**

Dalmally Community Company (DCC) has applied to the National Forest Land Scheme to purchase approximately 0.7 hectares of land at Kinachreacan on the side of Loch Awe in Argyll. DCC proposes to establish a car park and viewpoint for Kilchurn Castle.



**FISHFARMING & FISHERIES**

**NESS SALMON**

*The Herald* reported that provisional results indicate a 14% decrease in salmon catches on the River Ness system during 2014 [Dec 14]. Official figures will not be published until the spring, but it is thought that the 2014 season in Scotland will yield fewer salmon catches than at any time since 1952. The Ness's fall in salmon catches is lower than experienced on many other salmon rivers, with some seeing declines of up to 50%.

Chris Conroy, of the Ness District Salmon Fishery Board, said: "The Ness District fared better than expected during what was a particularly difficult year for rivers across the north Atlantic, though an underlying trend for falling numbers of adult salmon returning from the sea is of major concern. With our influence on the marine environment limited, the Ness Board and its partners are working to maximise spawning success and the numbers of healthy wild salmon going to sea from our rivers. Key to this are the voluntary conservation measures introduced across the district. The 86% overall release rate recorded in 2014 is the highest on record, as is the 99% 'spring' release rate.

"In addition, a conservation agreement with two salmon netting operators was extended for a further year, resulting in no fish being recorded by the nets for two years in a row. We're particularly encouraged that the catch and release rate on the River Ness rose from 73% to 84% this year, with help from Inverness Angling Club."

He said that an increasing proportion of Atlantic salmon are dying during their oceanic feeding migration, with climate change believed to be playing a major role.

**TAY SALMON**

The 2015 salmon fishing season on the River Tay has opened with a statutory 'no kill' rule in place for the first time [Nov 14]. The legislation, which came into force on 9 January, means that all spring-running salmon caught prior to April must be released back into the water unharmed. William Jack, of the Tay District Salmon Fisheries Board, said: "This will make little difference to the majority of anglers, who already adhere to the Tay Conservation Code, as in the last five years over 90% of the salmon

caught before April have been released. Now that releasing fish during this period is a statutory requirement, we look forward to consistent conservation up and down the system.”

**INSHORE FISHERIES**

*Management of the Scottish Inshore Fisheries; Assessing the Options for Change* has been published. The research on the potential impact of mobile fishing gear restrictions develops a model which assesses the possible impacts of a prohibition on the use of mobile fishing gears within one and three miles from the shore.

The Scottish Government will now undertake discussions with a wide-range of stakeholders on the issues highlighted in the report and any implications for future policy considerations.

The cabinet secretary for fisheries, Richard Lochhead, said: “This work gives us a better understanding of the interactions between fishermen in inshore waters and the potential impact of different management measures.”

The proposals to limit dredging and trawling for prawns, lobsters and scallops in inshore waters are to help conserve fish and shellfish stocks. Imposing the restrictions would benefit the environment and increase income and employment in the long term. The report concluded that, overall, Scotland would benefit over a 20 year period because improved marine recreation would generate many more jobs than those lost in the commercial fishing sector.

The *BBC News* website said that more remote fishing areas in the north west, far north coast and islands could be hit by the proposals, with the restrictions leading to job losses in these places. The report suggested this could be minimised by imposing any restrictions selectively to areas like the north east, the Clyde and south west of Scotland where the greatest benefits from increased marine recreation would be felt. See: [www.scotland.gov.uk/Publications/2015/01/4022](http://www.scotland.gov.uk/Publications/2015/01/4022)

**DISCARDS**

*The Press & Journal* reported that the European Parliament and Council have, finally, agreed a set of rules for the new fish discard ban, introduced for the pelagic fleet on 1 January [Dec 14].

Bertie Armstrong, of Scottish Fishermen’s Federation, said: “Previously, we were in the astonishing situation of which law a fisherman breaks first, or which piece of legislation the compliance agencies would have to enforce first in order to meet the legal requirements of the discard ban. Whilst it now appears that these anomalies are being addressed, it is still only one in a whole series of hurdles that needs to be overcome this year. The huge uncertainties involved are creating intolerable pressures on our fishing communities.”

When boats land fish that cannot be sold for human consumption, Member States will be responsible for storing, selling or disposing of the fish. Vessels of less than 33 feet will not have to sort and log catches of less than 110lbs, removing an extra burden for one or two-man crews.



**MARINE**

**WHALE STRANDINGS**

Five Cuvier’s beaked whales have been washed up, dead, on the west coast in December and January. In the previous three years, three Cuvier’s whales were stranded in the same area; these beaked whales are rarely seen anywhere near the shore.

Four of the five strandings occurred during December with one on Tiree, one on Westpoint beach, Kintyre, one on Benbecula and one on South Uist. The fifth whale was discovered on

Mull in the New Year. Theories for the strandings include December’s ‘weather bomb’ and the possibility of Royal Navy use of sonar. Conor Ryan, of the Hebridean Whale & Dolphin Trust (HWDT), said: “I think the fact that the increase in strandings has been with beaked whales suggests that it’s something at a species level, perhaps a disease or virus that’s affecting them.”

**CETACEAN SIGHTINGS**

Marine research expeditions carried out by HWDT reported 574 groups of harbour porpoise off Scotland’s west coast, an increase of 25% in 2014 compared to the previous year. Sightings of basking sharks, 16 encounters, unexpectedly fell by 33 [Jul 14]. This does not necessarily indicate a reduction in population size as possible explanations include a shift further offshore in the distribution of plankton. The studies were carried out as part of the trust’s long-term monitoring of whales, dolphins and porpoises in the Hebrides. Information is gathered on cetacean distribution, abundance and habitat use.

HWDT said that the Hebrides have one of Europe’s highest densities of the harbour porpoise but Scotland still has no protected area for this species as required under European Union directives.

Notable highlights during 2014 included two separate encounters with what is believed to be the UK’s only known resident population of killer whales – five males and four females known as the West Coast community. This small, isolated population of orca has never produced offspring since studies began, raising fears that it faces imminent extinction. One of the group’s males had almost certainly been attacked by a shark.

HWDT’s research vessel, *Silurian*, covered more than 4,500 nautical miles during 2014 with volunteer crews. In total, the surveys recorded more than 1,400 encounters with cetaceans and basking sharks, and recorded almost 600 hours of underwater acoustic detections of cetaceans. Good weather conditions for surveying allowed twice as many photo identification opportunities than in 2013. The latest results are currently being analysed.

