

The Scottish Affairs Committee of the UK Parliament invited further views on the Crown Estate in Scotland through a series of consultation questions. See:

[www.parliament.uk/parliamentary\\_committees/scottish\\_affairs\\_committee](http://www.parliament.uk/parliamentary_committees/scottish_affairs_committee)

At the present time the Scottish Government, through the SNP, is attempting to have the powers and revenue of the Crown Estate in Scotland totally transferred to the Scottish Government. COAST supports no political party but was formed by community stakeholders to support the sustainability of the marine environment in Lamlash Bay, Arran, the Firth of Clyde and around Scotland. On recent evidence and decisions taken, the Scottish government is not supporting the sustainability of her seas, and so COAST is not in favour of transfer of additional powers from the Crown Estate. COAST's response to the Scottish Affairs Committee in the UK Parliament, sent in September follows:



## RESPONSE TO CONSULTATION RE: ROLE OF CROWN ESTATE IN SCOTLAND

### 1. Executive Summary:

COAST (Community of Arran Seabed Trust) recommends that the CEC Scotland estate is not devolved to the Scottish Government until it can demonstrate its ability to manage marine resources on behalf of all stakeholders. COAST is concerned that the poor reputation for even-handedness on the part of Marine Scotland makes it unfit to take on a substantial landholding. The interest of COAST is primarily in the marine estate and in this paper makes suggestions as to how the CE in Scotland can be more accountable to the marine stakeholder communities. These often small marine stakeholders, which are neither part of the power base in Edinburgh, nor multinationals, nor others, who wield power and money in Scotland, must be heard. Their interests for long term strategic sustainability in social and environmental as well as economic terms must be considered.

Distributing funds from the CEC Scotland estate should be via a Scotland Foundation with trustees from Scottish communities.

### 2. Introduction:

Arran is one of the largest and most accessible islands off the west of Scotland. COAST is neither pro-independence for Scotland nor pro-the status quo of the Union. It is neither aligned to nor supports any political party in Scotland. The community campaigned long and hard to protect the maerl beds in Lamlash Bay from destructive mobile seabed trawling for *Nephrops* (prawns) and dredging for scallops so the bay would have a chance to return to a healthy benthic ecosystem, which would benefit the adjacent marine environment. The 67 mile coastline of Arran is an important recreational tourism asset. Arran attracts people from all over the UK and abroad, and there is certainly potential to increase visit numbers and the economic benefits to the island through conservation of the marine environment. Sea angling, a shadow of its former popularity and a once important income generator in the 1980s, could

return, along with regenerated biodiversity, sustainable seabed ecosystems and white fishery stock. The community lobbied successfully against a proposal to develop a huge fish farm in 2008, which would have discharged over 200 tonnes of waste food and faeces into the sea near Lamlash Bay during every fish cycle of 22 months, thereby defeating the very objective of regeneration. For further information on COAST's activities see: [www.arrancoast.com](http://www.arrancoast.com)

