

# **A Consultation on the Long Term Management of the Crown Estate in Scotland:**

## **Analysis of Consultation Responses**

**January 2018**

# **A Consultation on the Long Term Management of the Crown Estate in Scotland: Analysis of Consultation Responses**

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**The views expressed in this report are those of the respondents to the consultation.**

**This report contains the analysis prepared by The Research Shop.**

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# 1. Executive Summary

1.1 The Smith Commission (2014) recommended that responsibility for the management of the Crown Estate's assets in Scotland, and the revenue generated from these assets, be transferred to the Scottish Parliament. In 2015, Scottish Ministers committed to seek, in the first instance, devolution of the Crown Estate as a single body, then, in a second stage, develop a long term management framework for the Crown Estate.

1.2 To inform the second stage, the Scottish Government launched a public consultation on the long term arrangements for the Crown Estate in Scotland. The consultation was published on 4 January 2017 with views invited by 29 March 2017. 212 responses to the consultation were received in time for the analysis, 115 from organisations and 97 from individuals. A summary of the views of respondents follows.

## Views on the vision for the Crown Estate in Scotland

1.3 75% of the 177 respondents who provided a view considered that the future approach for managing the Crown Estate in Scotland should be changed from the current duty to manage assets on a commercial basis. The view of 89% of those who commented was that there should be a power to take account of wider socio-economic or other benefits in managing Crown Estate assets.

1.4 92% of the 176 respondents who provided a view considered that the requirement on "good management" should be retained; most respondents (79%) held the view that the requirement on "good management" should be amended to take account of environmental implications in relation to the management function.

1.5 A minority (36%) of the 162 who responded considered that the existing Crown Estate portfolio in Scotland should be preserved in its current form; 48% of respondents disagreed (with the remaining 16% not knowing). 81% of the 168 respondents who provided a view considered that manager(s) of Crown Estate assets should need to seek the approval of Scottish Ministers for sizeable sales. There was much agreement (86% of the 176 respondents providing a view) that the general presumption against selling the seabed should be maintained.

1.6 There was a general acknowledgement of the importance of transparency in relation to the sale and management of the Crown Estate assets, albeit respecting issues of commercial sensitivity where these emerge. A common view was that publishing asset information online, including upcoming sales and the performance of assets, would enhance transparency. Many local authorities held the view that transparency can be assured by devolving the management of the Crown Estate assets to bodies which already operate transparent decision-making processes and are accountable to the public.

1.7 A common view was that involving local communities in decisions on the management of local Crown Estate assets will contribute to community empowerment, particularly if a proportion of financial returns are re-invested into

local communities, and if local people are involved in opportunities for local economic development.

1.8 Another recurring view was that an increase in local involvement will promote community confidence and the capacity required to contribute positively to land reform issues. Many respondents shared the view that devolution of the management of the Crown Estate has the potential to contribute to greater diversification of ownership of land, a key aim of the land reform agenda.

1.9 An emerging theme was that the strategic framework developed for the Crown Estate in Scotland should make explicit links to the key National Outcomes and other related national policies.

## **Views on managing Crown Estate assets for Scotland and communities**

1.10 Of the three general principles set out by Scottish Ministers to explore opportunities for democratic renewal and decentralisation, much support was provided by respondents for Principle 1: “People should be able to influence decisions that affect them and their families, and trust the decisions made on their behalf by those they elect”; and Principle 2: “Arrangements should be appropriate and tailored towards the needs and aspirations of people and places, to support the delivery of shared National Outcomes”.

1.11 There were mixed views on Principle 3: “Arrangements should be effective, efficient and represent value for money for Scotland as a whole”, with local authorities, in particular, considering that this could conflict with their statutory obligation to ensure “best value”. Some local authorities and COSLA also considered that the reference to “Scotland as a whole” was not in keeping with devolving management to local levels.

## **Design options for the Crown Estate in Scotland**

1.12 Three design options for managing the Crown Estate assets in Scotland were put forward in the consultation. Option 1 proposed to retain management of all assets at the national level; option 2 proposed devolving management of all assets to local authorities or communities; and option 3 proposed consideration on a case-by-case basis. There was support expressed for each option, but the option receiving most support from respondents was option 3, the preferred option of 69 (38%) of the 180 respondents who provided a view.

1.13 Of the 173 respondents who commented, 42% supported a functional approach to guide the reform of the management of the Crown Estate in Scotland; 31% supported a geographic basis; 9% did not know; and the remaining respondents proposed another approach. Those most in favour of a functional approach were leisure and tourism bodies, other commercial organisations and individuals. Those favouring a geographic basis for reform were largely community groups and local authorities.

1.14 A slight majority of 51% of the 142 respondents who provided a view supported management on a geographic basis being led by communities; 28% were in favour of such management being led by local authorities.

### **Enabling Ministers to reform the management of the Crown Estate**

1.15 53% of the 169 respondents who commented considered that Scottish Ministers should have the power to hand responsibility for management of the estate, or parts of it, to a particular person or persons. 65% of the 167 respondents providing a view were of the opinion that Scottish Ministers should have a power to vary management arrangements held by other parties over time. 55% of 161 responding considered that Scottish Ministers should have the power to extinguish rights currently held in the Crown Estate where management of the asset can be adequately covered by other legislation.

### **Delivering more control for communities**

1.16 Respondents provided views on which assets they considered should be managed at national level. Some respondents felt that all assets should be managed at this level. Others highlighted: rights over cables and pipelines; rights to mining and naturally occurring gold and silver; rural estates; leasing for wave and tidal energy and offshore wind energy; and marine assets.

1.17 A common view amongst local authorities in particular, was that local authority level of management is appropriate for most assets in view of the democratic accountability held by local authorities and their proven record of managing assets in the public interest.

1.18 A few respondents considered that individual fisheries, local moorings and, where there is interest, rural estates, could all be managed at community level. A view emerging largely from the ports and harbour bodies was that management of harbour areas should “remain” within trust port control.

### **Delivering further devolution of Crown Estate assets**

1.19 57% of the 169 respondents who provided a view considered that local authorities or communities should be expected to make a case for further devolution, with most respondents (86% of 118 responding) agreeing that local authorities or communities should be required to demonstrate the capability to ensure the appropriate management, to maintain service delivery and to deliver increased benefits.

1.20 Suggestions were made for approaches to minimise potential risks of fragmentation of the Crown Estate management. Most commonly mentioned were ensuring that local management approaches align with national strategy and outcomes; and to establish a central administrative function which sets fees and other charges, but allows for local flexibility.

1.21 There were mixed views over whether shared services should be a requirement of devolution to the local level of decision-making on property, rights and interests of the Crown Estate. Those in favour included many leisure and

tourism bodies and respondents in the “other commercial” category. Advantages were identified as ensuring consistency of approach to management, and minimising local exploitation at the expense of broader public interest. Local authority bodies, in particular, were generally opposed to the proposal, considering it unnecessary as local authorities and local communities already demonstrate their competence to manage local assets. Some stated that local decision-making should mean just that.

1.22 The most frequently identified challenges to devolution, expressed by respondents across a wide range of categories, were lack of the local expertise required to manage large projects, and lack of expertise in generating and sustaining revenue.

### **Strategic planning and a national framework**

1.23 84% of the 170 respondents who provided a view considered that there is a need for strategic planning and a long term investment strategy in order to co-ordinate work to enhance the value of the estate.

1.24 Almost all of the 104 respondents who provided a view envisaged benefits of putting in place a national framework to govern further devolution opportunities. Many supporters, from a wide range of categories, emphasised the need for the framework to provide guidance only, so as not to be overly prescriptive.

1.25 65% of the 166 respondents who gave their view considered that there should be consistent charging approaches between areas to avoid competition between different parts of Scotland.

1.26 57% of the 159 respondents providing a view perceived a need for a phased approach to introduce reforms to the management of Crown Estate assets in Scotland. There were mixed views on whether future arrangements in Orkney, Shetland and the Western Isles should be considered first in a phased approach to devolution. 42% of respondents were in favour; 35% were against; and 23% did not know. 59% of the 167 respondents who commented suggested that there would be value in conducting a pilot scheme prior to implementing reforms. A common view was that long term arrangements will be informed by the lessons learned from pilots.

### **Securing the benefits for Scotland and communities**

1.27 56% of the 165 who responded were in favour of the future framework including flexibility for Scottish Ministers to vary the proportion of revenue retained by the manager.

1.28 76% of the 165 respondents providing a view considered that the arrangement whereby the capital value of one part of the estate can be used to enhance opportunities elsewhere in the estate should be continued. There was no overall majority, however, in favour or against the proposal that the current duty of maintaining the value of the estate and the return obtained from it should be continued or amended for the investment of capital proceeds. The majority (65%)

view, amongst the 162 respondents who gave their opinion, was in favour of discretion for capital proceeds from a sale in one area to be invested anywhere in Scotland; likewise most (64%) of the 162 commenting considered that it should be possible for capital and maintenance requirements for an individual asset to be funded from another part of the estate.

1.29 83% of those the 165 respondents who provided a view agreed that funding of strategic activities from Crown Estate assets should continue; 81% of the 158 respondents commenting considered that these strategic activities should be managed at the national level.

1.30 80% of the 163 respondents who gave a view were in favour of those taking responsibility for management of an asset to also take the responsibility for managing the associated liabilities. In the case of decommissioning of marine infrastructure, most of the 164 respondents (66%) who commented considered that the liabilities for land restoration and residual liabilities should be managed nationally.

## **Assessing impact**

1.31 A common view was that devolving management to local level will inevitably result in costs, at least in the short-term, due to having to establish new management structures, set up new administrative procedures, upskill local people and help them gain expertise.

1.32 Local authorities were largely represented amongst those envisaging potential savings, in particular, those arising from greater streamlining of the consent/licensing arrangements, and speedier and more responsive decision-making under one-stop-shop arrangements.

1.33 A recurring view was that management of assets at local level will bring a sense of ownership and strong stewardship of assets, leading to better environmental management.

## 2. Introduction

2.1 The Smith Commission (2014) recommended that responsibility for the management of the Crown Estate's assets in Scotland, and the revenue generated from these assets, be transferred to the Scottish Parliament. The assets include the Crown Estate's seabed, urban assets, rural assets, mineral and some fishing rights in Scotland, and approximately half the Scottish foreshore for which the Crown is responsible.

2.2 In 2015, Scottish Ministers committed to seek devolution of the Crown Estate and, in the first instance, for management to be undertaken by a single body on an interim basis, then, in a second stage, to develop proposals for further changes for a long term management framework including opportunities for further devolution for the Crown Estate in Scotland. To achieve this, first stage interim management arrangements have been put in place to ensure smooth transfer of Crown Estate assets to Scottish Ministers.

2.3 To inform the second stage, the Scottish Government launched a public consultation on the long term arrangements for the Crown Estate in Scotland. The consultation was published on 4 January 2017 with views invited by 29 March 2017. Topics covered in the consultation included those which can be legislated for by the Scottish Parliament, namely: the overall aims for the estate; the basis for operational decisions on management of the property, rights and interests including leasing and sale of assets; who should manage the transferred functions in the future, including further devolution to the local level; the establishment of a national governance framework for management; and how the revenue should be used in future.

2.4 Responses to the consultation were encouraged via Citizen Space, which most respondents used.

### Consultation responses

2.5 The Scottish Government received 212 responses to the consultation. Table 2.1 overleaf shows the distribution of responses by category of respondent. A full list of respondents is in Annex 3. The respondent category applied to each response was agreed with the Scottish Government policy team.

2.6 54% of responses were submitted by organisations; 46% were from individuals. Organisations were representative of a wide range of stakeholders, with the largest category being other commercial/research bodies comprising 10% of all respondents.

### Analysis of responses

2.7 The consultation posed 52 questions, including closed questions and those inviting more open responses, which can be found [here](#). The analysis of responses is presented in the following chapters which follow the order of the topics raised in the consultation document.

**Table 2.1 Distribution of responses by category of respondent**

<b>Category</b>	<b>No. of respondents</b>	<b>% of all respondents</b>
Other Commercial/Research	21	10
Leisure/Tourism	20	9
Fisheries/Seafood Bodies	13	6
Local Authority	12	6
Land and Estates	11	5
Community Groups	10	5
Ports and Harbours	8	4
Enterprise or Coastal Management Bodies	7	3
Natural Heritage/Conservation	6	3
Other	7	3
<b>Total Organisations</b>	<b>115</b>	<b>54</b>
<b>Total Individuals</b>	<b>97</b>	<b>46</b>
<b>Grand total</b>	<b>212</b>	<b>100</b>

2.8 **Chapter 3** includes questions 1 – 13 which focus on the vision for the management of the Crown Estate in Scotland with the aim of maximising the benefits to the nation and communities. **Chapter 4** includes questions 14 – 37 and explores in more detail various management issues such as principles, design options and level of devolution. **Chapter 5** presents the analysis of questions 38 – 48 aimed at identifying views on how best to secure the benefits of Crown Estate assets in Scotland. **Chapter 6** focuses on the potential impact of managing the Crown Estate in Scotland with questions 49 – 52 encompassing business and regulation; environmental; equality; and privacy impacts.

2.9 **Annex 1** contains data tables which summarise the quantitative data from closed questions with data disaggregated to level of category of respondent.

2.10 Response rates to questions were largely over 50%. The questions on potential impact received the lowest response rate, with those on securing benefits of assets receiving the highest overall.

### 3. Vision

#### Background

To date, the property, rights and interests of the Crown Estate have been managed mainly on a commercial basis through the buying and selling of land and property. The aim has been to maintain the value of the estate and lease the estate to secure the best consideration.

The Scottish Parliament will be able to provide a new and revised purpose for the Crown Estate in Scotland, although its legislative competence is restricted by the Scotland Act 1998. Managers of Scottish assets must act in accordance with the Crown Estate Transfer Scheme 2017.