**MPA STUDY**

A report, *Infauanal and PSA analyses of grab samples collected from the Shiant East Bank and Wester Ross in September 2013. SNH Commissioned Report 693*, has been published. This report presents new information on the occurrence and distribution of seabed habitats within the Shiant East Bank MPA proposal and the Wester Ross MPA. This report complements *SNH Commissioned Report 746* which addresses results from the video component of the same survey. See: [bit.ly/1HbwwmZ](http://bit.ly/1HbwwmZ)

**MPAs**

Scottish Environment LINK said that a long-term approach to management of Marine Protected Areas (MPAs) will boost the viability and sustainability of Scotland’s fisheries by protecting precious inshore habitats. It has criticised government plans which aim to protect only smaller patches of seabed from activities such as scallop dredging and bottom-trawling within some of Scotland’s MPAs [Nov 14].

LINK has also challenged official forecasts about the economic impacts of MPAs, arguing that many businesses and activities, including fishing, will benefit from the long-term effects of stronger protection. These benefits are not fully accounted for in the Scottish Government’s assessment. Calum Duncan, convener of Scottish Environment LINK’s marine taskforce and Scotland programme manager, Marine Conservation Society, said: “These inshore

MPAs and Special Areas of Conservation (SACs) account for approximately 13% of Scotland’s territorial waters, but current plans are to prohibit scallop dredging and prawn-trawling from around a quarter of that. If we don’t protect bigger areas from trawling and dredging now, then we are squandering the chance of a generation to allow our amazing seas to recover.

“We are making a strong social and economic case too. Without proper MPA management, our coastal villages and towns risk missing out on the benefits of sustainable fisheries and a healthier marine environment. We are urging people everywhere to call upon the Scottish Government to rethink its approach.”

A public consultation on statutory management measures for nine inshore SACs and 11 MPAs runs until 2 February. See: [www.savescottishseas.org/dont-take-the-p-out-of-mpas](http://www.savescottishseas.org/dont-take-the-p-out-of-mpas)

**NATIONAL MARINE PLAN**

The *BBC News* website reported that Holyrood’s environment committee has commented on the National Marine Plan [Dec 14].

Rob Gibson MSP, the convener of the committee, said: “The committee is deeply disappointed that a government plan five years in the making is simply not yet fit for purpose. Multiple uses are made of our marine environment, and increasingly these are coming into conflict, but the Scottish Government’s draft National Marine Plan does not provide a clear and concise set of policies that can be consistently applied by decision-makers and those using the marine environment. There is a danger the plan in its present form will create conflict by having highly prescriptive actions in some areas, while setting out vague aspirations in others. Simply put, instead of making the marine environment easier, it risks making it more difficult.”

Calum Duncan, of LINK, said: “Scotland’s environment community have followed the development of the National Marine Plan closely. It is a chance not just to ensure developments at sea are well co-ordinated and sustainable, but also to enhance the diminished health of our seas, which is the legal duty of Scottish ministers. A good place to start is putting in place proper fisheries management in our MPAs, but current plans allow scallop dredging and bottom trawling to continue across large areas of some MPAs.”



**POLITICS & PARLIAMENT**

**LAND REFORM**

*The Herald* reported that Scottish Land & Estates (SLE) has voiced ‘extreme concerns’ over land reform measures proposed by the Scottish Government and currently out for public consultation [Dec 14]. It has particularly highlighted proposed new powers for Scottish ministers or another public body ‘to direct private landowners to take action’ if they are preventing sustainable development in a local area, if necessary by forcing them to lease or sell their land. In its consultation submission, SLE challenges the idea of such ministerial intervention if landowners are seen as obstacles simply because of the scale of their ownership. SLE said: “There are implications in terms of the European Convention on Human Rights that need to be observed regarding government intervention in these circumstances.”

David Johnstone, of SLE, said: “The proposal seems to be set in a context where private landowners are considered the barrier to sustainable development rather than part of the solution. This focus on ownership persists despite clear evidence that privately owned land

is employed overwhelmingly productively and is already delivering a wide range of public benefits. It benefits local communities through tourism, job creation, agriculture, housing and more. We remain firm in our assertion that private and community ownership should not be viewed as opposite ends of a spectrum – both ensure the viability of our rural areas.

“Sporting estates are also too readily singled out in a negative light when they are businesses that make a key contribution to tourism, local employment and the environment. Both shooting and stalking in the Scottish context are low margin operations but can provide significant contributions to many remote, fragile communities. The government has misrepresented the reasons for these rates being abolished and has failed to provide any indication of the impact of reintroducing sporting rates. Research on barriers to rural development in Scotland repeatedly identifies planning regulations, other regulations, broadband, housing and transport as the main issues. It is disappointing that the Scottish Government is still not taking action to address these nor is it taking steps to provide more effective community planning and local decision making.”

**FRACKING**

*The Herald* reported that the UK government agreed to remove Scotland from new provisions over underground access for shale gas fracking contained in the Infrastructure Bill currently going through Westminster [Nov 14]. A spokesman for the UK government emphasised that the move was not the same as devolving the power to the Scottish Parliament. The SNP backed a moratorium on onshore fracking (hydraulic fracturing) in the UK in a House of Commons vote but the motion was defeated.

Tom Greatrex MP said: “While some in Holyrood would like to pretend that the Scottish Government is powerless to act over fracking, the truth is that already nothing can happen at all in Scotland without the approval of ministers in Edinburgh. Their control over the planning and permitting regime gives the SNP ultimate responsibility and an effective veto for shale gas extraction in Scotland. But in the context of devolved planning and permitting regimes, it makes sense for underground mineral access rights, which are essentially a secondary aspect of the planning process, should be devolved as well.”

The Scottish Government announced a moratorium on planning consent for fracking, to allow a full public consultation on the issue. Ministers will now carry out further work on the environmental and health implications of the controversial gas drilling technique. The Scottish Government also outlined plans to strengthen its ‘precautionary approach’ to fracking. The Scottish Parliament currently has power over planning issues but the Smith Commission has recommended devolution of onshore licensing and mineral access rights. However, the new devolved powers will not come to Scotland until the UK General Election in May.

The *BBC News* website reported that Mike Weir MP said: “The problem here is that the powers are to be transferred to the Scottish Parliament under the Smith Commission. That is unlikely to happen for some time. There are serious issues as to what happens in the meantime, both with existing licences being granted by the UK government and the prospect of the UK government granting licences in the meantime. We think there should be a moratorium which would mean that before there could be anything going forward with fracking there would have to be an assessment to take account of the impacts

of exploration on climate change, environment, health and safety, and the economy.”