### 3. Do the CEC serve a useful purpose in Scotland?

- Yes, with a strong strategic vision and attitude, in the management of Crown Estate in Scotland, particularly in the marine estate. This is where COAST, as a marine community stakeholder, is concerned.
- Data, papers, scientific studies and information have been freely supplied with courtesy and speed.
- CE benefits from drawing on UK expertise, especially in the marine environment with their experience of Inshore Fisheries and Conservation Authorities.
- COAST agrees with the Calman report which did not consider that legislative competence over the administration of the Crown Estate in Scotland should be devolved.
- The discussion paper by Marine Scotland which was produced during the debate in the Scottish Parliament in June 2011 makes the case for devolving full legislative competence to the Scottish Parliament which would allow for streamlined management of Scotland's marine area. This paper stated: "Marine Scotland is already the licensing body for many marine developments and is well placed to manage the marine estate". Many in Scotland's marine stakeholder communities would disagree; they can only see inadequate management of fisheries and restorative measures for seabed ecosystems. So far little action has been taken by Marine Scotland to integrate the needs of the broader community in marine management, instead it has tended to side with a few chosen industries; it styles itself as an honest broker, but by its actions has shown itself to be a hugely political creature. One good example of this approach is the creation by Marine Scotland of the Clyde Inshore Fisheries Group to help develop its inshore fisheries policy on the Clyde. This organisation comprises solely fishermen engaged in some of the most controversial and destructive fishing practices used by any UK vessels, many of whom do not come from the Clyde. Yet the Clyde IFG has no representatives from fishermen deploying more sustainable techniques, no sea anglers and no community representatives. It resonates with cronyism and built in conflicts of interest. It is no wonder the Clyde fishery is a shadow of its former self. With Marine Scotland sponsoring such an arrangement it is difficult to give credibility to its claims of competence.
- While Marine Scotland may have some experience in licensing and policy, they have absolutely no experience (beyond managing their own offices) in land ownership and management and are therefore uniquely unqualified to take on the responsibility of management of a vast estate. Any representative from the property management team of a local authority department or a custodial body such as the National Trust for Scotland will confirm that licensing and the creation of policy and the active management of an estate are worlds apart. Marine Scotland would need to build from scratch a management team in this area, just to be in the same starting position as CEC. This contrasts unfavourably with the CEC which is an organisation which is made up largely of RICS accredited surveyors and completely understands their role as a land owner. Marine Scotland would then also find itself in a position of conflict of interests as it sought to licence activities on properties which it also owned. This would necessitate the creation of a sub-department with Marine Scotland which was at arm's length to its licensing function. Regardless of the constitutional hurdles (which

themselves are not-inconsequential) creating a land-ownership directorate within Marine Scotland is going to be time-consuming and expensive, and there is a grave question whether these changes would represent value for money for the tax payer - when it would be much simpler to make CEC more accountable in Scotland to its local communities.

#### **4. What should be the role of CEC in investing in Scotland?**

- Long term sustainable businesses and communities; economically, socially and environmentally. It is important that CEC continue to see sustainability in those 3 dimensions, not just short term economic gain for the UK Treasury.
- CEC must remain independent of political alliances, key developers, multinational businesses etc. Safeguarding SSSI and pristine environments must be an important part of their duty of care. They appear to do this professionally. The recent loss of an SSSI due to the planning decision of the Scottish government planning directorate gives cause for concern for the future of legally protected areas.

The pressure from the Scottish Government, especially in the marine estate is for short term economic political gain. The power brokers appear to mostly exclude marine community stakeholders, such as the Isle of Arran community, in key consultations on the future. The Scottish government has shown it lacks the political will to protect the marine environment and its foreshore or put in place restorative measures for fisheries for the long term social and environmental benefits, particularly for marine community stakeholders, of which COAST is one in the Clyde. The failure of the Scottish Government to implement meaningful marine protected areas despite ample scientific evidence of their benefits and international commitments shows a desire within Marine Scotland to cave in to the short term desires of some of the well-connected within the fishing industry rather than operate with a long-term responsible attitude. If the current Scottish Government wishes to have more jurisdiction of our inshore waters it must be able to demonstrate its ability to manage them sustainably and in the interests of all coastal stakeholders in the first place, something it is failing to do so far.

#### **5. What is the legacy of the CEC in Scotland?**

This is a difficult question to answer since the CEC still exists but it should be:

- Safeguarding some prime sites and inshore seabed by holding areas in trust for the people so they cannot be sold, only leased.
- Adding a tier of independence in marine decision making. Without that there is a fear that fish farms, renewables etc would be buying rather than leasing the seabed, and privatising important marine sites for ever.

#### **6. Are the current management, administration and accountability arrangements of the CEC appropriate?**

- The estate needs better management, which is accountable to local stakeholders, not different management.
- Leases of the seabed, for example for fish farms, should be time limited. The present 10-12 year leases should not be extended too far, and a great deal of care should be taken when these are sold. We are concerned that fish farms have a history of pollution and it should be very clear that fish farmers should make sure that the

seabed is reinstated at the end of the lease and should have the resources to do so; the clean-up should not boomerang back onto the tax payer.