There is a question over whether the Crown Estate should continue to be managed on a primarily commercial basis, or whether there is a case for a broader set of considerations to be taken into account, such as wider socio-economic benefits.

#### Question 1: Should the future approach be changed from the duty to manage the assets on a commercial basis?

3.1 177 (83%) respondents answered this question. Table 1 in Annex 1 shows responses by category of respondent. Table 1.1 summarises these responses.

**Table 1.1: Summary of views on whether the future approach should be changed from the duty to manage the assets on a commercial basis**

Response	No. of respondents	% of all respondents
Yes	132	75
No	36	20
Don't know	9	5
<b>Total respondents</b>	<b>177</b>	<b>100</b>

3.2 75% of those providing a view considered that the future approach should be changed from the duty to manage the assets on a commercial basis. Organisations expressed stronger support overall for a change in future approach, with 80% supporting this, compared with 69% of individuals in support.

3.3 All of the local authority respondents and all but one of the community groups were in favour of change. The leisure and tourism sector respondents were largely divided on whether the duty to manage the assets should change from its current commercial basis.

## Question 2: If YES, should there be a power to take account of wider socio-economic or other benefits?

3.4 151 (71%) respondents answered this question. Table 2 in Annex 1 shows responses by category of respondent. Table 1.2 summarises these responses.

**Table 1.2: Summary of views on whether there should be a power to take account of wider socio-economic or other benefits**

Response	No. of respondents	% of all respondents
Yes	135	89
No	3	2
Don't know	13	9
<b>Total respondents</b>	<b>151</b>	<b>100</b>

3.5 89% of those providing a view considered that there should be a power to take account of wider socio-economic or other benefits. The three respondents in opposition were individuals.

## Question 3: If YES, which assets should be managed on a commercial basis and which should be managed differently?

3.6 117 (55%) respondents answered this question. A recurring view was that the management of assets should be considered on a case-by-case basis, with both current and future use of assets being factors in decisions on management.

3.7 Whilst some respondents suggested that management of assets should start primarily from a commercial basis, informed by consideration of socio-economic benefits, others held the opposing view, and emphasised the need to manage all assets from a socio-economic perspective, informed by commercial considerations. Most agreed, however, that assets can have both commercial and socio-economic benefits and this should be recognised in their management.

3.8 A few individuals remarked that by focusing on the commercial aspects of assets, revenue could be generated for the benefit of the wider community. A community group also described how their initial focus on a non-commercial enterprise, had led, inadvertently, to broader economic development.

3.9 Respondents across a wide range of sectors identified assets which they considered should be managed largely on a **commercial basis**:

- Marine and marine energy assets
- Urban property
- Built property including wind farms, extractive businesses, jetties

- Seabed
- Seashore
- Forestry, farm and sporting tenancies on estates
- Private moorings
- Rights relating to oil and gas infrastructure

3.10 Other respondents, again, from a range of categories, identified assets which they considered should be managed largely on a **socio-economic basis**:

- Salmon fishings
- Some cases of sea bed assets (for example, in the case of salmon farming leases, agreeing areas where leases will not be offered could be a vital measure in preventing/ reducing disease and parasite spread between farm management areas)
- Rural estate land
- Individual moorings
- Access and navigation
- Telecommunications apparatus

3.11 In addition to commercial and socio-economic considerations, many respondents suggested that other considerations should be taken into account. Most frequently mentioned were **sustainability and environmental** issues. A few respondents commented that management of assets should align with wider strategies, such as Scotland's National Marine Plan and other national policies.

3.12 Some respondents, largely individuals, suggested that local communities should decide which assets should be managed by them, and if they have no interest in them, then a commercial approach to management should be deployed.

3.13 Several local authorities and a few enterprise bodies were of the view that, rather than splitting the portfolio into assets managed for commercial or socio-economic benefit, a "best value" approach should be adopted, which takes cognisance of the needs of the estate as a whole (particularly 'estate in land' considerations). By 'best value' they envisaged a management model that delivers commercial success together with wider social and economic benefits.

3.14 One land and estate organisation recommended what they termed a "best practice" approach, rather than one based solely on commercial considerations.

## Good Management for the Future

### Good management

Crown Estate managers already have some discretion to take account of “good management” when seeking to maintain the value of the estate. There have been calls for an explicit duty to take account of the environmental implications of decisions on use of the estate.

### Question 4: Should the requirement on “good management” be retained?

3.15 176 (83%) respondents answered this question. Table 3 in Annex 1 shows responses by category of respondent. Table 1.3 summarises these responses.

**Table 1.3: Summary of views on whether the requirement on “good management” be retained**

Response	No. of respondents	% of all respondents
Yes	162	92
No	2	1
Don't know	12	7
<b>Total respondents</b>	<b>176</b>	<b>100</b>

3.16 92% of those providing a view considered that the requirement on “good management” should be retained. Nine of those unclear about retaining the requirement on “good management” were individual respondents.

### Question 5: Should the requirement on “good management” be amended to take account of environmental implications in relation to the management functions?

3.17 172 (81%) respondents answered this question. Table 4 in Annex 1 shows responses by category of respondent. Table 1.4 overleaf summarises these responses.

3.18 79% of those providing a view considered that the requirement on “good management” should be amended to take account of environmental implications in relation to the management functions.

3.19 Opposition to the proposal emerged largely from individual respondents and those in the “other commercial” category.

**Table 1.4: Summary of views on whether the requirement on “good management” should be amended**

Response	No. of respondents	% of all respondents
Yes	136	79
No	26	15
Don't know	10	6
<b>Total respondents</b>	<b>172</b>	<b>100</b>

## Sale of Assets

### Sale of assets

The Scotland Act 2016 inserts new provision to the Scotland Act 1998 which allows for the disposal of assets by the manager for the purpose of that management, so there is no requirement to preserve the existing assets in the Crown Estate portfolio.

The consultation paper outlined that there are strong grounds to enable assets to be sold, recognising that there is a legal duty to re-invest the proceeds in the estate. However, the consultation paper outlined the proposal to maintain the general presumption against selling the seabed so that this national strategic asset does not become fragmented. There may also be a need for manager(s) of Crown Estate assets to seek the approval of Scottish Ministers for sizeable sales.

### Question 6: Should the existing Crown Estate portfolio in Scotland be preserved in its current form?

3.20 162 (76%) respondents answered this question. Table 5 in Annex 1 shows responses by category of respondent. Table 1.5 summarises these responses.

**Table 1.5: Summary of views on whether the existing Crown Estate portfolio in Scotland should be preserved in its current form**

Response	No. of respondents	% of all respondents
Yes	59	36
No	77	48
Don't know	26	16
<b>Total respondents</b>	<b>162</b>	<b>100</b>

3.21 Around half (48%) of those providing a view were opposed to the existing Crown Estate portfolio in Scotland being preserved in its current form; a sizeable minority of 36% of respondents considered it should remain in its current form.

3.22 The proportion of individuals and organisations in favour of the status quo was similar, but a higher proportion of organisations (51%) than individuals (44%) disagreed.

3.23 Amongst the organisations who provided a view, all of the local authority bodies and all of the enterprise organisations were opposed to the existing Crown Estate portfolio in Scotland being preserved in its current form. In contrast, almost all of the leisure and tourism respondents considered that the current portfolio should be preserved.

### Question 7: Should Scottish Ministers' approval be required for sizeable sales?

3.24 168 (79%) respondents answered this question. Table 6 in Annex 1 shows responses by category of respondent. Table 1.6 summarises these responses.

**Table 1.6: Summary of views on whether Scottish Ministers' approval should be required for sizeable sales**

Response	No. of respondents	% of all respondents*
Yes	136	81
No	16	10
Don't know	16	10
<b>Total respondents</b>	<b>168</b>	<b>100</b>

\*Percentages may not total 100% exactly due to rounding.

3.25 A sizeable majority (81%) of respondents who provided a view considered that manager(s) of Crown Estate assets should need to seek the approval of Scottish Ministers for sizeable sales. There was much consensus across categories of respondent, with the majority of respondents in each sector sharing this view.

### Question 8: Should the existing policy – the general presumption against selling the seabed – be maintained?

3.26 176 (83%) respondents answered this question. Table 7 in Annex 1 shows responses by category of respondent. Table 1.7 overleaf summarises these responses.

**Table 1.7: Summary of views on whether the general presumption against selling the seabed should be maintained**

Response	No. of respondents	% of all respondents*
Yes	152	86
No	19	11
Don't know	5	3
<b>Total respondents</b>	<b>176</b>	<b>100</b>

3.27 Most (86%) respondents who provided a view considered that the existing general presumption against selling the seabed should be maintained. 11% respondents disagreed, which included four of the local authority bodies and all but one of the ports and harbour organisations.

### **Question 9: Do you have any other views on how the management of the Crown Estate in Scotland can ensure delivery of the duties in the Scotland Acts 1998 and 2016?**

3.28 100 (47%) respondents provided views in response to question 9. A number of broad themes emerged from their responses:

#### **Manage assets centrally**

3.29 Several individual respondents and leisure and tourism bodies, along with a few respondents from the “other commercial” category, emphasised their view that assets should be managed centrally in order to:

- ensure continuity and consistency in various contractual and licensing arrangements;
- protect a “pan-Scotland” approach;
- avoid competing interests between different local authorities;
- maximise commercial opportunities, whilst protecting the environment and whilst balancing stakeholder interests;
- retain and build upon expertise and experience;
- retain revenue in Scotland; and
- enable rebalance of the Crown Estate in the interests of the people of Scotland.

3.30 The view expressed by a few of the port authorities was that Scottish control of assets provides the flexibility to examine more closely specific issues such as the sale of seabed under certain circumstances, allowing the proceeds to be used for reinvestment in other assets.

3.31 A few individual respondents identified Fort Kinnaird in Edinburgh as an asset which, in their view, should be kept within public ownership.

### **Devolve management to local authorities/local communities**

3.32 Many respondents, largely local authorities, re-iterated their view that the principles of the Smith Commission should be followed, with devolution of the management of the Crown Estate to local authorities.

3.33 Many individuals, along with a few community groups, considered that involving local communities in meaningful decision-making on management of the Crown Estate, supported by capacity-building and empowerment, will contribute to ensuring that the duties in the Scotland Acts are carried out.

### **Explore more commercial management models**

3.34 A few respondents, from a variety of sectors, identified the opportunity to explore other models of management of the Crown Estate in Scotland, with an emphasis on incorporating a commercial-based approach, utilising private ownership. They commented that Scottish Government policies will change over time, whereas professionals appointed to manage the assets will be suitably qualified and will provide consistent “good management”, within overarching regulation by statute.

### **Retain strategic overview**

3.35 Several respondents, from across a wide range of sectors, emphasised what they perceived to be the importance of retaining a strategic overview of the Crown Estate assets in order to safeguard the portfolio and align with longer-term goals such as sustainable development, and national and regional strategy. One national heritage/conservation organisation urged that environmental management encompasses the historic environment, particularly given the significant historic environment resource currently managed by the Crown Estate.

### **Limit fragmentation of the Crown Estate**

3.36 A few respondents, including individuals and a national heritage/conservation body, suggested that to best ensure delivery of the duties of the Scotland Acts, fragmentation of the Crown Estate should be limited to prevent the value of the portfolio diminishing; to ensure continuity of the management policies and revenues; to retain important expertise; to achieve a Scotland-wide consistency; to achieve consistency in benchmarking; to better understand environmental impacts; and to ensure strategic use of assets for national benefit .

## Transparency

### Transparency

Devolving the management of Crown Estate assets to the Scottish Parliament provides new opportunities to enhance the accountability and transparency of how the assets in Scotland are managed. As with any commercial activity, there will always be constraints on full disclosure of all activities due to data protection requirements and the commercial nature of some activities.

### **Question 10: How can transparency on the sale and management of the Crown Estate assets be enhanced?**

3.37 126 (59%) respondents answered this question. There was a general acknowledgement of the importance of transparency in relation to the sale and management of the Crown Estate assets, although a few respondents emphasised that issues of a sensitive nature may arise in relation to commercial decisions, and these should be respected.

3.38 Four main themes emerged from responses:

#### **Information should be widely publicised and accessible**

3.39 Respondents from a wide range of sectors considered that, to enhance transparency, information on decisions on assets, performance of assets, minutes of meetings, and so on, should be made publicly accessible online and in printed media. A recurring view was that information on upcoming sales, and the performance of the assets involved, should be publicised well in advance of the sale.

3.40 Several respondents suggested that simplified versions of some information, such as accounts, should be published to promote accessibility.

#### **Publishable data to be specified**

3.41 Many respondents suggested that legislation or guidance should be used to prescribe which information should be published. Information highlighted by respondents included annual reports, annual audits, strategic plans, delivery reports, records of sales and purchases of assets, for example, in Estate Assets Registers.

3.42 A few respondents envisaged some form of overseeing body, such as a Parliamentary body, Audit Scotland, or another entirely independent body, monitoring and scrutinising the key outputs of the Crown Estate in Scotland, and providing further reassurance of transparency.

#### **Involve local communities**

3.43 A repeated view across many different sectors was that engaging local communities and their representatives in key decisions relating to the Crown Estate assets will enhance transparency of activities.

## Devolve management to organisations with open procedures in place

3.44 A common view, particularly amongst local authorities, was that transparency can be assured by devolving the management of the Crown Estate assets to bodies which already operate transparent decision-making processes and are accountable to the public.

3.45 A few respondents identified, for example, those bodies considered to be a Scottish Public Authority as set out in the Freedom of Information (Scotland) Act 2002; others referred to the procedures outlined under “Transparency” in Box 6 of the consultation document, as required by any organisation managing Crown Estate assets.

## Greater alignment with Scottish Government policies

### Community empowerment

The Scottish Government wants communities to have a stronger voice in the decisions that matter to them. The Community Empowerment Act 2015 provides new rights for communities, places new duties on public sector bodies and reforms community planning.