Fergus Ewing, Scotland’s energy minister, wrote to his UK counterpart, Ed Davey, calling on the UK government not to issue any more licences for unconventional oil and gas in Scotland.

Mary Church, of Friends of the Earth Scotland, said: “It is clear that the Scottish Government could call a halt on unconventional gas exploitation immediately using existing powers. It is now only a small step from this stance at Westminster to the Scottish Government implementing a moratorium on unconventional gas and fracking while they fully examine the impacts of this industry on health, climate, and the environment, and address gaps in the regulatory framework. Even better, the Scottish Government should just ban this unnecessary industry altogether and focus on making the most of our abundant renewable energy resources.”

Jim Murphy MP called on the Scottish Government to use its existing planning powers to stop any onshore fracking immediately. He said that the UK government should suspend the current licensing round in Scotland until new powers are devolved through the Smith Agreement process. The Green Party has also called for UK government to suspend its plans to award licenses to frack for gas across Scotland.

Ken Cronin, of UK Onshore Oil & Gas, said: “Within 15 years Scotland will be a net importer of gas and at the mercy of international markets for its gas without shale. We have had a well regulated industry in Scotland for many decades. We have drilled over 30 wells in the last 20 years. One of the first hydraulic fractures in the UK took place in Airdrie nearly 50 years ago and fracking also took place inside the Glasgow city boundary in 1989 at Easterhouse. Scotland is therefore no guinea pig.”

• *The Sunday Herald* reported that the temporary moratorium covers fracking for shale gas in the central belt and mining for coalbed methane at Falkirk and Canonbie, but it excludes Underground Coal Gasification (UCG). Cluff Natural Resources and Five Quarter have plans to gasify the coal that underlies large parts of the Firth of Forth and the Solway Firth. The two companies have five conditional exploratory licences for the seabed off Musselburgh, Kincardine, Largo Bay, and in the middle of the two firths, plus an application pending for an area off Kirkcaldy [Nov 14].

Fergus Ewing said that the Scottish Government only had powers over onshore activities. He said: “They do not apply to offshore activities such as those that I believe would be covered by UCG.” However, the Scottish Environment Protection Agency (SEPA) said that it would have to issue licences for UCG under at last two pollution control regimes. Environmental groups pointed out that ministers could direct SEPA to refuse UCG consents, just as they refused fracking and coalbed methane consents.

Lang Banks, of WWF Scotland, said: “Failure to include underground coal gasification means there’s a huge gaping loophole in the Scottish Government’s moratorium. There’s clearly going to be a role for Scottish regulators in the approval of these types of schemes, so it would be pretty simple for Scottish ministers to have effectively put a hold on them too. Failure to include UCG is bad news for people and the environment. In a worst case scenario, proposals such as this could even extend our use of fossil fuels, locking us into a high carbon world.”

RSPB Scotland pointed out that any onshore activities linked to UCG developments offshore would also require planning permission from

local authorities. Ministers could order councils to refuse applications during the moratorium, as they have done for fracking and coalbed methane applications.

Alexa Morrison, of RSPB Scotland, said: “We are surprised that the Scottish Government has excluded UCG, given many of the same concerns apply to this largely untested technology, like the risk of groundwater contamination. We need to be very careful about these risks and make sure communities and our environment are protected, including internationally important wildlife in the Firth of Forth where plans to test UCG are currently being developed.”

Claire Baker MSP wrote to Fergus Ewing asking for clarification on whether the moratorium covered UCG. She said: “The SNP’s so-called moratorium turns out to be nothing of the sort. Fergus Ewing has misled people in Fife. He has given a green light to UCG, yet he has the powers to halt it. He should use those powers. Either the energy minister doesn’t understand his own moratorium or he isn’t willing to fully block unconventional gas. We cannot be left with a situation where UCG sneaks through the back door in Fife.”

Jim Birrell, of Fife Council, said: “In addition to commercial licences, approvals are also required from other regulatory authorities such as the Coal Authority and SEPA. We, as the local planning authority, would be responsible for granting planning permission for any onshore drilling operations and surface installations.”

John Delaney of the Coal Authority said: “A conditional licence enables a company to undertake works necessary to determine whether there is a viable project to take forward. It does not enable a company to undertake UCG operations. UCG companies will need to obtain all necessary approvals from planning authorities and SEPA before a project could become operational.”

A Scottish Government spokesman said: “Many of the relevant powers remain with Westminster, though the technology has not been used commercially in Scotland. We will work with SEPA to ensure we have the appropriate controls and regulations to protect the environment. We have taken a careful, considered and evidence-based approach to unconventional oil and gas and fracking. We will continue to take an evidence-based approach to the development of new energy technologies, which should give security and confidence to the people of Scotland that such resources would be developed in an environmentally safe and satisfactory way.”

Mary Church, of Friends of the Earth Scotland, said: “The environmental and health concerns associated with fracking are very similar to those of UCG. The Forth and Solway firths are vital for tourism, nature and industry, so the last thing they need is a dodgy new energy process threatening widespread toxic pollution. It’s not right that communities around the firths are faced with exposure to risks already ruled out in other areas.”

Dr Stuart McIntyre, of Strathclyde University Business School, pointed out that the commercial development of UCG depended on making carbon capture and storage work. He said: “So while licences have been granted for UCG exploration, that doesn’t mean extraction activity is taking place. If we are serious about minimising the environmental impact of fossil fuel extraction, we should compare the impact of domestic extraction to that of importing our fossil fuels.”

**LANDSCAPES FOR EVERYONE**

Landscapes for Everyone, a coalition of 27 charities across the UK, is campaigning for the protection and enhancement of landscapes ahead of the General Election in May. The coalition aims to

raise the profile of landscape and to emphasise the importance of landscapes to wellbeing, environment and economy. The coalition includes the John Muir Trust, Association for the Protection of Rural Scotland; and the Scottish Campaign for National Parks.

See: [bit.ly/1BKuz1g](http://bit.ly/1BKuz1g)



## GENERAL ENVIRONMENT

### AIR POLLUTION

Government monitoring has found that fumes from vehicle exhausts are breaching legal safety limits on 23 streets in Scotland [Jul 14]. Hazardous concentrations of nitrogen dioxide and particulates were found in Glasgow, Edinburgh, Dundee, Aberdeen, Greenock, Rutherglen, Kilmarnock, East Kilbride, Falkirk, Perth and Crieff.

On 11 streets, the annual average levels of pollutants have increased between 2013 and 2014. The worst pollution was detected on Hope Street in Glasgow, where nitrogen dioxide levels were 62% above the European legal limit – which was meant to have been met in 2010.