- More responsive management and interaction with stakeholder communities especially in marine decision making. Whilst helpful in answering queries, more work needs to be done. Too much power has been centred in Edinburgh and London. In recent history, in our view, too much emphasis on generating income from seabed leases, for example finfish farmers and other major business groups etc. which are often at odds with the much longer term strategic needs of marine communities.
- Thrust must not just be about financial income but a balance between community needs and financial returns. The recent decision to plough back money into marine communities goes some way to ensuring CEC becomes more responsive to all the marine stakeholders not just those with power and money!
- Similarly CEC can add influence when poor decisions could be made about marine infrastructure and represent the wider interests of the people of Scotland
- As a marine community group we have little confidence in Marine Scotland's ability to protect, restore and encourage sustainability of the marine environment. It formed Inshore Fisheries Groups, allowed powerful lobby groups to dictate policy for the marine environment, and to date has failed to implement the marine protected areas much needed to reinvigorate our waters, an example of which is Lamlash Bay, proposed in 2008 when the No Take Zone was implemented.

## **7. How could the CEC best act in the public interest of Scotland?**

In the marine estate:

- Safeguard the coastal and inshore seabed from any privatisation
- Be a guardian of the seabed in the interests of all marine community stakeholders, not just the multinational companies, or influential developers in for short term profits
- Ensure any marine inshore development has an independently assessed Environmental Impact Assessment
- Consult with marine community stakeholders as well as local authorities when planning permission for a marine development is sought
- Be prepared to remove a lease from any group that disregards the terms of the lease- for example with finfish farms not cleaning up their industrial waste from both the seabed and shorelines

## **8. How revenues raised by CEC in Scotland could best be used for the benefit of local communities in Scotland?**

- In dealing with the marine estate: support local marine community stakeholders through grants to enable them to be involved in decision making, education and strategies for their area
- Support marine research, especially in the effects of seabed developments over the longer term
- With the increase in marine recreation, encourage sea angling, and facilities to enable this to happen. Previously a big part of tourism in the west of Scotland, especially the Clyde. Now almost extinct due to over fishing and poor fishery management policies
- Encourage marine yachting tourism, working with Local Authorities to improve yachting infrastructure from pontoons, breakwaters, shore showers, fuel bunkering, rubbish disposal and even shore toilet facilities

## **9. At what level might those revenues be best administered: UK Treasury, Scottish Government or local authority level?**

The profits of the Crown Estate are currently paid to the tax payer via the consolidated funds of HM Treasury. Whether such funds are distributed elsewhere in the UK administrative structure is a question of politics. The COAST position is that, however such funds are administered coastal communities should be properly compensated for the commercial operations which generate the income usually to the detriment of local landscapes and habitats.

We are also concerned that the costs and implications of any change to the administration are borne in mind before changing the system fundamentally; an over-stretched local authority may have as little ability to administer the Crown Estate as a centralised bureaucracy

**10. What processes might be put in place for the distribution and allocation of those revenues, in order to secure the maximum benefit for the people of Scotland?**

- Form a Scotland CEC Foundation with representatives from across Scotland as Trustees, drawing on coastal community expertise as well as more established representatives. Chaired by the Scottish CEC. CEC Scotland should represent the people of Scotland.
- Invite requests for funds on a yearly basis, dealt with the Trustees of the Foundation, with additional expertise as required assessing fund requests.
- Create guidelines for the stewardship aspect of the CEC's responsibility so that more creative use can be made of the seabed and foreshore, which does not translate necessarily to profit maximisation but secures community benefit.

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COAST is the trading name of the above named Company

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THE UNDERWOOD TRUST

COAST winner of the 2008 Observer Ethical Conservation Project of the Year