## Question 11: How can the devolution of the management of the Crown Estate contribute to community empowerment?

3.46 142 (67%) respondents answered this question.

3.47 The most common response, particularly amongst individuals and community groups, was that involving local communities in decisions on the management of local Crown Estate assets, will contribute to community empowerment. Respondents considered that by being involved in meaningful and genuine dialogue over management issues, communities would grow in confidence and capacity.

3.48 Whilst many respondents emphasised that devolved management of the Crown Estate assets should reach beyond local authority level, to local communities, community councils, and community trusts, local authorities in particular argued that devolution of the management of the Crown Estate to local authority level was more appropriate in the short-term:

“.....given that the Interim body will not be subject to the Community Empowerment (Scotland) Act 2015, the Procurement Reform (Scotland) Act 2014 or the forthcoming socio-economic duty within the Equality Act 2010 but local authorities are, this means that a process for achieving community empowerment would be to potentially devolve the Crown Estate in Scotland to a local authority level” (the view of several local councils, local authority bodies and one respondent from the “other commercial” category).

3.49 A few respondents suggested that devolution to community level may be an option for the future once communities have developed expertise and built capacity.

3.50 Other recurring views were that devolution of the management of the Crown Estate can contribute to community empowerment by ensuring that a proportion of the **financial returns are re-invested into local communities**, or by ensuring **local people are involved in opportunities for local economic development** associated with Crown Estate assets. Examples were given of angling clubs and associations enabled to run their fishing activities, overseen by the Fisheries Trust and Salmon Fishery Boards; tourism and recreation opportunities; and sailing clubs being provided with the chance to manage the seabed in their area. A few of the land and estate respondents held the view that subsidiarity should be promoted as an active strategy, with resulting empowerment of communities.

3.51 A further common view, particularly from land and estate respondents and individuals, was that **new legislation relating to the management of the Crown Estate should ensure it is aligned with the current Community Empowerment Legislation** which places public consultation duties on public bodies. By embedding public consultation requirements in statute relating the Crown Estate asset management, respondents considered that opportunities for community empowerment would be firmly established as routine.

3.52 A few respondents, from a range of sectors, suggested that the asset transfer and participation request principles of the Community Empowerment Act should apply to any Crown Estate assets devolved to local authorities, to allow community buy-outs and ownership.

3.53 A few respondents, again across sectors, considered that by Crown Estate assets being managed in a transparent manner, particularly at local level, community empowerment will evolve organically, as opportunities for local people to engage will be more apparent and meaningful.

3.54 A contrasting view, shared by several respondents across sectors, was that by maintaining the management of the Crown Estate at national level, communities will benefit more by gaining higher financial returns through economies of scale, saving costs on staffing and administration, and minimising local conflicts of interest, uncertainty and reduced inward investment.

3.55 A few respondents questioned the meaning of “community”, with a land and estates representative emphasising their view that tenant farmers be recognised as a community, and others remarking that defining “community” may be challenging in relation to offshore assets.

3.56 The view of a small number of respondents, largely individuals, was that devolution of the management of the Crown Estate may not have an impact on community empowerment, largely on account of the lack of suitable community expertise and lack of need for local communities to become involved, particularly where assets are currently well-managed and are generating local jobs.

## Land Reform

### Question 12: How can the devolution of the management of the Crown Estate contribute to land reform?

3.57 94 (44%) respondents addressed this question.

#### Views of respondents identifying potential contribution to land reform

3.58 28% of those providing a response suggested that the general **increase in local involvement** in aspects of decision-making, management and ownership of Crown Estate assets, will **promote the community confidence and capacity required to contribute positively to land reform issues**.

3.59 Finding local solutions to local problems and exploiting local opportunities for economic development were perceived as part of establishing a climate in which the land reform agenda can flourish.

3.60 Many of the organisations who gave a view identified the management opportunities provided by devolution to local communities, local trusts and local authorities, as underpinning the principles of land reform rights and responsibilities, including increasing transparency in decision-making and managing land in the public interest.

3.61 Another common view was that devolution of the management of the Crown Estate has the potential to contribute to **greater diversification of ownership of land**, a key aim of the land reform agenda. The extent of opportunities for local ownership was viewed as dependent on Crown Estate assets being brought within various legislative frameworks such as the Community Empowerment (Scotland) Act 2015 and Section 5 of the Land Reform (Scotland) Act 2016. In addition, a few land and estate respondents considered that community landowners whose land abuts the foreshore should have the right to own the adjoining foreshore<sup>1</sup>.

3.62 One further prominent theme was that local management of Crown Estate assets provides **greater opportunities to manage assets in the public interest, focusing on socio-economic and environmental benefits** over the longer term, in keeping with the land reform agenda.

3.63 Several respondents, largely local authorities, considered that potential to further progress towards land reform could be unlocked by addressing the link between land and marine assets. It was considered that unresolved issues remain around ownership of the foreshore, which create uncertainty and deter inward investment. Resolving these issues was viewed as a priority to give confidence to prospective community estates and ensure the maximisation of benefit from Crown Estate assets for the local community.

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<sup>1</sup> Note that the Community Right to Buy doesn't give community landowners any automatic right to own land. They still have to demonstrate that their plans are sustainable and in the public interest.

## Views of respondents identifying challenges

3.64 20% of respondents who provided a view did not consider that devolution of the management of the Crown Estate will impact positively on land reform. Several individuals were opposed to land reform, and others stated that a link between the two policies was not particularly applicable.

3.65 A few organisations, from a range of sectors, provided their view that increased fragmentation of assets could lead to inconsistent management of land; one land and estates respondent suggested that if devolution went no further than local authority level, local communities may be put more at a disadvantage in terms of gaining control of assets, contrary to land reform aims.

3.66 A few national heritage and conservation bodies identified what they considered to be a tension between land reform aims of long term stewardship of land, taking account of wider socio-economic and environmental benefits, and potential pressure on managers of Crown Estate assets to enhance value and the financial returns from them.

## Delivering on National Outcomes

### Greater alignment with Scottish Government policies

Scottish Ministers see the devolution of the management of the Crown Estate assets as an opportunity to use the Crown Estate assets and revenues in a way that contributes towards achieving the following National Outcomes:

1. We value and enjoy our built and natural environment and protect it and enhance it for future generations.
2. We realise our full economic potential with more and better employment opportunities for our people.
3. We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.

### Question 13: How can we further improve alignment with Scottish Ministers' objectives to deliver on the National Outcomes?

3.67 107 (50%) respondents answered this question. Two main themes emerged from their responses.

#### Make strategic links explicit

3.68 A common view across many different respondent categories, was that the strategic framework developed for Crown Estate in Scotland should make explicit links to the key National Outcomes and other related national policies. It was suggested that an appropriate performance and measurement framework be developed which will assist in assessing the alignment with, and achievement of

these objectives. Examples of related policies provided by respondents included: National Marine Plan; Climate Change; and Energy Strategy.

3.69 A few respondents emphasised what they perceived to be the need for an oversight body to scrutinise performance and annual reports.

3.69 Several respondents highlighted the need for local management bodies to align local priorities with National Outcomes and objectives, to ensure consistent aims whatever the level of devolution.

3.70 The view of a small number of respondents, largely individuals, was that alignment with Scottish Ministers' objectives to deliver on the National Outcomes was most likely to be achieved by retaining a single, national entity to manage the Crown Estate assets in Scotland.

### **Devolve management to local levels**

3.71 A further common theme was that involving local communities in managing and owning assets will promote community empowerment and resilience as well as enabling communities to appreciate the value of their environment.

3.72 Many of the local authority bodies who provided a view considered that devolution to local authority level will best ensure alignment with Scottish Ministers' objectives, as these are already embedded in their local planning framework.

### **Other views**

3.73 Suggestions for further improving alignment with Scottish Ministers' objectives to deliver on the National Outcomes, made by only a few respondents were:

- Ensure that wider socio-economic and environmental benefits are taken account of, alongside commercial considerations in the management of assets.
- Ensure the potential for local economic development is realised, for the benefit of local people.
- Promote awareness of the objectives.

## 4. Managing Crown Estate Assets for Scotland and Communities

### Background

Devolution of the management of the Crown Estate assets in Scotland will end the management of the assets being controlled from outside Scotland and it will be possible, for the first time, to retain the surplus revenue in Scotland, rather than the surpluses going to the UK Treasury. Ownership of the Crown Estate will remain vested in the Crown.

Decisions need to be made on what should be the long-term framework for management of Scotland's Crown Estate assets. The consultation paper set out three general principles to explore opportunities for democratic renewal and decentralisation:

1. People should be able to influence decisions that affect them and their families, and trust the decisions made on their behalf by those they elect.
2. Arrangements should be appropriate and tailored towards the needs and aspirations of people and places, to support the delivery of shared National Outcomes.
3. Arrangements should be effective, efficient, and represent value for money for Scotland as a whole.

### Question 14: Do you have any views on the proposed application of the above principles to guide the long-term framework for managing Crown Estate assets?

4.1 154 (73%) respondents answered this question. Table 8 in Annex 1 shows responses by category of respondent. Table 4.1 overleaf summarises these responses.

4.2 56% of those responding to the question stated that they had views on the proposed application of the principles; 27% stated that they had no views on this; and 18% of respondents did not know.

4.3 81 respondents provided relevant commentary on the proposed principles. Their views are summarised overleaf.

**Table 4.1: Summary of whether respondents had any views on the proposed application of the above principles**

<b>View</b>	<b>No. of respondents</b>	<b>% of all respondents*</b>
Yes – have views	86	56
Do not have any views	41	27
Do not know	27	18
<b>Total respondents</b>	<b>154</b>	<b>100</b>

\*Percentages may not total 100% exactly due to rounding.

### **General supportive comments**

4.4 Several respondents, across a range of sectors, expressed their support for the principles, in broad terms. They were viewed as “fair”, “strong”, and fitting with the ethos of community empowerment and local solutions to local problems. A repeated view amongst individual respondents was that the principles were in keeping with ambitions for communities striving to improve their economic prospects. A few land and estate respondents considered that the principles fitted with principles of devolution; and encouraged a shift from focus on short-term commercial opportunities to engaging with communities to work towards a longer-term, sustainable approach.

4.5 A few respondents suggested that environmental stewardship and priorities should be referred to within the principles.

4.6 A local authority raised the question of priority of principles, suggesting that the order of them will vary depending on the type of asset under consideration, and identified the need for a strategic overview of key assets.

### **Views on principles 1 and 2**

4.7 Principles 1 and 2 were welcomed by many respondents (largely individuals), as enabling local communities to be involved in decisions which affect local people. Island local authorities, in particular, were supportive of local communities influencing decisions on local needs. Some respondents considered that these principles will contribute to sustainable, long-term benefits to local areas; others envisaged the principles helping to balance national concerns with local needs.

4.8 In contrast to these views, many respondents from the leisure and tourism sectors in particular, identified disadvantages to management of assets at a local rather than national level: loss of uniformity of management across Scotland; inconsistent practices across different local authorities; loss of attention to the needs of communities of interest; loss of economies of scale; reduction in opportunity to learn and apply lessons across different areas; loss of specialist expertise in management (e.g. relating to wayleave rights for various services);

increase in bureaucracy due to negotiations with individual local authorities rather than one national body; and disincentive to inward investment.

4.9 A few respondents considered some of the terminology of principles 1 and 2 to be vague. Greater definition was requested on meaning of “people”; “trust”, and “arrangements”.

### Views on principle 3

4.10 Whilst a few respondents expressed support for this principle in terms of it reflecting what is expected, and looking beyond short-term gains, several others, largely local authorities were critical.

4.11 Local authority respondents identified the principle as posing potential conflict for them, due to the requirement for “value for money”, whereas they are under statutory obligation to ensure “best value”. They argued that at the local authority level, best value will be subject to scrutiny by Audit Scotland, and this would also apply to the Crown Estate, if devolved to local authorities.

4.12 A further issue was the perception by several local authorities in particular, that the reference to “Scotland as a whole” in principle 3 suggested a move away from a devolution approach, and could be perceived to be at odds with a community empowerment ethos too.

4.13 Once again, the meaning of “arrangements” was queried. One individual considered the wording of principle 3 should be re-worked into plainer English, with words such as “efficient” requiring further explanation.

## Design options for the Crown Estate in Scotland

### Design options

The consultation presented three key options for designing the long-term framework. Identified through stakeholder engagement these are:

Option 1: Retain management of all assets at the national level.

Option 2: Devolve management of all assets to local authorities or communities.

Option 3: Consider on a case-by-case basis the appropriate governance arrangements for each asset of the Crown Estate in Scotland.

The Scottish Government considers option 1 to be the most streamlined approach, but it would not fully implement the Smith Commission’s recommendation of further devolution, which would be delivered by option 2. However, there are concerns over the availability of local skills and expertise to deliver option 2, as well as fragmentation and financial burden. Option 3 would avoid the imposition of the “one size fits all” approach across Scotland, and would provide scope for further devolution, tailored to the aspirations of communities and would provide space for alternative solutions if some assets, or interactions with industry, cannot sensibly be run on a fragmented basis.

## Question 15: Which of the three proposed options for managing the Crown Estate assets in Scotland do you prefer?

4.14 180 (85%) respondents answered this question. Table 9 in Annex 1 shows responses by category of respondent. Table 4.2 summarises these responses.

**Table 4.2: Summary of respondents' preferences for options for managing Crown Estate assets**

Response	No. of respondents	% of all respondents*
Option 1 (national) preferred	57	32
Option 2 (local) preferred	30	17
Option 3 (hybrid) preferred	69	38
Other	21	12
Don't know	3	2
<b>Total respondents</b>	<b>180</b>	<b>100</b>

\*Percentages may not total 100% exactly due to rounding.

4.15 The most popular option was the hybrid one, chosen by 69 respondents (38%). 57 (32%) respondents preferred management to remain at the national level. The option receiving least support was devolution of management to local level, selected by 30 (17%) respondents. 21 respondents proposed another option for managing Crown Estate assets.