Fintan Hurley, of the Institute of Occupational Medicine in Edinburgh and a Government adviser on air pollution, said: "Air pollution is a big public health problem because everybody is exposed and there is no completely safe level. The regulatory limits for fine particles don't give good protection – even if these were met, there would still be a big problem."

Friends of the Earth Scotland (FoES) accused the Scottish Government of being 'painfully slow' to act. A national low-emissions strategy promised before the end of 2014 has still to appear. Emilia Hanna, of FoES, said that local authorities needed to be given more resources to tackle problems in their areas. She said: "It is very worrying that the draft budget shows no increase in funds for action on air pollution and suggests the Scottish Government plans on spending 200 times as much money next year on building new roads as on tackling deadly air pollution. Pollution levels in our urban areas are showing little sign of improvement with some key streets even more polluted than in 2013. Air pollution is responsible for more than 2,000 deaths in Scotland each year and costs the NHS here up to £2 billion annually."

The Scottish Government insisted that it was making excellent progress in reducing air pollution in partnership with councils. It said that new data showed that nitrogen dioxide levels had dropped by 65%, and particulates by 58%, between 1990 and 2011, and further decreases were expected.

A consultation on the low-emission strategy was to be launched 'very soon.'

### 2014 WEATHER

2014 was the warmest ever recorded in Scotland. Met Office data showed eight of the ten warmest years on record have occurred since 2000. The average temperature in Scotland for 2014 was 8.44°C, up on the previous high of 8.2°C in 2006.

In records going back to 1910, last year saw the warmest spring and third warmest autumn. All but one month in 2014 were warmer than the long-term averages. Last year was also the third wettest since 1910, with 1,744 mm (68 inches) of rain recorded across the country on a total of 201 wet days somewhere.

### BARITES MINE

The *BBC News* website reported that M-I Swaco has proposed a new barites mine at Duntanlich, north of Aberfeldy in Perthshire. The existing

mine, at Foss, has been operational since 1985 but the geological structure is complex which makes it difficult, and expensive, to mine. The Duntanlich site has a resource of more than 7.5 million tonnes of barites, which could supply the whole of the UK's requirements for more than 50 years at planned production rates. It is hoped to begin production in 2017. The annual production of the mine would be 120,000 tonnes, and the development has been planned so that 'there is no or minimal visibility of it from the surrounding area, including the highly sensitive Queen's View.' The site is in the Loch Tummel National Scenic Area (NSA).

A new access track, across Forestry Commission Scotland's land, would remove mine traffic from the settlements in the Tay valley.

A planning application to develop the same resource was rejected by Perth & Kinross Council in 1996, on the grounds of potential environmental impact. It was then planned to remove 200,000 tonnes per year. A public inquiry was held and the reporter recommended refusal because of the likely impact on the character and appearance of the landscape, particularly within the NSA. The then secretary of state, Ian Lang, did not think that the economic and employment benefits outweighed the environmental concerns.

Ian Hughes, of M-I Swaco, said: "Such a project will not only have a significant local economic impact, diversifying the economy of this rural area where employment is reliant on tourism and forestry, but will also have national significance in terms of providing vital continuity of supply for the North Sea oil and gas industry. We have learned a lot from the time of the previous application and have made significant adjustments to our proposals."

### WILDLIFE CRIME UPDATE

George Mutch, the gamekeeper convicted at Aberdeen Sheriff Court for trapping a goshawk and then battering it to death on the Kildrummy Estate in Aberdeenshire, has been sentenced to four months in prison [Dec 14]. This is the first time in the UK that a gamekeeper has been jailed for persecuting birds of prey.

The *Raptor Persecution Scotland* blog reported that the RSPB argued successfully in court that their cameras were not in place to 'catch someone at it' – they had been placed as part of a long-term study in crow cage trap use. The fact that the footage captured wildlife crime was a 'happy coincidence.' The *BBC News* website reported that Duncan Orr-Ewing, of RSPB Scotland, said: "This sentence is an historic, landmark result. We would like to thank the Crown Office and Police Scotland for helping to bring this case to a successful conviction, as well as the exemplary work of the RSPB Scotland investigations team. This penalty should be a turning point, sending a clear message to those determined to flout our laws that wildlife crime will not be tolerated but instead will be treated with the seriousness that it deserves. Wildlife criminals must expect no sympathy from now on."

Sara Shaw, procurator fiscal for wildlife and environment, said: "Birds of prey are given strict protection by our law. Goshawks in particular are rare birds: the court heard evidence in this case that there are only about 150 nesting pairs in Scotland. It is highly important to preserve Scotland's natural heritage, including the wildlife that forms part of it. Our environmental laws exist to provide this protection. This case involved serious contraventions of those laws. The conviction of Mr Mutch and the severity of the sentence given by the court highlights that message."

A spokesman for the Scottish Gamekeepers' Association (SGA) said it seemed wrong for individuals 'from one particular profession' to be under surveillance in their workplace without their knowledge. He said: "Is it the case now that charities can do this rather than the police – and is this the correct thing? They have said they used their rights of access to go on to the land to do this. Really, they should have asked the landowner out of courtesy, if anything. Although it is not sacrosanct in law to do so, I think it would rile people a lot less if there were a little bit more cooperation from organisations such as the RSPB. These are the things that lead to the breakdown of trust. If they did things a little bit more with due respect, they would find themselves in a lot less problems."

Doug McAdam, of Scottish Land & Estates (SLE), wrote in the SLE e-newsletter: "There can be no doubt that the custodial sentence handed down this week to a gamekeeper convicted of wildlife crime will send a very strong message out to those who continue to break the law. The illegal killing of any bird of prey is unacceptable and anyone who engages in such activity can, rightly, expect to feel the full weight of the law. However, this case has raised some fundamental issues regarding access rights and the law as it becomes clear that a central party to this investigation has chosen to totally disregard Scottish Government approved guidance contained in the Scottish Outdoor Access Code regarding undertaking survey work on someone else's land. This is a serious matter in its own right, but it also reaches well beyond matters of wildlife crime, crossing in to areas such as new development and planning work where it could have some serious implications."

- The *BBC News* website reported that the University of Abertay has been able to recover fingerprints from the feathers of dead birds of prey, using fluorescent powders. If the birds have been handled, the incriminating marks could help police to identify the suspect. The researchers also recovered fingerprints from eggs using black magnetic powder, which could help police to track down and prosecute illegal collectors. The research is published in *Science and Justice*.