4.16 Those most strongly in favour of option 1 were respondents from the leisure and tourism sector, fisheries and seafood bodies, and those in the "other commercial" sector. Those most strongly in favour of option 2 were local authority bodies and community groups. Option 3 received strongest support from ports and harbour respondents and individual respondents.

## Question 16: If OTHER, what approach to management do you propose?

4.17 Three individuals and a leisure and tourism organisation expressed their preference for management to **remain as it was** prior to devolution of the Crown Estate.

4.18 Several respondents, from different sectors, argued strongly for **national management to be retained for marine assets and rights in excess of the 12nm area of coast**. This, they considered, would enable local flexibility to manage the 0 – 12nm area of land and foreshore assets, whilst benefitting from what they perceived to be essential national expertise and oversight required for the 12nm – 200nm area. Two respondents from the "other commercial" sector emphasised their

view that **national control should be retained for the management of the oil and gas infrastructure**, considering the scale and importance of this. They suggested that national control would ensure consistency in decision-making, including commercial terms and the terms of documentation and legal agreements.

4.19 Two respondents from the fisheries/seafood sector also considered that current expertise should continue to be utilised, in this case, in relation to **salmon fishing**, and suggested that the existing district-wide fisheries organisations should continue to manage assets. One port and harbour body argued that trust port harbour limits should be allocated to trust ports to ensure suitable expertise.

4.20 Several respondents envisaged **versions of option 2** as their preference, if these could marry national or regional oversight relating to some functions, with local management of other functions. One community group suggested that local communities and councils manage marine and foreshore estates in partnership, with area coastal partnerships nestling within wider regional coastal partnerships, thereby harnessing local information with regional strategic planning.

4.21 The island authorities were amongst respondents who considered that management of Crown Estate assets should be **devolved at least to the three island authorities**, to fulfil the intentions of the Smith Commission. These authorities perceived that they are well equipped to manage these assets, with potential benefits including the creation of new jobs in some of the most fragile communities.

4.22 One individual envisaged a model in which certain named local authorities should have devolved management, whilst others would need to apply for consideration for this.

4.23 A few respondents considered another approach to management which involved **extending the right to buy land for community groups**. A view expressed by a few of the land and estate respondents was for community owners of land which abuts the foreshore to have the right to buy the adjoining foreshore, in order that assets material to the functioning of the community can be managed as an integrated whole. Furthermore, they argued that any community owner should have the right to seek to negotiate an agreement for asset transfer, or a management and revenue earning/sharing agreement with the Crown Estate (or local authority if devolved to them), in relation to the seabed within the 12nm limit.

4.24 One respondent proposed a **trust model of operation**, as a way of managing large areas of land across a wide geographic area, whilst operating at a local level with local communities. Within this model, they outlined how, from experience, strategic issues such as insurance, financial and legal can be dealt with on a national level, leaving partners at a local level to get on with the day-to-day management and maintenance of each site. They suggested that this model works well because of the removal of the liabilities and challenges, in an efficient cost-effective way, ensuring that the investments are secured long-term for each site and challenges are dealt with efficiently.

## Functional or geographical approach?

The management of the Crown Estate could be kept in one organisation or be reformed on a functional basis or a geographical basis. The Smith Commission's recommendations envisaged further devolution or management of the land, property and rights being pursued on a geographic basis, with particular reference to the Orkney Islands, Shetland Islands and Western Isles and a process for other local areas to express interest in local management.

### Question 17: Should a geographic or a functional approach guide the reform of the management of the Crown Estate in Scotland?

4.25 173 (82%) respondents answered this question. Table 10 in Annex 1 shows responses by category of respondent. Table 4.3 summarises these responses.

**Table 4.3: Summary of respondents' preferences for the approach to guide the reform of management of the Crown Estate in Scotland**

Response	No. of respondents	% of all respondents*
Geographic basis	54	31
Functional basis	73	42
Don't know	16	9
Other	30	17
<b>Total respondents</b>	<b>173</b>	<b>100</b>

\*Percentages may not total 100% exactly due to rounding.

4.26 Whilst there was no majority view, 73 respondents (42%) preferred a functional approach, compared with 54 respondents (31%) who favoured a geographical approach to guide the reform of management of the Crown Estate. 30 respondents proposed another approach to guiding this reform.

4.27 Respondents most strongly in favour of a functional approach were leisure and tourism bodies, other commercial organisations, and individuals. Those most strongly in favour of a geographical approach were community groups and local authority bodies. Overall, the approach preferred most by individual respondents was by function (49% of those providing a view); and the approach preferred most by organisations was by geography (38% of those providing a view).

4.28 The potential geographical approach to guide the reform of the management of the Crown Estate attracted some comment. In its favour, several respondents (largely local authorities) commented that it aligned with the Smith Commission recommendations; it prevented cherry-picking and asset stripping; and it fitted better with marine planning. The drawbacks of the geographical approach were

identified as inconsistency in approach across areas, possible disputes and complexities arising at geographical borders; and too arbitrary to be used for assets of national importance.

### Proposals for other options

4.29 The most common view amongst those (particularly individuals) preferring another option was that **management should continue at a national level**.

4.30 Another recurring view, across several sectors of respondent, was for a **combination of both** geographic and functional management models, as appropriate, depending on the nature of the assets in question. Examples were given of assets which would be more appropriately managed by function: fish farms; rural estates; marine environment. Assets which respondents considered more appropriate to manage by geography included: foreshore; and local moorings. Salmon fishing was viewed as requiring both models of management, geographical for river catchments, and functional to tap into specialist support knowledge.

4.31 Several respondents, largely from the land and estate sector, suggested a **hybrid model** which focused on geography, but was flexible enough for exceptions in order to access specialist, central expertise. One local authority described this model as local but with assets of national and strategic importance managed by function.

4.32 Two respondents envisaged largely national, functional oversight, but retaining an option for local/geographical arrangements, particularly where capacity for this is evident.

### Question 18: Do you have a preference for management on a geographic basis being led by either authorities or communities?

4.33 142 (67%) respondents answered this question. Table 11 in Annex 1 shows responses by category of respondent. Table 4.4 summarises these responses.

**Table 4.4: Summary of respondents' preferences for management on a geographic basis being led by either local authorities or communities**

Response	No. of respondents	% of all respondents*
Local authorities	40	28
Communities	73	51
Don't know	29	20
<b>Total respondents</b>	<b>142</b>	<b>100</b>

\*Percentages may not total 100% exactly due to rounding.

4.34 The slight majority view (51%) amongst those who provided a response was for management on a geographic basis being led by communities. Just over one

quarter (28%) stated that they preferred management to be led by local authorities. A relatively high proportion (20%) of respondents reported that they did not know which they preferred, suggesting that there may be some who did not favour either option.

4.35 Amongst individual respondents, the preference for community-led management increased to 70% of those who provided a view. Amongst organisations, the option preferred most frequently was management led by local authorities (43% of those providing a view). 29% of organisations preferred a community-led model; 29% did not know which model they preferred.

### **Enabling Ministers to reform the management of the Crown Estate**

To recognise the diversity of the estate and the scope for different solutions over time, consideration is being given as to whether the new legal framework could include a power for the Scottish Ministers to transfer the responsibility for management of the estate, or parts of the estate, to a particular person or persons. This could include the Scottish Ministers, a local authority, a public body or another person including a community organisation. This power could be used to vary who manages the estate, or parts of the estate, in future. This would enable the Scottish Ministers to either reform the management of the Crown Estate across Scotland immediately or undertake a phased approach to reform.

### **Question 19: Should Scottish Ministers have the power to hand responsibility for management of the estate, or parts of it, to a particular person or persons?**

4.36 169 (80%) respondents answered this question. Table 12 in Annex 1 shows responses by category of respondent. Table 4.5 summarises these responses.

**Table 4.5: Summary of views on whether Scottish Ministers should have the power to hand responsibility for management of the estate or its parts, to a particular person(s)**

<b>Response</b>	<b>No. of respondents</b>	<b>% of all respondents*</b>
Yes	89	53
No	67	40
Don't know	13	8
<b>Total respondents</b>	<b>169</b>	<b>100</b>

\*Percentages may not total 100% exactly due to rounding.

4.37 A slight majority (53%) of those who provided a view considered that Scottish Ministers should have the power to hand responsibility for management of the estate, or parts of it, to a particular person or persons. A significant minority (40%)

of respondents disagreed. There was a similar balance of view amongst individuals and organisations.

4.38 Amongst the organisations, those representing the leisure and tourism sector, and those in the “other” category, were largely against the proposal. Fisheries and seafood bodies were equally divided in view; other organisational sectors were largely in favour.

### **Question 20: Should Scottish Ministers have a power to vary management arrangements held by other parties over time?**

4.39 167 (79%) respondents answered this question. Table 13 in Annex 1 shows responses by category of respondent. Table 4.6 summarises these responses.

**Table 4.6: Summary of views on whether Scottish Ministers should have a power to vary management arrangements held by other parties over time**

<b>Response</b>	<b>No. of respondents</b>	<b>% of all respondents*</b>
Yes	109	65
No	36	22
Don't know	22	13
<b>Total respondents</b>	<b>167</b>	<b>100</b>

\*Percentages may not total 100% exactly due to rounding.

4.40 The majority (65%) of respondents who provided a view considered that Scottish Ministers should have a power to vary management arrangements held by other parties over time. The balance of view amongst individuals and organisations was similar. The majority of respondents in all of the organisational sectors were in favour of Scottish Ministers having this power.

### **Question 21: Should Scottish Ministers have the power to extinguish rights currently held in the Crown Estate where management of the asset can be adequately covered by other legislation?**

4.41 161 (76%) respondents answered this question. Table 14 in Annex 1 shows responses by category of respondent. Table 4.7 overleaf summarises these responses.

4.42 The majority (55%) of respondents who provided a view considered that Scottish Ministers should have the power to extinguish rights currently held in the Crown Estate where management of the asset can be adequately covered by other legislation. A significant minority of 30 respondents, largely organisations across a

wide range of sectors, did not know whether or not they agreed or disagreed with this proposal, suggesting further clarification may be required.

**Table 4.7: Summary of views on whether Scottish Ministers should have the power to extinguish rights currently held in the Crown Estate where management of the asset can be adequately covered by other legislation**

Response	No. of respondents	% of all respondents*
Yes	88	55
No	43	27
Don't know	30	19
<b>Total respondents</b>	<b>161</b>	<b>100</b>

\*Percentages may not total 100% exactly due to rounding.

4.43 Individuals provided stronger support than organisations, with 60% of the former compared with 48% of the latter, agreeing with the proposal. Amongst organisations, the strongest opposition emerged from respondents in the leisure and tourism sector.

### **Delivering more control for communities**

In the light of the Smith Commission's recommendations and Scottish Ministers' policies on community empowerment, consideration will be given to opportunities for enhancing local control of property, rights and interests currently managed by the Crown Estate. Whilst there may be potential for further devolution to councils or communities of assets such as foreshore rights and leasing for wave and tidal energy out to 1nm, 3nm or 12nm, there may also be a need for management of some assets at national level such as offshore renewable leasing (12 – 200nm zone), rights over cables and pipelines which may transcend national borders within the UK, and rights to naturally occurring gold and silver.

### **Question 22: Do you have any views on which assets should be managed at the (i) national level, (ii) by local authorities, or (iii) by communities?**

4.44 113 (53%) respondents answered this question.

#### **Broad views**

4.45 Several respondents, across different categories, expressed broad support for the proposals set out in Box 10, page 33 of the consultation document (see Annex 2), detailing what Scottish Ministers consider to be potential further devolution opportunities.

4.46 A theme emerging from several other responses, across a range of sectors, was that level of management of assets may require a case-by-case assessment, taking into account circumstances, local capacity and expertise, and the need for overarching leadership and strategy. The concept of “hybrid” management was put forward by a few individuals, who envisaged national strategic direction and outlook, with local management involvement nestling under this. A natural heritage and conservation respondent emphasised the importance of those managing assets at any level having access to resources, expertise and national oversight. A few respondents suggested that where environmental issues are at stake, management of assets should take place at national level.

4.47 Many respondents provided views on what assets they considered should be managed at each level. Their views are summarised below.

### Views on which assets should be managed at national level

4.48 22 respondents, nine of them individuals and the remainder from a range of sectors, considered that **all assets** should be managed at national level. The reasons provided were that expertise is at this level, and assets will be protected best with national oversight. An individual considered that national level management provided the most opportunity for cross-subsidisation and re-investment in assets; a respondent from the fisheries sector suggested that national management should be put in place in the short-term, with further devolution likely over time as local bodies gain expertise and insight.

4.49 There was support (from across a few different sectors) for the suggestions made by Scottish Ministers that **rights over cables and pipelines, and rights to mining and naturally occurring gold and silver**, be managed at national level.

4.50 A few respondents from the land and estates and “other commercial” sectors provided their view that **rural estates** should be managed nationally, although others considered that assets such as foreshore assets could be managed by communities.

4.51 Many respondents, particularly enterprise bodies and those from the “other commercial” category, supported national level management of **leasing for wave and tidal energy and offshore wind energy**. However, rather than national management from 12nm to 200nm as suggested in the consultation document, a recurring view was that management up to 12nm should also come under national management. This was viewed as having the advantage of providing industry with a “one stop shop” for business; ensuring the certainty required for investment; enabling common issues to be addressed more efficiently; reducing duplication of effort; providing context for more effective liaison and engagement with UK-wide industry developments; and providing stability, consistency and access to expertise.

4.52 Another common view, amongst a wide range of sectors, was that “**marine assets**” should be managed at national level. It was suggested that this would enable a holistic approach to management, informed by expertise and knowledge. Some considered that national management would enable patrimonial rights,

limitations and burdens to be respected; others identified benefits of consistency in approach and standards across Scotland. One view was that national management would enable alignment with regional marine planning.