Ian Thomas, from RSPB Scotland, said: "While government laboratory testing has made it relatively straightforward to identify the cause of death of the victims in many cases, identifying the perpetrator of offences that often take place in some of the remotest areas of our countryside continues to be very difficult."

### RED KITE DEATH

The *Raptor Persecution Scotland* blog reported that a red kite was found poisoned in central Scotland in July 2014. Police Scotland had not publicised the find. However, the crime was included in recently published quarterly reports by Scottish Advice for Science & Agriculture. This kite was killed by ingesting the banned pesticide carbofuran and there is to an on-going police investigation.

### VICARIOUS LIABILITY

Ninian Johnson Stewart of the Physgill & Glasserton Estates was found guilty of being vicariously liable for the actions of his gamekeeper who had laid out a poisoned bait which killed a buzzard and was also found to be in possession of three banned poisons [Dec 14]. The *Raptor Persecution Scotland* blog said that, according to his defence agent: "He [Johnston Stewart] had already been penalised substantially via a high five-figure deduction to his single farm payment."

The annual subsidy payment deduction was made by the Scottish Government, Rural Payments & Inspections Directorate. The blog asks that the distribution of public subsidies should be easily available in the public domain. The revoking of

subsidies would have a deterrent value for other landowners.

**NORTH EAST WILDLIFE CRIME**

The Grampian branch of the Partnership Against Wildlife Crime (PAW) Scotland has published an action plan for the next three years. It is a local collaboration between Police Scotland, the Cairngorms National Park Authority (CNPA), Scottish Natural Heritage (SNH), RSPB Scotland, SLE and the Scottish Government.

The strategy will ensure that criminal activity is prevented and where it does occur is actively prosecuted. It focuses on identifying hotspots and having specific measures in place to deal with different types of crime including raptor crime, salmon poaching and hare coursing. There is also an emphasis on building partnerships with landowners, and on education.

Minister for environment, climate change & land reform, Dr Aileen McLeod, said: "The Grampian PAW group is leading the way in how local issues are dealt with and are an excellent example of what can be achieved when people come together."

Inspector Colin Mowat, chairman of the PAW steering group, said: "A lot of wildlife crime is committed not through wilful acts but ignorance and the education programme will be useful for that."

The *Press & Journal* reported that there were 137 wildlife crimes reported in the north east in 2014; 29 suspected or confirmed incidents of hare coursing and deer poaching; 26 raptor persecutions; 21 badger offences; eight cases of suspected salmon poaching and a further 24 incidents including disturbing marine mammals or birds.

**SSPCA**

The Scottish Government has published its analysis of the public responses to the consultation on whether the Scottish Society for the Prevention of Cruelty to Animals (SSPCA) should be given increased powers to enable them to tackle a wider suite of wildlife crimes than they currently undertake [Oct 14]. The report provides summaries of the responses including the numbers of respondents who made each type of comment. It also includes a breakdown of the numbers of individual and organisation respondents, background to the consultation and an explanation of the processes by which the consultation and analysis were undertaken. A decision on the matter will come 'in due course.' See: [www.scotland.gov.uk/Publications/2015/01/1669](http://www.scotland.gov.uk/Publications/2015/01/1669)

**PARTICKHILL**

Plans for townhouses on part of Partickhill Bowling and Tennis Club in Glasgow's west end have been approved. There were 1,000 objections, including submissions by Tennis Scotland, MSPs, councillors, heritage groups and school children. The development will be sited on three derelict tennis courts, not used since 1997.

Ian Watson, chairman of the Partickhill Green Space Association, said the decision was irrevocable, and that the council's own policies had failed to protect dwindling recreational areas and green space in the west end.

**CARBON & PEATLAND**

Scottish Natural Heritage (SNH) is consulting on a consolidated spatial dataset of carbon-rich soil, deep peat and priority peatland habitats. The Carbon & Peatland map updates earlier work on soils and vegetation undertaken by SNH. The Soil carbon richness based on component soils maps appear as spatial data on the Scotland's soils website. The new map will provide greater

appreciation and transparency around where Scotland's peatland occur; support strategies and projects related to the management and restoration of Scotland's peatland habitats; support the implementation of the forthcoming Scotland's National Peatland Plan; assist in identifying peat and other carbon-rich soils for development planning and development management purposes; facilitate mapping of windfarm spatial frameworks in line with the new Scottish Planning Policy [Jun 14] and inform the siting of proposals that could impact on the soil resource. The consultation concludes on 13 March.

The Carbon and Peatland GIS dataset can be downloaded from: [bit.ly/1wg3H1b](http://bit.ly/1wg3H1b); see: [www.soils-scotland.gov.uk/data/soil-carbon](http://www.soils-scotland.gov.uk/data/soil-carbon); email: [CarbonMap@snh.gov.uk](mailto:CarbonMap@snh.gov.uk)

**AIR POLLUTION**

The Scottish Government has launched a consultation seeking views on its draft national Low Emission Strategy. It sets out action already being taken by the Scottish Government and its agencies, health boards and local authorities to tackle air pollution. It also contains proposals for improving air quality across the country by better co-ordinating policies at national and local level.

The consultation closes on 10 April. See: [www.scotland.gov.uk/Publications/2015/01/3287](http://www.scotland.gov.uk/Publications/2015/01/3287)

**SEWAGE SLUDGE**

A formal review of the legislation and guidance in relation to sewage sludge use on land has been commissioned by the environment secretary, Richard Lochhead. The review will be conducted by the Scottish Government and the Scottish Environment Protection Agency (SEPA) to ensure guidance is as clear as possible and provide greater clarity and understanding of good practice. Sewage sludge has the potential to improve soil quality and provide crop nutrients when used on agricultural land or in land restoration. However, a number of complaints have been made by the public over the past year; the right balance must be struck between the benefits of using sewage sludge and the controls that protect both the public and wider environmental interests.

Sewage sludge is produced by Scottish Water, and Public Finance Initiative contractors, on a daily basis from sewage treatment works throughout Scotland.

**WATER LICENCES**

*The Sunday Herald* reported that SEPA said that the performance of 39 operators across the country in 2013 was 'poor' because they have taken more water than permitted in their licence. SEPA regulates the removal of water from streams, rivers, lochs and the ground to prevent watercourses from drying up, protect wildlife, limit pollution and ensure the natural resource is fairly shared. It warns it will take legal enforcement action against businesses that persistently fail to comply.

SEPA assessed a total of 215 operations as being 'at risk' because they failed to return data in 2013.

Dr Sarah Hendry, of Dundee University, said: "Water abstraction is managed to protect river flows and loch levels, which in turn protects aquatic flora and fauna, and the ecosystem services fresh water resources provide. Businesses are expected to comply with all their environmental regulations, including reporting requirements, and failing to do so would give them an unfair advantage over competitors, as well as depriving both regulators and the public of information that should be in the public domain."

**CONONISH GOLD**

A new independent report, compiled under an industry code of practice, showed a 201% increase in the estimated amount of gold in the Cononish mining area near Tyntrum, compared to a previous study published in November 2012 [Oct 14]. The new assessment suggests 248,000 ounces of gold could be found on the basis of rock that has already been assessed at the Cononish site. The consultants said that the quality of that gold is 9% better than previously estimated.

The assessment suggests there could be 266,000 ounces of gold in 617,000 tonnes of rock in an area beyond the test boreholes, and that the quality of gold in the wider estimate is up by 18% on the previous estimates. Scotgold is now to assess how best to mine the gold, using three-dimensional computer modelling. It has received planning permission to mine for 24 hours a day, excepting Sundays and public holidays.

**CAIRNGORMS PARK**

Environment minister, Dr Aileen McLeod, visited the Cairngorms National Park to chair a meeting with landowners, SNH and the CNPA [May 14]. The meeting discussed how best to collaborate to deliver landscape-scale benefits for objectives including moorland management, raptor conservation, woodland expansion and peatland restoration.

Dr McLeod said: "The Cairngorms National Park, one of Scotland's best places for nature, should be at the forefront of demonstrating an integrated approach to management that tackles some of our longstanding challenges, including raptor persecution, habitat diversity and carbon management. I very much welcome the positive collaboration shown between the CNPA and landowners and look forward to seeing a real difference on the ground."

Among the topics discussed was raptor persecution and conservation, with a recognition of the progress made in recent years and a shared determination to ensure no return of incidents connected to sporting management.

Grant Moir, of the CNPA said: "The Cairngorms is an outstanding place for nature and an internationally renowned tourism destination. We must all work to prevent the recurrence of raptor persecution, and focus on what we can do to enhance raptor conservation. This discussion helps take forward practical action on the ground, bringing together sporting management with wider priorities such as woodland expansion, peatland restoration and raptor conservation."

Tim Baynes of Scottish Land & Estates said: "Moorland managed for sporting is the largest scale land use in the Park and we are pleased to be working with the Cairngorms National Park Authority to bring a number of estates together in a moorland management initiative. We see real opportunities through this very practical approach to show how management for sporting objectives is integrated with delivering diverse habitat and species benefits, and ways in which that can be taken further as science and national policies develop. This builds on the Wildlife Estates Scotland accreditation scheme developed by Scottish Land & Estates which now covers 20% of the entire Park area."

**PROTECTED AREAS REVIEW**

Scotland's network of protected areas for nature is based mainly on SSSI and Natura sites. A review panel, chaired by Simon Pepper, has now published its report on how the role and purpose of protected areas might be developed to better secure public benefits within the context of wider thinking on land use and ecosystem services. The report offers opinion on the future of protected areas and reasoned challenge to current practice.

SNH will now prepare a series of issue papers picking up the challenges in the review paper and is seeking wider engagement in consideration of these issues. Email: [stewart.pritchard@snh.gov.uk](mailto:stewart.pritchard@snh.gov.uk); telephone: 01738 458649.

See: [www.snh.gov.uk/docs/A1509577.pdf](http://www.snh.gov.uk/docs/A1509577.pdf)



## ENERGY

### RENEWABLES TARGET

An independent analysis by DNV GL was used by WWF Scotland to test the Scottish Government's policy to decarbonise the country's electricity supply over the next 15 years. It found that an electricity system based on 'proven renewables and increased energy efficiency' is a credible way of meeting the target.

The report also warned that, with no guarantee that Carbon Capture & Storage (CCS) will be commercialised and rolled out in time, Scotland's climate targets could be missed unless a safer route to reducing carbon emissions is followed.

Scotland can maintain and even build on its position as a net power exporter if it makes moderate progress to reduce demand for electricity and increase the rollout of hydro-pumped storage, the report says.

Lead author of the report, Paul Gardner, said: "Our technical analysis shows that a system with an extremely high proportion of renewable electricity generation located in Scotland can be secure and stable. There is no technical reason requiring conventional fossil and nuclear generation in Scotland. Scotland has plenty of renewables in the pipeline to cut the carbon from its power supply by 2030, particularly if we see progress on reducing electricity demand. And crucially, Scotland can continue to be an electricity exporting nation."

Gina Hanrahan, of WWF, said: "It's great to see the vision for a secure, renewables-based future for Scotland independently tested and proven. It's clear that Scotland doesn't have to generate electricity from coal, gas or nuclear to ensure security of supply. We'd still like to see CCS tested at Peterhead, but given how slowly this technology is progressing, it makes sense to explore alternative paths to achieving the government's own target. The report shows that not only is a renewable, fossil-fuel free electricity system perfectly feasible in Scotland by 2030, it's actually the safe bet."

• WWF Scotland analysis showed that wind turbines generated enough power to supply over 100% of Scottish households on 25 out of the 31 days of December in 2014. Throughout the year, wind provided enough power for the electrical needs of 98% of Scottish households, with solar power meeting two-thirds or more of household electricity or hot water needs.

Lang Banks of WWF Scotland, said: "Without doubt, 2014 was a massive year for renewables, with wind turbines and solar panels helping to ensure millions of tonnes of climate-wrecking carbon emissions were avoided. With 2015 being a critical year for addressing climate change internationally, it's vital that Scotland continues to press ahead with plans to harness even greater amounts of clean energy. December turned out to be a record-breaking month for wind power, with enough green energy generated to supply a record 164% of Scottish households with the electricity they need. Even on calmer days, wind still supplied the equivalent of over a third of electricity needs of every home."

Using data provided by WeatherEnergy, WWF Scotland said that for homes fitted with solar

photo-voltaic systems, there was enough sunshine in Aberdeen, Edinburgh, Glasgow or Inverness to generate an estimated 100% or more of the electricity needs of an average property during June and July and 60% or more in the same four cities during March, April, May, August and September.

### SCOTTISH ISLANDS RENEWABLES

The UK energy & climate change secretary, Ed Davey, said at the Scottish Island Renewables Delivery Forum that the UK government intends to announce further strike prices for a number of technologies for 2019/20 and 2020/21 in July, including Scottish islands onshore wind. The UK government is also working with the EU to secure state aid approval as soon as possible.

The Scottish and UK agreed to continue joint efforts to progress a research and development funding proposal to secure future grid access for marine technologies on Orkney.