4.53 Other suggestions for national level management were made by a few respondents:

- Aquaculture – in order to ensure consistency of approach; fairness; avoid conflicts of interest if local authorities assume responsibility for planning legislation pertaining to the marine aquaculture beyond the low water mark. (Enterprise or Coastal Management Bodies; Fisheries/Seafood Bodies)
- National Significant Infrastructure Projects. (Other Commercial/Research)
- Carbon Capture and Storage – to provide operators with one point of contact and one regulatory authority. (Other Commercial/Research)
- Large-scale and/or large-value properties in city areas. (Individuals; Leisure/Tourism)
- Salmon fishing rights. (Fisheries/Seafood Bodies)
- General administration and oversight of inshore boat moorings – to ensure economies of scale. (Ports and Harbours; Leisure/Tourism)

### Views on which assets should be managed at local authority level

4.54 A common view amongst local authorities in particular, was that this level of management is appropriate for **most assets** in view of the democratic accountability held by local authorities and their proven record of managing assets in the public interest.

4.55 Some local authorities suggested that they should manage all assets not listed in Box 10 of the consultation document as “better managed at national level” (see Annex 2). Several other respondents agreed that management of **aquaculture and offshore leasing to 12nm** should be conducted at local authority level.

4.56 A few respondents considered that **salmon fishing rights and land in other ports** should come under local authority management.

4.57 Opposing views expressed by six respondents, three of them from the leisure and tourism sector, were that local authorities should not be involved in asset management. They were perceived to be lacking in the vision required, not sufficiently local in outlook, and could be subject to conflicts of interest which were likely to emerge (e.g. temptation to increase mooring dues in order to cross-subsidise other areas of council expenditure).

## Views on which assets should be managed by communities

4.58 Several respondents expressed their agreement for the items listed in Box 10 under functions which could potentially be further devolved to councils or communities.

4.59 A few respondents from the fisheries, leisure and tourism sectors, in addition to a few individuals suggested that **individual fisheries** could be managed by local communities.

4.60 A few respondents across different sectors considered that **local moorings** should be managed locally, albeit with a nationally set mooring fee.

4.61 Where there is aspiration by communities to manage **rural estates**, and a viable plan and capacity to manage effectively, then there was some support for local communities managing these assets.

4.62 A view emerging largely from the ports and harbour bodies was that management of harbour areas should “remain” within trust port control.

4.63 Some respondents considered that the current and potential scale of assets should be taken into account in decisions on level of management. A few individuals suggested that “smaller” items which will impact only on local communities, should be managed at this level. Two local authority bodies and a respondent from the “other commercial” category argued that communities should not manage leasing for wave and tidal energy given the potential scale of development, although this could be kept under review.

4.64 Two local authority bodies and a community group provided their view that management of assets should not be devolved further than local authority level.

### Delivering further devolution of Crown Estate assets

If potential for devolution of the management of Crown Estate assets extends to local authority and community level, there would be an expectation for them to make a business case for the devolution to the local level of the decision-making of particular property, rights and interests of the Crown Estate and to demonstrate that they have the capability to take on the management of these assets, to maintain service delivery to customers and deliver increased benefits.

### Question 23: Should local authorities or communities be expected to make a case for further devolution?

4.65 169 (80%) respondents answered this question. Table 15 in Annex 1 shows responses by category of respondent. Table 4.8 overleaf summarises these responses.

**Table 4.8: Summary of views on whether local authorities or communities should be expected to make a case for further devolution**

Response	No. of respondents	% of all respondents
Yes	96	57
No	61	36
Don't know	12	7
<b>Total respondents</b>	<b>169</b>	<b>100</b>

4.66 57% of respondents who provided a view considered that local authorities or communities should be expected to make a case for further devolution. A similar proportion of organisations (54%) and individuals (59%) supported the proposal.

4.67 A significant minority of 36% of those providing a view disagreed with the proposal. Most local authorities expressed disagreement; half of the leisure and tourism respondents disagreed.

**Question 24: If YES, should they demonstrate the capability to ensure appropriate management, to maintain service delivery and to deliver increased benefits?**

4.68 118 (56%) respondents answered this question. Table 16 in Annex 1 shows responses by category of respondent. Table 4.9 summarises these responses.

**Table 4.9: Summary of views on whether local authorities or communities should demonstrate the capability to ensure appropriate management, maintain service delivery and deliver increased benefits**

Response	No. of respondents	% of all respondents*
Yes	101	86
No	9	8
Don't know	8	7
<b>Total respondents</b>	<b>118</b>	<b>100</b>

\*Percentages may not total 100% exactly due to rounding

4.69 A sizeable majority (86%) of respondents who provided a view considered that local authorities or communities should be required to demonstrate the capability to ensure appropriate management, to maintain service delivery, and to deliver increased benefits. Four of those opposing the proposal were individuals.

## Delivering enhanced local control

There are options on how local management could be achieved.

One model could be a “shared services” approach involving either a national administration to support local decision-making or a similar administration at a wider regional level to provide services for clusters of council areas or communities. This would enable local communities to take decisions on assets based on information prepared by a central or regional administration, which could also undertake day to day management of, and planning for, the assets under local control.

### **Question 25: Replicating functions in each area is likely to lead to fragmentation of the estate which would pose significant risk to realisation of new revenue. How can these risks be avoided?**

4.70 119 (56%) respondents answered this question.

4.71 23 respondents, largely individuals and local authority bodies, questioned whether devolved management of assets will lead to fragmentation, or that fragmentation of the estate will pose unwelcome risks:

“(We)...would question the term fragmentation being used here, as it is the wrong term to use. It is in fact devolution, de-centralisation and community empowerment that will occur, and these are positive developments for the Crown Estate in Scotland. (We) ....do not agree that devolution to local authorities poses a risk to revenue for either marine or terrestrial assets” (local authority body).

4.72 A few respondents suggested that fragmentation, leading to local responses to local circumstances, can produce positive benefits, for example better use of estates, greater innovation and higher revenue returns. Some considered that central management posed greater risks to revenue in terms of potential inefficiencies. Six individuals emphasised their view that environment and social factors are as important as revenue generation, and these could be enhanced by local, responsive management of assets.

4.73 A common view, put forward by 40 respondents across a wide range of sectors, was that the risks posed by fragmentation are too great and management of assets should remain at national level.

### **Views on minimising risks posed by fragmentation**

4.74 All other respondents who provided a view suggested approaches to minimise potential risks:

- Ensure local management aligns with national strategy and outcomes (14 mentions).

- Establish a shared central administrative function which sets fees and other charges, but allows for local flexibility (10 mentions).
- Ensure strong collaborative networks and partnerships between communities, local authorities and Scottish Government (9 mentions).
- Establish a robust national framework of oversight and accountability in order to keep track of performance and make appropriate changes promptly (9 mentions).
- Support devolved management with access to training, resources, best practice guidance and a central pool of expertise (3 mentions).

### **Question 26: Should shared services be a requirement of devolution to the local level of decision-making on property, rights and interests of the Crown Estate?**

4.75 109 (51%) respondents answered this question. Of these, 50 respondents (largely individuals, but across a wide range of sectors) expressed clear support for shared services as a requirement of devolution, if this is the approach adopted (some did not agree with the overall approach of devolution). 32 respondents (largely individuals and local authorities but across a wide range of sectors) expressed clear opposition to shared services being made a requirement of devolution. Five respondents stated that they were unsure and needed more information on which to base their opinion. Two respondents considered that shared services should be an initial requirement during the interim phase, but the requirement should not be in place over the longer-term. 11 respondents re-stated their view previously given that assets should be managed at a national level. Others provided relevant commentary only.

4.76 Patterns emerged amongst different sectors, with local authority bodies being generally opposed to the proposal; leisure and tourism bodies and also respondents in the “other commercial” sector being generally in favour.

#### **Views in support of shared services being a requirement of devolution**

4.77 Five key rationales emerged in favour of the proposal:

- To ensure consistency of approach to management; minimise local exploitation at the expense of broader public interest; ensure consistent standards of practice including computer systems.
- To ensure management practices align with wider national and international strategy and commitments.
- To limit financial risks.
- To minimise duplication in working; enhance efficient working practices.

- To mitigate against over-complexity of project management from the perspective of developers.

### **Views opposed to shared services being a requirement of devolution**

4.78 Five key arguments were made against the proposal:

- The proposal was considered to be patronising and not required as local authorities and local communities have demonstrated their competence to manage local assets.
- Local decision-making should mean just that.
- The proposal is restrictive and overly prescriptive. Collaborative arrangements should grow organically rather than being prescribed.
- Shared services are not a requirement for other services managed at local level, so why should Crown Estate assets be treated differently? The same risks will be involved.
- The proposal appears to be aimed at retaining the existing management structure rather than genuinely devolving powers.

### **Question 27: What are the opportunities, if any, for further devolution?**

4.79 40 (19%) respondents answered this question by identifying opportunities which they envisaged would result from further devolution. Others responded more generally, agreeing that opportunities are likely to emerge. Several more respondents expressed their general opposition to further devolution.

4.80 The five most frequently identified opportunities are listed below in order of most frequently to least frequently mentioned:

- Community capacity-building; empowerment of local communities; increased community confidence and resilience; local engagement and commitment.
- Greater local economic opportunities; increased local employment; more business and local enterprise opportunities.
- Local solutions to local issues; local decision-making; increased transparency in decision; decisions more responsive to local needs.
- Better managed assets; better use of local assets.
- Better streamlining of consenting regimes such as planning and licensing.

## **Question 28: What are the challenges, if any, of further devolution?**

4.81 74 (35%) respondents answered this question by identifying challenges of further devolution. Others responded more generally, agreeing that there were challenges to be overcome. Several more respondents expressed their general opposition to further devolution.

4.82 The five most frequently identified challenges are listed below in order of most frequently to least frequently mentioned:

- Lack of community/local expertise required to manage large projects; lack of expertise in generating and sustaining revenue.
- Establishing genuine local decision-making structures which are accountable and transparent.
- Fragmentation leading to inconsistencies in standards and approaches between areas; different charging mechanisms.
- Appropriate resourcing; loss of economies of scale; small net revenues diluted by multiple managers.
- Loss of strategic overview which could lead to conflicting interests; local exploitation of assets to the detriment of the wider public interest.
- Liability issues to be addressed; local authorities to know what their responsibilities and liabilities are before devolution.

### **Strategic planning role**

Leaving aside the options of who manages the assets, there will be a continuing need to provide for strategic planning and investment strategy development on a national basis or for industry sectors, in order to co-ordinate work to enhance the value of the estate, in future.

The consultation paper proposed that strategic planning will ensure continuity of investment in strategic research and initiatives, including activities to enable new industries to develop, grow and mature to a stage where they become new sources of revenue for the estate.

## **Question 29: Is there a need for strategic planning and a long term investment strategy, in order to co-ordinate work to enhance the value of the estate?**

4.83 170 (80%) respondents answered this question. Table 17 in Annex 1 shows responses by category of respondent. Table 4.10 summarises these responses.

**Table 4.10: Summary of views on whether there is a need for strategic planning and a long term investment strategy, in order to co-ordinate work to enhance the value of the estate**

Response	No. of respondents	% of all respondents
Yes	142	84
No	12	7
Don't know	16	9
<b>Total respondents</b>	<b>170</b>	<b>100</b>

4.84 A significant majority (84%) of respondents who provided a view considered that there is a need for strategic planning and a long term investment strategy, in order to co-ordinate work to enhance the value of the estate. Only one organisation (“other” category) disagreed; a further eight did not know. Amongst individuals, 78% agreed; 11 disagreed; eight did not know.

### **A national framework**

The consultation paper proposed that it would be appropriate to put in place a national framework to govern further devolution opportunities. A national framework could define powers, duties and responsibilities and would set the context for local decision-making where further devolution of management is possible.

### **Question 30: Do you have any views on the value of a national framework to guide local decision-making?**

4.85 104 (49%) respondents answered this question. Almost all envisaged benefits of putting in place a national framework to govern further devolution opportunities. Two respondents were unsure; five individual respondents were opposed on the grounds that this would not allow for sufficient local flexibility, or that there are already suitable frameworks and guiding principles existing.

4.86 Many of those supporting a national framework did so on the grounds that it would provide guidance only and not be overly prescriptive. Respondents across a wide range of sectors emphasised the need for local flexibility within the framework in order to tailor decision-making to local circumstances. Several called for local communities and other relevant stakeholders to be involved in the development of the national framework.

4.87 A few of the land and estate respondents suggested that the scope of the framework should be strategic rather than extend into operational matters such as local charging structures. However, a few of the respondents from the “other commercial” category identified benefits in the framework creating consistency in

leasing terms and rates offered to developers, which would ensure consistency and predictability when projects compete against each other for a route to market.

### Views on the value of a national framework

4.88 The three benefits of a national framework mentioned most frequently by respondents were:

- Will provide guidance and direction to local communities in their decision-making.
- Important for larger-scale projects such as those relating to the marine estate.
- Essential in order to maximise the value of the estate; support the generation of revenue; make best use of assets.

4.89 Other key benefits identified included: help in protecting environmental concerns; contributes to a cohesive and consistent approach; and ensures alignment with other related national frameworks.

### Question 31: Should there be consistent charging approaches between areas to avoid competition between different parts of Scotland?

4.90 166 (78%) respondents answered this question. Table 18 in Annex 1 shows responses by category of respondent. Table 4.11 summarises these responses.

**Table 4.11: Summary of views on whether there should be consistent charging approaches between areas to avoid competition between different parts of Scotland**

Response	No. of respondents	% of all respondents
Yes	108	65
No	35	21
Don't know	23	14
<b>Total respondents</b>	<b>166</b>	<b>100</b>

4.91 The majority (65%) of respondents who provided a view considered that there should be consistent charging approaches between areas to avoid competition between different parts of Scotland. A significant minority of 21% of those providing a view opposed this proposal. Individual respondents constituted most of those in opposition; land and estates respondents were largely opposed, in contrast to other organisational sectors.

## Question 32: Are there any other issues that should be covered by a national framework for management of Crown Estate assets in Scotland?

4.92 41 (19%) respondents provided relevant responses to this question. Four key issues emerged most often:

- Achieving equity of opportunity across all areas of Scotland (mentioned largely by individual respondents).
- Buy-back/clawback arrangements and issues (the ability to buy back any asset at the same cost it was sold for, similar to the Community Empowerment Act (Scotland) 2015 provisions to buy back assets) (mentioned largely by local authority bodies).
- Sustainability of assets; environmental issues; issue relating to climate change (mentioned largely by individual respondents).
- Annual reporting and review (mentioned across several respondent sectors).

4.93 Other issues were identified by mentioned by only a few respondents:

- Complaints/appeal procedures.
- Responsibility for liabilities.
- Role of local council in community decision-making.
- Management of telecommunications applications.
- Approvals process for organisations such as port authorities.
- Employment issues: salaries; benefits.
- Engagement with local stakeholders.
- Arrangements to avoid overuse/inappropriate use of assets (National Park controls were referred to in this regard).

### **Implementing devolution at the Scottish level: a phased approach**

Where further devolution is considered appropriate, the transfer is likely to take place at different times in different parts of Scotland to give councils and/or communities the time to prepare for taking on the new responsibilities.

As outlined in the consultation, there is considered to be a strong case to reach a decision on which property, rights and interests of the Crown Estate should be managed at a local level in Orkney, Shetland and the Western Isles as a first priority, and, indeed, the local councils have made clear their ambitions for further devolution.

### Question 33: Should the future arrangements in Orkney, Shetland and the Western Isles be considered first?

4.94 163 (77%) respondents answered this question. Table 19 in Annex 1 shows responses by category of respondent. Table 4.12 summarises these responses.

**Table 4.12: Summary of views on whether the future arrangements in Orkney, Shetland and the Western Isles should be considered first**

Response	No. of respondents	% of all respondents
Yes	69	42
No	57	35
Don't know	38	23
<b>Total respondents</b>	<b>164</b>	<b>100</b>

4.95 Whilst there was no outright majority for or against the proposal that the future arrangements in Orkney, Shetland and the Western Isles should be considered first, more respondents were in favour (69 respondents or 42%) than against (57 respondents or 35%), but almost one-quarter (23%) did not know.

4.96 Local authority bodies were amongst those most strongly in favour, with seven of the 11 who provided a view, in favour, only one against, and the remaining three not sure. Other respondent sectors were more evenly divided in view.

### Question 34: Is a phased approach needed to introduce reforms to the management of Crown Estate assets across Scotland?

4.97 159 (75%) respondents answered this question. Table 20 in Annex 1 shows responses by category of respondent. Table 4.13 summarises these responses.

**Table 4.13: Summary of views on whether a phased approach is needed to introduce reforms to the management of Crown Estate assets across Scotland**

Response	No. of respondents	% of all respondents
Yes	91	57
No	36	23
Don't know	32	20
<b>Total respondents</b>	<b>159</b>	<b>100</b>

4.98 The majority (57%) of respondents who provided a view considered that a phased approach is needed to introduce reforms to the management of Crown Estate assets across Scotland. Amongst organisations the majority was higher at 61%; with only 11 organisations (15%) opposed to this proposal. However, almost one-quarter (24%) of organisations did not know whether or not they were in favour, suggesting that they did not have enough information on which to base their view.

4.99 25 (30%) individual respondents were against the proposal.

### Question 35: Is there value in a pilot scheme prior to implementing reforms?

4.100 167 (79%) respondents answered this question. Table 21 in Annex 1 shows responses by category of respondent. Table 4.14 summarises these responses.

**Table 4.14: Summary of views on whether there is value in a pilot scheme prior to implementing reforms**

Response	No. of respondents	% of all respondents
Yes	99	59
No	35	21
Don't know	33	20
<b>Total respondents</b>	<b>167</b>	<b>100</b>

4.101 The majority (59%) of respondents who provided a view considered that there is value in conducting a pilot scheme prior to implementing reforms. Organisations expressed stronger support than individuals, with 63% of the former and 56% of the latter in favour. Around one-quarter (24%) of organisations, almost half of them leisure and tourism organisations, stated that they did not know whether or not there is value in a pilot scheme, suggesting that more information is required before views can be formed. A significant minority (28%) of individual respondents were opposed to a pilot scheme.

### Question 36: How can people influence decisions in relation to the management of the Crown Estate assets?

4.102 103 (49%) respondents answered this question. Views on how people can influence decisions ranged from very broad statements about getting involved, to more specific suggestions on particular engagement mechanisms.

4.103 The three suggestions made most often were:

- Via national and local consultations (paper-based; internet-based; face-to-face public meetings).

- By devolving decision-making to local authorities/local communities.
- Through existing democratic processes at local authority and other levels.

4.104 Other suggestions made by at least five respondents were:

- Engagement with stakeholders; engagement with local communities; roadshows; innovative models of local engagement.
- Through MSPs.
- Using the Community Empowerment (Scotland) Act 2015 and seeking the right to participate.
- Through local community councils.

4.105 A few respondents considered there to be a need for a statutory framework for engagement with local communities over management of Crown Estate assets; and for opportunities to influence to be promoted and supported with guidance.

### **Question 37: How should the long term governance arrangements differ from the interim arrangements?**

4.106 83 (39%) respondents answered this question.

4.107 The most common view, expressed by around one-third of those providing a view, was that the long term arrangements will be **informed by the lessons learned from the pilots**. Further consultation following these was envisaged by a few respondents, the outcome of which would also feed into longer term arrangements.

4.108 Many respondents suggested broad differences between the interim and long term arrangements. Most frequently identified were:

- Greater levels of devolution over the longer term, in accordance with the Smith Commission's recommendations, including devolution of revenue management.
- Focus shift from short term operational objectives to long term strategic objectives, aligned with wider, national frameworks.
- Widening of aims over time to encompass socio-economic and environmental objectives, rather than purely financial considerations.

4.109 A few respondents envisaged communities to be more involved in long term management arrangements; for long term management to be supported with Ministerial direction and statutory guidance; and to be overseen by an appointed Board accountable to Scottish Ministers.

4.110 A small minority of respondents considered that the long term arrangements should not differ from the interim arrangements, although it was not clear what their underlying rationale was in most cases. A few respondents were not sure what the difference would be over the longer term.

## 5. Securing the Benefits for Scotland and Communities

### Background

The Scotland Act 2016 amends the Civil List Act 1952 to require that net revenue from the Scottish assets is to be paid into the Scottish Consolidated Fund after devolution.

The proposed legal framework to govern the interim management of the assets includes provisions for the interim management body to retain a proportion of the revenue and a proportion of mining income. There will be flexibility for Scottish Ministers to vary these amounts under the interim arrangements. The consultation proposed that the long term arrangements should include similar flexibility for Ministers to vary the proportion of net revenue that may be retained by the manager of an asset.

### Question 38: Should the future framework include flexibility for Scottish Ministers to vary the proportion of revenue retained by the manager?

5.1 165 (78%) respondents answered this question. Table 22 in Annex 1 shows responses by category of respondent. Table 5.1 summarises these responses.

**Table 5.1: Summary of views on whether the future framework should include flexibility for Scottish Ministers to vary the proportion of revenue retained by the manager**

Response	No. of respondents	% of all respondents
Yes	92	56
No	47	28
Don't know	26	16
<b>Total respondents</b>	<b>165</b>	<b>100</b>

5.2 The majority (56%) of respondents who provided a view considered that the future framework should include flexibility for Scottish Ministers to vary the proportion of revenue retained by the manager. Whilst most individuals (63%) were of this view, less than half (47%) of organisations agreed.

5.3 Around one quarter (24%) of organisations stated that they did not know whether or not Scottish Ministers should have the flexibility to vary the proportion of

revenue retained by the manager, suggesting that further information is required before informed decisions can be taken.

### How to invest capital proceeds in future

The Scotland Act 2016 does not prevent assets being sold but requires – through the insertion of section 90B(8) of the 1998 Act – that all capital receipts from the sale of assets to be reinvested into the estate. This reflects the way in which the estate has been managed to date as a single entity, with the capital value of one part of the estate used to enhance opportunities elsewhere in the estate.

### Question 39: Should the arrangement where the capital value of one part of the estate can be used to enhance opportunities elsewhere in the estate be continued?

5.4 165 (78%) respondents answered this question. Table 23 in Annex 1 shows responses by category of respondent. Table 5.2 summarises these responses.

**Table 5.2: Summary of views on whether the arrangement where the capital value of one part of the estate can be used to enhance opportunities elsewhere in the estate can be continued**

Response	No. of respondents	% of all respondents
Yes	125	76
No	15	9
Don't know	25	15
<b>Total respondents</b>	<b>165</b>	<b>100</b>

5.5 The majority (76%) of respondents who provided a view considered that the arrangement where the capital value of one part of the estate can be used to enhance opportunities elsewhere in the estate should be continued. A significant majority of organisations (73%) and individuals (78%) were of this view.

### Question 40: Should the current duty of maintaining the value of the estate and the return obtained from it be continued or amended for the investment of capital proceeds?

5.6 161 (76%) respondents answered this question. Table 24 in Annex 1 shows responses by category of respondent. Table 5.3 overleaf summarises these responses.

**Table 5.3: Summary of views on whether the current duty of maintaining the value of the estate and the return obtained from it should be continued or amended for the investment of capital proceeds**

Response	No. of respondents	% of all respondents
Continue	79	49
Amend	50	31
Don't know	32	20
<b>Total respondents</b>	<b>161</b>	<b>100</b>

5.7 There was no overall majority view in favour or against the proposal that the current duty of maintaining the value of the estate and the return obtained from it should be continued or amended for the investment of capital proceeds. Around half (79 or 49% of respondents) would like to see the current duty to continue; 50 or 31% of respondents would like the duty to be amended. One fifth of respondents (20%) did not know whether or not this duty should be continued suggesting more information is required on which to base informed views.

5.8 Amongst individual respondents there was a majority (59%) in support of the proposal. The level of support (38%) amongst organisations was much lower.

### **Question 41: Should capital proceeds from a sale in one area be invested in the same area or should there be discretion to invest anywhere in Scotland?**

5.9 162 (76%) respondents answered this question. Table 25 in Annex 1 shows responses by category of respondent. Table 5.4 summarises these responses.

**Table 5.4: Summary of views on whether capital proceeds from a sale in one area should be invested in the same area, or should there be discretion to invest anywhere in Scotland?**

Response	No. of respondents	% of all respondents*
Invest in same area	38	23
Discretion to invest anywhere	106	65
Don't know	18	11
<b>Total respondents</b>	<b>162</b>	<b>100</b>

\* Percentages may not total 100% exactly due to rounding

5.10 The majority (65%) of respondents who provided a view considered that there should be discretion for capital proceeds from a sale in one area to be invested anywhere in Scotland. Organisations were more strongly in favour than individuals with 72% of organisations compared with 60% of individuals in support of discretion.

**Maintaining the estate and future investment to secure the future benefits**

The administration and capital costs of maintaining the estate and planning to secure future benefits are currently funded from the gross revenue budget or the capital budget, including any receipts from the sale of capital assets.

The plan is to continue funding maintenance and investment costs from gross revenue or the capital budget. However, where management of assets is further devolved, it cannot be guaranteed that those individual assets will generate sufficient revenue to cover the costs, or that the capital base associated with those assets will be sufficient for future investment requirements.

A possible solution is to ensure access to revenue and capital funding from other parts of the estate.

**Question 42: Should it be possible for the capital or maintenance requirements for an individual asset to be funded from another part of the estate, even if management of the assets are devolved to the local level?**

5.11 162 (76%) respondents answered this question. Table 26 in Annex 1 shows responses by category of respondent. Table 5.5 summarises these responses.

**Table 5.5: Summary of views on whether it should be possible for the capital and maintenance requirements for an individual asset to be funded from another part of the estate**

Response	No. of respondents	% of all respondents*
Yes	103	64
No	22	14
Don't know	37	23
<b>Total respondents</b>	<b>162</b>	<b>100</b>

\* Percentages may not total 100% exactly due to rounding

5.12 The majority (64%) of respondents who provided a view considered that it should be possible for capital and maintenance requirements for an individual asset to be funded from another part of the estate. Amongst the 37 respondents who did

not know, 22 were organisations, comprising 30% of the organisations who responded to the question.

### **Funding for strategic initiatives and other uses**

The current manager has operated grant schemes and also provided funding for strategic initiatives such as the Scottish Aquaculture Research Forum and funding of strategic research to accelerate commercial-scale development of offshore wind, wave and tidal renewable energy. The consultation outlined that there is value in enabling these types of expenditure to continue to be funded from the gross revenue, and consider that some, or all, of these activities may need to be managed at the national level.

### **Question 43: Should funding of strategic activities from Crown Estate resources continue?**

5.13 165 (78%) respondents answered this question. Table 27 in Annex 1 shows responses by category of respondent. Table 5.6 summarises these responses.

**Table 5.6: Summary of views on whether funding of strategic activities from Crown Estate resources should continue**

<b>Response</b>	<b>No. of respondents</b>	<b>% of all respondents</b>
Yes	137	83
No	5	3
Don't know	23	14
<b>Total respondents</b>	<b>165</b>	<b>100</b>

5.14 A substantial majority (83%) of respondents who provided a view considered that funding of strategic activities from Crown Estate resources should continue. Only five individual respondents disagreed; 23 respondents, largely individuals, did not know.

### **Question 44: If YES, should these strategic activities be managed at the national level?**

5.15 158 (75%) respondents answered this question. Table 28 in Annex 1 shows responses by category of respondent. Table 5.7 overleaf summarises these responses.