### WINDFARM UPDATES

**Dumfries & Galloway:** *The Galloway News* reported that the two turbine Culdoach windfarm near Kirkcudbright has been rejected, as the council said that the proposed development would have a 'significant landscape and visual effect.'

• Ecotricity is to submit an application for the seven turbine California windfarm on the hills facing Wigtown Bay [Dec 14]. Galloway residents have formed the 'Save Wigtown Bay' protest group to oppose the plans. The group said that the turbines would dominate the landscape over the bay with four Site of Special Scientific Interests (SSSI) within a mile of the proposed windfarm. The site is in the Galloway Hills Regional Scenic Area. They said that the turbines would 'scar the Galloway Hills and views from the Machars Coast indefinitely,' and interfere with plans for further breeding eagles to be introduced in area already home to peregrine falcons, hen harriers, ospreys and red kites. An application by Ecotricity for an anemometer mast was turned down by Dumfries & Galloway Council last August but the company has appealed directly to the Scottish Government.

**Inverness-shire:** Planning permission is being sought by Force 9 Energy for two wind speed masts near Drumnadrochit for the proposed Cnoc an Eas windfarm near Balnain. There are now more than 500 turbines planned or approved within 20 miles of Cnoc an Eas.

**Scottish Borders:** 2020 Renewables has submitted plans for a windfarm development in Tweedsmuir to the Scottish Government. The application includes a new bridge crossing the Tweed at Carlowse. Initial plans were for 27 turbines at Whitelaw Brae. However, following an Environmental Impact Assessment, a revised application for 14 turbines has been submitted.

The Mountaineering Council of Scotland (MCofS) has objected to the proposed development, which is within a special landscape area of the Tweedsmuir Uplands and is next to the only nationally defined Wild Land Area in southeast Scotland. It said that the development is unparalleled south of the Highlands.

• Livos Energy has submitted a scoping request to build an eight turbine windfarm near Grantshouse. This would be the third windfarm in the area; the site is adjacent to Drone Hill windfarm and to the south of Penmanshiel, which has also has planning consent for a 14 turbine windfarm [Oct 13].

**Sutherland:** The Scottish Wildlife Trust (SWT) is maintaining its opposition to SSE's Strathly South windfarm in the Flow Country despite the submission of revised plans by the developer,

reducing the number of turbines from 47 to 39 [Jun 14]. A public local inquiry will be held in March.

SWT believes that the proposals have the potential to impact negatively on the Caithness and Sutherland Peatlands, which completely surround the proposed windfarm site. These are designated both internationally and nationally for their conservation importance for birds and bog habitat. John McTague, of SWT, said: "The Trust maintains that this proposed location is fundamentally unsuitable for a wind farm. Even with the revised application, important peatlands would still be significantly damaged, as 22 of the 39 proposed turbines would be situated on deep peat. This peat is more than a metre deep and would have started to form around 1,000 years ago. Scotland's peatlands are increasingly recognised as a valuable national asset, providing vital benefits such as flood mitigation, water filtration and carbon capture, as well as important biodiversity."

A spokesman for RSPB Scotland said: "It is very disappointing that SSE continue to push for a windfarm on this wholly unsuitable site. A windfarm here would not only be very bad news for bird species such as greenshank and hen harrier, it would also undermine efforts to protect and restore damaged areas of the Flow Country peat bogs."

### OFFSHORE WINDFARMS

The *BBC News* website reported that RSPB Scotland has lodged a legal challenge against the consent granted to four major offshore windfarms projects in the Firths of Forth Tay [Oct 14].

A spokesman for RSPB Scotland said that the approved projects could have 'serious implications' for wildlife in the area. He said: "We have not taken this decision lightly, but having given serious consideration to these decisions to grant consent, we have decided to take legal action. RSPB Scotland has a proven track record of taking a stand for nature, on behalf of our members and the general public, to ensure that wildlife and the natural environment is properly safeguarded for the future. If these decisions are allowed to stand, they could have serious implications for how birds and important wildlife sites are protected across Scotland and beyond. The vast majority of renewable energy developments pose no significant threat to birds or other wildlife. RSPB Scotland continues to support the development of carefully sited and designed renewables, including offshore wind. However, individual developments must be sited to avoid significant harm."

Lindsay Leask, of Scottish Renewables, said: "Every one of these projects has been through an incredibly rigorous, detailed and independent assessment lasting anywhere between one and two years, and it now looks like there will be another lengthy examination of that process in court before they can go ahead. This new delay will make it even harder for Scotland to catch up with the rest of UK and northern Europe, which already have a sizeable offshore wind industry and supply chain supporting thousands of jobs. The irony here is that climate change is reckoned to be one of the biggest threats to Scotland's protected habitats and species. Offshore wind is a key part of the mix required for us to meet our targets for the growth of renewables and the reduction of carbon emissions."

### ABERDEEN BAY OFFSHORE

The *BBC News* website reported that Donald Trump has launched a fresh legal challenge to the Aberdeen Bay offshore windfarm off the Trump International golf resort in Menie, Aberdeenshire [Feb 14]. He wants a judicial review into his claim that Scottish ministers acted illegally by approving the 11 turbine scheme. A previous application had

been dismissed. Judges at the Court of Session will give a decision on whether a fresh review can be held at a later date.

**WAVE DATA**

Highlands & Islands Enterprise (HIE) has acquired the intellectual property of wave energy company, Pelamis. All the research and development data will now be available to support the growth and development of the wave energy in Scotland. HIE reached agreement with administrators KPMG to acquire the data along with physical assets previously owned by Pelamis, which went into administration in November [Nov 14]. HIE has obtained the assets on behalf of Wave Energy Scotland (WES), a new body which is being established to support Scotland's wave energy sector. WES is part of HIE and is fully funded by the Scottish Government.

**OPENCAST COAL**

East Ayrshire Council is considering Hargreaves' planning application to extract 400,000 tonnes of coal from the Duncanziemore opencast site, which would extend the operation by three years. Hargreaves would be required to restore the whole site, which is still owned by ATH Resources [Dec 14]. The site has been in operation since 2006.

 **RECREATION & TOURISM**

**LOCH LOMOND PARK**

*The Sunday Herald* reported that Kevin Findlater, the chief inspector who led the policing of Loch Lomond before retiring in 2013, made an 11 page submission to the Loch Lomond & the Trossachs National Park Authority consultation [Nov 14]. He said that plans to extend bylaws curbing camping in the park are 'wholly wrong' being 'badly crafted, cynical and shamefully presented.' He said: "The bylaws themselves are wholly unnecessary, draconian and drive a coach and horses through the right to roam so valued in all of Scotland ... [the bylaws] would criminalise people innocently accessing the countryside. To make matters worse, despite assurances given to the contrary, the new proposals grossly and unfairly extend the scope and geography of the bylaws in a way that must raise questions as to what are the real motivations."