5.16 A substantial majority (81%) of respondents who provided a view considered that these strategic activities should be managed at the national level, including 85% of organisations and 77% of individuals.

**Table 5.7: Summary of views on whether these strategic activities should be managed at the national level**

<b>Response</b>	<b>No. of respondents</b>	<b>% of all respondents*</b>
Yes	128	81
No	15	9
Don't know	15	9
<b>Total respondents</b>	<b>158</b>	<b>100</b>

\* Percentages may not total 100% exactly due to rounding

### **Management of liabilities**

The Scottish Government considers that there is good reason for the manager of an asset to be normally responsible for the liabilities, with provision for a lease agreement to cover the management of liabilities, i.e. the personal taking on the responsibility for management of an asset, or for controlling use of the estate, should take on the responsibility for managing the associated liabilities. However, this may result in local managers taking on significant liabilities and it is not possible in advance to be sure that the revenue from individual assets or groups of assets at the local level will be able to cover these liabilities.

There may be merit in consideration of either those assets with significant liabilities being managed at the national level or for pooling the liabilities at the national level. Any liabilities sitting at the national level could potentially be managed in closer alignment with other liabilities of the Scottish Ministers to insulate against risks.

### **Question 45: Should the person taking on the responsibility for management of an asset normally take on the responsibility for managing the associated liabilities?**

5.17 163 (77%) respondents answered this question. Table 29 in Annex 1 shows responses by category of respondent. Table 5.8 overleaf summarises these responses.

5.18 A substantial majority (80%) of respondents who provided a view considered that the person taking on the responsibility for management of an asset should normally take on the responsibility for managing the associated liabilities, including 79% of organisations and 80% of individuals.

**Table 5.8: Summary of views on whether the person taking on the responsibility for management of an asset should normally take on the responsibility for managing the associated liabilities**

Response	No. of respondents	% of all respondents
Yes	130	80
No	11	7
Don't know	22	13
<b>Total respondents</b>	<b>163</b>	<b>100</b>

**Question 46: Should the liabilities for land restoration and residual liabilities after decommissioning of marine infrastructure be managed locally or nationally?**

5.19 164 (77%) respondents answered this question. Table 30 in Annex 1 shows responses by category of respondent. Table 5.9 summarises these responses.

**Table 5.9: Summary of views on whether the liabilities for land restoration and residual liabilities after decommissioning should be managed locally or nationally**

Response	No. of respondents	% of all respondents
Locally	31	19
Nationally	108	66
Don't know	25	15
<b>Total respondents</b>	<b>164</b>	<b>100</b>

5.20 The majority (66%) of respondents who provided a view considered that on decommissioning of marine infrastructure, the liabilities for land restoration and residual liabilities should be managed nationally. Local authority views differed from those of other categories, with the balance of their views in favour of local management.

**Question 47: Should the costs associated with management of liabilities be included in the overheads for estate management?**

5.21 163 (77%) respondents answered this question. Table 31 in Annex 1 shows responses by category of respondent. Table 5.10 overleaf summarises these responses.

**Table 5.10: Summary of views on whether the costs associated with management of liabilities should be included in the overheads for estate management**

Response	No. of respondents	% of all respondents
Yes	120	74
No	12	7
Don't know	31	19
<b>Total respondents</b>	<b>163</b>	<b>100</b>

5.22 The majority (74%) of respondents who provided a view considered that the costs associated with management of liabilities should be included in the overheads for estate management. 68% of organisations and 78% of individuals were of this view.

### **Question 48: Do you have any other views on the devolution of the management or revenue of the Crown Estate**

5.23 101 (48%) of respondents provided views in response to this question, although many repeated the views stated previously and/or emphasised their opposition to devolution of the management of the Crown Estate.

5.24 A few overarching themes emerged from responses:

- There is no one-size-fits all model of devolved management, but different arrangements will be required for different assets. For example, it may be appropriate to manage some assets at community level in order to benefit from local stewardship and knowledge, but overarching strategic guidance and resourcing may be required to ensure sustainability, consistency and broader resourcing.
- The focus of the consultation is on assets, but many people are at the centre of developments too, in particular, tenants on rural estates, and current Crown Estate management staff. Their needs and concerns at this time of change should be considered and appreciated.
- Much more information is required about costs, risks, liabilities and broader support, before decisions on management can be taken by potential devolved management bodies. Expectations over revenue generation should be managed, including understanding what can be expected shorter term, and what may be generated over longer timeframes.

## **Other views on the devolution of the management of the Crown Estate**

5.25 The current investment by the Crown Estate in research and development was highlighted by three respondents (other commercial/research; community groups and natural heritage/conservation) who emphasised the importance of maintaining this investment.

5.26 Three respondents (two from the “other” category of respondents; one natural heritage/conservation) called for devolution to be undertaken in an open and inclusive manner, and involve current staff in consultation on developments.

5.27 Three respondents (natural heritage/conservation; fisheries/seafood bodies; other commercial/research) emphasised their view that wider links with counterparts in the rest of the UK and links with broader statutory frameworks (such as Freedom of Information) should continue post-devolution.

5.28 Two respondents, both from the leisure and tourism sector, recommended the establishment of a clear process for complaints and appeals relating to actions taken or not taken by a body managing Crown Estate assets.

5.29 Some respondents took the opportunity to express concerns over the risks they associated with potential fragmentation: inconsistencies in management; loss of expertise; loss of opportunity to cross-subsidise. A few respondents urged that obstacles should not be put in the way of potential investors in national infrastructure and assets.

## **Other views on the devolution of the revenue of the Crown Estate**

5.30 Many respondents provided views on the use of the revenue generated from the Crown Estate, with a general consensus that some of the income derived should be re-invested in the asset and/or the local community. For example, leisure and tourism respondents wished to see income generated from mooring dues to be directed to a Coastal Communities Fund in order to provide financial assistance to local schemes to improve marine leisure facilities; lease income from fish farms could be used to further protect and enhance wild salmon fishing; and revenue generated by marine resources should fund marine planning.

5.31 A few respondents emphasised that income generation should be given time to develop and may remain relatively modest. One enterprise body highlighted what they perceived to be the benefit of a diverse collection of assets, in that this provides investment resilience, and allows for the nurturing of weaker parts of the portfolio which could grow in value over time.

## 6. Assessing Impact

### Business and regulation

A partial Business and Regulatory Impact Assessment has been carried out to analyse whether any of the proposed policies are likely to increase or reduce the costs and burdens placed on businesses, the public sector and voluntary and community organisations. This was published alongside the consultation paper.

**Question 49: Please tell us about any potential costs or savings that may occur as a result of the proposals, and any increase or reduction in the burden of regulation for any sector. Please be as specific as possible.**

6.1 51 (24%) respondents answered this question with general or specific potential costs or savings. Several more commented that they did not have the necessary information on which to base a view.

### Views on potential costs

6.2 The most common view was that devolving management to local level would inevitably result in costs, at least in the short term, due to having to establish new management structures, setting up administrative processes, retraining, gaining expertise, and so on. Some respondents considered local management could be inefficient; others envisaged loss of economies of scale resulting in increased costs.

6.3 Other potential increased costs identified by respondents were:

- Complex processing of wayleave requests with routes traversing several different jurisdictions.
- Duplication and additional burdens for developers having to liaise with several different managers of assets.
- Duplication and additional burdens for representative bodies who need to engage with a greater number of management bodies.
- Over-stretched local authorities who may not have the staff and skills to manage assets, particularly those marine-based.
- Uncertainties over new arrangements putting off potential investors.
- Ensuring commercially sensitive data is not released given that Freedom of Information legislation will apply to the Crown Estate in Scotland.

### Views on potential savings

6.4 Local authorities were largely represented amongst those envisaging potential savings. In particular, some predicted opportunities for greater streamlining of the

consent/licensing arrangements, with speedier and more responsive decision-making under one-stop-shop arrangements.

6.5 Others anticipated gradual efficiencies emerging as local management structures develop according to good governance procedures, and expertise is gained.

6.6 A few respondents identified local employment and enterprise opportunities as potentially reducing costs; improved infrastructure supported by re-investment of revenue into local areas was also highlighted as providing potential for reduced costs over the longer term.

### **Environmental**

The Environmental Assessment (Scotland) Act 2005 ensures those public plans that are likely to have a significant impact on the environment are assessed and measures to prevent or reduce adverse effects are sought, where possible, prior to the main consultation and implementation of the proposal.

**Question 50: Please tell us about any potential impacts, either positive or negative, you feel any of the proposals contained in this consultation may have on the environment. Please be as specific as possible.**

6.7 68 respondents (32%) provided relevant comments.

#### **Views on potential positive impacts**

6.8 The most common view expressed by around one-third of respondents, across a range of sectors, was that management of assets at local level will bring a sense of ownership and strong stewardship of assets, leading to better environmental management. A few respondents commented that local managers will bring local knowledge and environmental sensitivity to the task, impacting positively on the environment.

6.9 Another recurring view was that the development of offshore, low carbon energy will align with climate change strategy and benefit the environment.

6.10 A few respondents considered that devolution of management will improve the stewardship of fisheries.

6.11 Two natural heritage and conservation bodies identified potential for positive impacts arising from a change in focus from managing assets on a commercial basis to wider considerations, and re-investment of revenue in assets.

#### **Views on potential negative impacts**

6.12 Fewer respondents identified potential negative impacts.

6.13 The most common view expressed by several respondents from a range of sectors was that fragmentation of management could lead to inconsistent and sometimes conflicting approaches to stewardship of assets, risking potentially negative environmental impacts.

6.14 A few respondents were concerned that devolution could risk short term exploitation of assets with profit taking precedence over long term sustainability of the assets.

6.15 A few respondents identified a risk of structures being left on the seabed following completion of projects; one individual suggested that mining activities could result in pollution and disfigurement of the landscape; a leisure and tourism respondent considered that the proposals risked potential loss of visual resources and access to areas for recreation if industry exerts undue influence on local decisions.

### **Equality**

The Scottish Government has a legal duty to consider the impact of policies on people who may be differently affected in relation to the “protected characteristics” under the Equality Act 2010 of: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Depending on the consultation outcome, there could be a change of manager of Crown Estate functions, with local authorities or community bodies taking on functions. Where functions are transferred to local authorities, existing equality duties will apply. Where functions are transferred to a community body, it is likely that a national framework approach would govern such arrangements and any obligations with regards to equality groups would be considered as part of that.

### **Question 51: Are there any likely impacts the proposals contained in this consultation may have on particular groups of people, with reference to the “protected characteristics” listed above? Please be as specific as possible.**

6.16 This question received very few responses other than from respondents who stated that they did not consider that the proposals would impact particularly on groups of people with “protected characteristics”.

6.17 One respondent suggested that naturists who have protected characteristics could be affected by any moves to restrict their lifestyles in rural and coastal areas; a few others considered that devolution to local management could, potentially, lead to greater respect towards, and inclusion of, those with protected characteristics.

## Privacy

A Privacy Impact Assessment will be conducted to ascertain whether any of the proposed policies will have an impact on the privacy of individuals.

### **Question 52: Please tell us about any potential impacts upon the privacy of individuals that may arise as a result of any of the proposals contained in this consultation. Please be as specific as possible.**

6.18 Very few respondents identified any potential impacts upon the privacy of individuals that may arise as a result of the proposals in the consultation. One individual suggested that local management could lead to overall greater transparency, which would be beneficial.

6.19 Two individuals suggested that care should be taken over protecting information about tenants' rents under devolved management arrangements.

6.20 Another individual considered that greater access to the foreshore could lead to privacy issues for those whose residences which are next to the foreshore.

6.21 One commercial body suggested that the proposals could lead to a significant loss of confidentiality of commercially sensitive information; however, a community group cautioned that issues of commercial sensitivity should not "trump" wider interests of the local community.

# Annex 1: Data tables

**Table 1**

**Question 1: Should the future approach be changed from the duty to manage the assets on a commercial basis?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	11	2	1	14
Leisure/Tourism	10	7	0	17
Fisheries/Seafood Bodies	9	0	2	11
Local Authority	12	0	0	12
Land and Estates	6	2	0	8
Community Groups	9	1	0	10
Ports and Harbours	5	1	0	6
Enterprise or Coastal Management Bodies	2	0	0	2
Natural Heritage/Conservation	3	0	0	3
Other	2	0	1	3
<b>Total Organisations</b>	<b>69</b>	<b>13</b>	<b>4</b>	<b>86</b>
<b>Total Individuals</b>	<b>63</b>	<b>23</b>	<b>5</b>	<b>91</b>
<b>Total Respondents</b>	<b>132</b>	<b>36</b>	<b>9</b>	<b>177</b>

**Table 2**

**Question 2: If YES (to Q1) should there be a power to take account of wider socio-economic or other benefits?**

Categories of respondent	Yes	No	Don't Know	Total
Other Commercial/Research	12	0	1	13
Leisure/Tourism	11	0	1	12
Fisheries/Seafood Bodies	9	0	2	11
Local Authority	12	0	0	12
Land and Estates	6	0	1	7
Community Groups	9	0	1	10
Ports and Harbours	5	0	1	6
Enterprise or Coastal Management Bodies	2	0	0	0
Natural Heritage/Conservation	3	0	0	3
Other	3	0	0	3
<b>Total Organisations</b>	<b>72</b>	<b>0</b>	<b>7</b>	<b>79</b>
<b>Total Individuals</b>	<b>63</b>	<b>3</b>	<b>6</b>	<b>72</b>
<b>Total Respondents</b>	<b>135</b>	<b>3</b>	<b>13</b>	<b>151</b>