He warned that the bylaws could lead to the 'farical' situation of a landowner allowing fishermen to camp on the shore of Loch Earn while walkers in tents nearby are turned into criminals. He said that the park authority is using a handful of problem sites 'to blow up and grossly exaggerate the problems being caused by caravans and motorhomes.' He accused the park authority of 'the worst form of nimbyism' because its new powers could force campers to use areas outwith the park: "It is likely that I have more years' experience than most other present and past police officers within the wider Trossachs. I can emphatically say these are powers I would neither want nor benefit from."

Broadcaster and writer, Cameron McNeish, said that the planned bylaws left a 'dark stain' on the integrity of the national park. He said: "I'm shocked that a national park board suggests criminalising those who wild camp responsibly when it is legal to do so in every other part of Scotland. The park authorities should clearly be working hand in hand with the police, using the existing laws of Scotland, to deal with these problems [litter and alcohol abuse], not creating bylaws to victimise innocent users of the park."

Dave Morris, former director of Ramblers Scotland, described Mr Findlater's comments as a wake-up call: "The park authority needs to abandon its bylaw proposals immediately and sit down with Police Scotland, outdoor organisations and other experts and work out sensible solutions."

A spokeswoman for the park authority said: "We are saddened and disappointed that someone who was so closely involved in delivering the dramatic improvements at east Loch Lomond has chosen to question the role of bylaws – which he admits helped further reduce antisocial behaviour crimes in the area. Far from trying to restrict access to this special place, we firmly believe the package of measures we have devised will make these pressured hotspots better places to visit."

The *BBC News* website reported that the Mountaineering Council of Scotland (MCoFS) and Ramblers Scotland together expressed 'serious concerns' over the proposal, and called on the Scottish Government to intervene. Andrea Partridge, of MCoFS, said: "It is truly disgraceful that Scotland's first National Park, with a primary purpose to promote public enjoyment of the countryside, is now proposing to remove a right to camp for the responsible majority. We acknowledge there is a problem with damage and overuse at certain key locations at busy times of the year, but there has been inadequate provision of camping and associated facilities by the Park Authority to help address this problem."

Helen Todd, of Ramblers Scotland, said that existing laws should be enforced more strictly without introducing new bylaws. She said: "By criminalising camping and other activities which are perfectly acceptable under Scotland's right to roam legislation, the Park Authority would create immense public confusion over what is acceptable when taking access to our countryside."

Gordon Watson, the Park's chief executive, said: "We understand that there is strong feeling on the part of outdoors enthusiasts about their right to roam. However, some of the arguments presented seem intent on downplaying the atrocious damage that is being caused to the environment of a national park, as well as the impact on residents and visitors. Enforcement of existing law already happens, but this is not deterring the problems as bylaws have done on East Loch Lomond. The many residents and visitors affected by these problems are impatient for action and rightly expect us to come up with effective solutions. The National Park Act gives us bylaw-making powers for a reason – we are expected to protect the environment from damaging overuse and abuse."

John Low, of the John Muir Trust, said: "Some of our John Muir Award participants have expressed dismay about the scale of the litter problem around Loch Lomond, so we recognise the real concerns of the Park Authority and agree that action is necessary. But the challenge is to find the best answer. We are concerned that restrictions on the few could impinge on the hard won 'right to roam' for the many. We also feel that banning wild camping within the park could simply shift the problem of anti-social behaviour elsewhere, instead of bringing about a fundamental change in attitude. We believe the most effective way to improve people's behaviour is not through legislation and regulation, but through support, engagement and education."

Simon Miller, of Luss Estates, said: "The impact of intense and irresponsible wild camping in the area, both on the local population and the environment, is enormous. Groups opposing the National Park's proposals are simply turning a blind eye to the hugely detrimental impact of irresponsible wild camping and associated anti-

social behaviour. Residents are fed up with the junk, rubbish and human excrement that are left behind. The key issue however is that the islands of Loch Lomond are not included in this proposal. These are environmentally delicate habitats of great national importance and are amongst the most heavily designated and protected in Scotland, supposedly home to capercaillie, ospreys and otters, as well as ancient oak woodland."

He said that it was due to the 'vast numbers' of wild campers that the capercaillie had been declared locally extinct: "However we continue to conserve the habitat in the hope that they will return to the islands one day." He said that the exclusion of Loch Lomond's islands from the proposals was 'extraordinary' as the islands on Lochs Chon, Ard, Earn, Achray and Lubnaig were included.

Scottish Land & Estates (SL&E) welcomed the bylaw proposal as 'pragmatic.' Anne Gray, of SLE, said that it was important that the right balance was struck to maintain access for the responsible majority, but the damage that frequently caused to the area by irresponsible behaviour, also had to be acknowledged.

She said that dealing with the aftermath of weekend and summertime camping included clearing up discarded tents, litter, human and animal waste on a significant scale: "This places time and financial burdens on private landowners, managers and farmers, as well as on public services, in a way that was never the intention of Scotland's outdoor access legislation. They are also left powerless in terms of protecting trees and other wildlife which have suffered considerable damage over the years."

She said it was clear this type of camping was not 'responsible' and therefore outwith the rights of responsible access/right to roam afforded to the public in the land reform legislation.

A contribution to the letters page of *The Herald* stated that Luss & Arden Community Council conducted a written survey of all residents in Luss parish, as part of the National Park consultation exercise. Out of 110 responses, 104 supported the bylaw, two proposed an alternative model along US/Canadian lines, two were undecided and two were opposed.

 **NEWS OF ORGANISATIONS**

**LINK**

The Mountaineering Council of Scotland and the John Muir Trust are to leave umbrella group, Scottish Environment LINK.

**NTS**

Kate Mavor, the chief executive of the National Trust for Scotland (NTS) is to take up an equivalent post at English Heritage in May.

**RSPB**

RSPB Scotland's Loch of Strathbeg nature reserve, near Fraserburgh in Aberdeenshire, has been awarded £53,250 from the Coastal Communities Fund. Visitor facilities and volunteer accommodation will be improved.

**SEPA**

The Scottish Environment Protection Agency (SEPA) has appointed Terry A'Hearn as its next chief executive. Mr A'Hearn is currently CEO of the Northern Ireland Environment Agency, and will take over from James Curran in April.



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