**Table 3****Question 4: Should the requirement on “good management” be retained?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	13	0	0	13
Leisure/Tourism	16	0	1	17
Fisheries/Seafood Bodies	8	1	0	9
Local Authority	13	0	0	13
Land and Estates	9	0	0	9
Community Groups	10	0	0	10
Ports and Harbours	4	0	2	6
Enterprise or Coastal Management Bodies	2	0	0	2
Natural Heritage/Conservation	4	0	0	4
Other	2	0	0	2
<b>Total Organisations</b>	<b>81</b>	<b>1</b>	<b>3</b>	<b>85</b>
<b>Total Individuals</b>	<b>81</b>	<b>1</b>	<b>9</b>	<b>91</b>
<b>Total Respondents</b>	<b>162</b>	<b>2</b>	<b>12</b>	<b>176</b>

**Table 4**

**Question 5: Should the requirement on “good management” be amended to take account of environmental implications in relation to the management functions?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	8	5	1	14
Leisure/Tourism	12	2	1	15
Fisheries/Seafood Bodies	8	1	0	9
Local Authority	10	1	1	12
Land and Estates	7	2	0	9
Community Groups	10	0	0	10
Ports and Harbours	3	1	1	5
Enterprise or Coastal Management Bodies	2	0	0	2
Natural Heritage/Conservation	4	0	0	4
Other	2	1	0	3
<b>Total Organisations</b>	<b>67</b>	<b>13</b>	<b>4</b>	<b>84</b>
<b>Total Individuals</b>	<b>69</b>	<b>13</b>	<b>6</b>	<b>88</b>
<b>Total Respondents</b>	<b>136</b>	<b>26</b>	<b>10</b>	<b>172</b>

**Table 5**

**Question 6: Should the existing Crown Estate portfolio in Scotland be preserved in its current form?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	4	4	4	12
Leisure/Tourism	11	2	2	15
Fisheries/Seafood Bodies	5	2	1	8
Local Authority	0	11	1	12
Land and Estates	1	7	0	8
Community Groups	5	4	0	9
Ports and Harbours	0	4	1	5
Enterprise or Coastal Management Bodies	0	2	0	2
Natural Heritage/Conservation	0	1	2	3
Other	1	2	0	3
<b>Total Organisations</b>	<b>27</b>	<b>39</b>	<b>10</b>	<b>76</b>
<b>Total Individuals</b>	<b>32</b>	<b>38</b>	<b>16</b>	<b>86</b>
<b>Total Respondents</b>	<b>59</b>	<b>77</b>	<b>26</b>	<b>162</b>

**Table 6**

**Question 7: Should Scottish Ministers' approval be required for sizeable sales?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	11	1	2	14
Leisure/Tourism	11	1	3	15
Fisheries/Seafood Bodies	8	1	0	9
Local Authority	10	0	2	12
Land and Estates	5	1	1	7
Community Groups	9	1	0	10
Ports and Harbours	5	0	0	5
Enterprise or Coastal Management Bodies	1	0	0	1
Natural Heritage/Conservation	2	0	1	3
Other	3	0	0	3
<b>Total Organisations</b>	<b>65</b>	<b>5</b>	<b>9</b>	<b>79</b>
<b>Total Individuals</b>	<b>71</b>	<b>11</b>	<b>7</b>	<b>89</b>
<b>Total Respondents</b>	<b>136</b>	<b>16</b>	<b>16</b>	<b>168</b>

**Table 7**

**Question 8: Should the existing policy – the general presumption against selling the seabed – be maintained?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	15	1	1	17
Leisure/Tourism	15	1	0	16
Fisheries/Seafood Bodies	8	1	1	10
Local Authority	8	4	0	12
Land and Estates	6	1	0	7
Community Groups	8	2	0	10
Ports and Harbours	1	4	0	5
Enterprise or Coastal Management Bodies	2	0	0	2
Natural Heritage/Conservation	3	0	0	3
Other	2	1	0	3
<b>Total Organisations</b>	<b>68</b>	<b>15</b>	<b>2</b>	<b>85</b>
<b>Total Individuals</b>	<b>84</b>	<b>4</b>	<b>3</b>	<b>91</b>
<b>Total Respondents</b>	<b>152</b>	<b>19</b>	<b>5</b>	<b>176</b>

**Table 8**

**Question 14: Do you have any views on the proposed application of the above principles to guide the long-term framework for managing the Crown Estate assets?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	8	4	1	13
Leisure/Tourism	8	1	6	15
Fisheries/Seafood Bodies	4	4	0	8
Local Authority	8	3	0	11
Land and Estates	5	1	0	6
Community Groups	4	3	1	8
Ports and Harbours	1	1	2	4
Enterprise or Coastal Management Bodies	1	1	0	2
Natural Heritage/Conservation	1	1	0	2
Other	2	0	1	3
<b>Total Organisations</b>	<b>42</b>	<b>19</b>	<b>11</b>	<b>72</b>
<b>Total Individuals</b>	<b>44</b>	<b>22</b>	<b>16</b>	<b>82</b>
<b>Total Respondents</b>	<b>86</b>	<b>41</b>	<b>27</b>	<b>154</b>

**Table 9**

**Question 15: Which of the three proposed options for managing Crown Estate assets in Scotland do you prefer?**

Categories of respondent	Option 1	Option 2	Option 3	Other	Don't Know	Total
Other Commercial/Research	9	2	3	3	0	17
Leisure/Tourism	10	2	5	1	0	18
Fisheries/Seafood Bodies	4	1	2	3	0	10
Local Authority	0	8	3	1	0	12
Land and Estates	4	1	0	5	0	10
Community Groups	1	4	3	0	0	8
Ports and Harbours	0	0	5	1	0	6
Enterprise or Coastal Management Bodies	0	0	2	0	0	2
Natural Heritage/Conservation	0	0	3	0	0	3
Other	1	1	1	0	0	3
<b>Total Organisations</b>	<b>29</b>	<b>19</b>	<b>27</b>	<b>14</b>	<b>0</b>	<b>89</b>
<b>Total Individuals</b>	<b>28</b>	<b>11</b>	<b>42</b>	<b>7</b>	<b>3</b>	<b>91</b>
<b>Total Respondents</b>	<b>57</b>	<b>30</b>	<b>69</b>	<b>21</b>	<b>3</b>	<b>180</b>

**Table 10**

**Question 17: Should a geographic or a functional approach guide the reform of the management of the Crown Estate in Scotland?**

<b>Categories of respondent</b>	<b>Geographic</b>	<b>Functional</b>	<b>Don't Know</b>	<b>Other</b>	<b>Total</b>
Other Commercial/Research	2	10	1	2	15
Leisure/Tourism	3	9	1	3	16
Fisheries/Seafood Bodies	3	2	0	3	8
Local Authority	7	2	1	2	12
Land and Estates	3	1	0	4	8
Community Groups	9	1	0	0	10
Ports and Harbours	3	2	0	1	6
Enterprise or Coastal Management Bodies	0	1	0	1	2
Natural Heritage/Conservation	0	0	1	1	2
Other	1	0	2	0	3
<b>Total Organisations</b>	<b>31</b>	<b>28</b>	<b>6</b>	<b>17</b>	<b>82</b>
<b>Total Individuals</b>	<b>23</b>	<b>45</b>	<b>10</b>	<b>13</b>	<b>91</b>
<b>Total Respondents</b>	<b>54</b>	<b>73</b>	<b>16</b>	<b>30</b>	<b>173</b>

**Table 11**

**Question 18: Do you have a preference for management on a geographic basis being led by either local authorities or communities?**

<b>Categories of respondent</b>	<b>Option 1</b>	<b>Option 2</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	5	1	5	11
Leisure/Tourism	3	5	3	11
Fisheries/Seafood Bodies	1	2	2	5
Local Authority	11	0	1	12
Land and Estates	1	4	1	6
Community Groups	2	6	0	8
Ports and Harbours	2	0	3	5
Enterprise or Coastal Management Bodies	0	0	0	0
Natural Heritage/Conservation	1	0	1	2
Other	1	0	2	3
<b>Total Organisations</b>	<b>27</b>	<b>18</b>	<b>18</b>	<b>63</b>
<b>Total Individuals</b>	<b>13</b>	<b>55</b>	<b>11</b>	<b>79</b>
<b>Total Respondents</b>	<b>40</b>	<b>73</b>	<b>29</b>	<b>142</b>

**Table 12**

**Question 19: Should Scottish Ministers have the power to hand responsibility for management of the estate, or parts of it, to a particular person or persons?**

Categories of respondent	Yes	No	Don't Know	Total
Other Commercial/Research	6	5	2	13
Leisure/Tourism	5	11	1	17
Fisheries/Seafood Bodies	4	4	0	8
Local Authority	9	3	0	12
Land and Estates	5	1	1	7
Community Groups	6	3	0	9
Ports and Harbours	4	0	2	6
Enterprise or Coastal Management Bodies	2	0	0	2
Natural Heritage/Conservation	1	0	1	2
Other	1	2	0	3
<b>Total Organisations</b>	<b>43</b>	<b>29</b>	<b>7</b>	<b>79</b>
<b>Total Individuals</b>	<b>46</b>	<b>38</b>	<b>6</b>	<b>90</b>
<b>Total Respondents</b>	<b>89</b>	<b>67</b>	<b>13</b>	<b>169</b>

**Table 13**

**Question 20: Should Scottish Ministers have a power to vary management arrangements held by other parties over time?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	6	4	3	13
Leisure/Tourism	11	5	1	17
Fisheries/Seafood Bodies	5	1	1	7
Local Authority	6	2	3	11
Land and Estates	5	1	1	7
Community Groups	6	2	1	8
Ports and Harbours	4	0	2	6
Enterprise or Coastal Management Bodies	2	0	0	2
Natural Heritage/Conservation	3	0	0	3
Other	2	1	0	3
<b>Total Organisations</b>	<b>50</b>	<b>16</b>	<b>12</b>	<b>78</b>
<b>Total Individuals</b>	<b>59</b>	<b>20</b>	<b>10</b>	<b>89</b>
<b>Total Respondents</b>	<b>109</b>	<b>36</b>	<b>22</b>	<b>167</b>

**Table 14**

**Question 21: Should Scottish Ministers have the power to extinguish rights currently held in the Crown Estate where management of the asset can be adequately covered by other legislation?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	5	3	5	13
Leisure/Tourism	4	8	4	16
Fisheries/Seafood Bodies	1	2	4	7
Local Authority	6	0	2	8
Land and Estates	3	1	2	6
Community Groups	8	0	1	9
Ports and Harbours	3	0	3	6
Enterprise or Coastal Management Bodies	1	0	0	1
Natural Heritage/Conservation	1	0	1	2
Other	2	1	0	3
<b>Total Organisations</b>	<b>34</b>	<b>15</b>	<b>22</b>	<b>71</b>
<b>Total Individuals</b>	<b>54</b>	<b>28</b>	<b>8</b>	<b>90</b>
<b>Total Respondents</b>	<b>88</b>	<b>43</b>	<b>30</b>	<b>161</b>

**Table 15**

**Question 23: Should local authorities or communities be expected to make a case for further devolution?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	7	4	2	13
Leisure/Tourism	6	8	2	16
Fisheries/Seafood Bodies	5	3	1	9
Local Authority	2	9	1	12
Land and Estates	6	1	1	8
Community Groups	6	2	0	8
Ports and Harbours	6	0	0	6
Enterprise or Coastal Management Bodies	2	0	0	2
Natural Heritage/Conservation	2	0	0	2
Other	1	2	0	3
<b>Total Organisations</b>	<b>43</b>	<b>29</b>	<b>7</b>	<b>79</b>
<b>Total Individuals</b>	<b>53</b>	<b>32</b>	<b>5</b>	<b>90</b>
<b>Total Respondents</b>	<b>96</b>	<b>61</b>	<b>12</b>	<b>169</b>

**Table 16**

**Question 24: If YES (to question 15), should they demonstrate the capability to ensure appropriate management, to maintain service delivery, and to deliver increased benefits?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	8	2	2	12
Leisure/Tourism	7	0	1	8
Fisheries/Seafood Bodies	6	1	0	7
Local Authority	3	2	0	5
Land and Estates	7	0	0	7
Community Groups	6	0	0	6
Ports and Harbours	6	0	0	6
Enterprise or Coastal Management Bodies	2	0	0	2
Natural Heritage/Conservation	2	0	0	2
Other	1	0	0	1
<b>Total Organisations</b>	<b>48</b>	<b>5</b>	<b>3</b>	<b>56</b>
<b>Total Individuals</b>	<b>53</b>	<b>4</b>	<b>5</b>	<b>62</b>
<b>Total Respondents</b>	<b>101</b>	<b>9</b>	<b>8</b>	<b>118</b>

**Table 17**

**Question 29: Is there a need for strategic planning and a long term investment strategy, in order to co-ordinate work to enhance the value of the estate?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	14	0	1	15
Leisure/Tourism	13	0	3	16
Fisheries/Seafood Bodies	6	0	1	7
Local Authority	11	0	1	12
Land and Estates	6	0	2	8
Community Groups	10	0	0	10
Ports and Harbours	6	0	0	6
Enterprise or Coastal Management Bodies	2	0	0	2
Natural Heritage/Conservation	4	0	0	4
Other	2	1	0	3
<b>Total Organisations</b>	<b>74</b>	<b>1</b>	<b>8</b>	<b>83</b>
<b>Total Individuals</b>	<b>68</b>	<b>11</b>	<b>8</b>	<b>87</b>
<b>Total Respondents</b>	<b>142</b>	<b>12</b>	<b>16</b>	<b>170</b>

**Table 18**

**Question 31: Should there be consistent charging approaches between areas to avoid competition between different parts of Scotland?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	11	1	3	15
Leisure/Tourism	14	2	0	16
Fisheries/Seafood Bodies	6	2	0	8
Local Authority	8	1	2	11
Land and Estates	1	3	2	6
Community Groups	5	2	2	9
Ports and Harbours	4	1	1	6
Enterprise or Coastal Management Bodies	1	0	1	2
Natural Heritage/Conservation	1	0	1	2
Other	1	1	1	3
<b>Total Organisations</b>	<b>52</b>	<b>13</b>	<b>13</b>	<b>78</b>
<b>Total Individuals</b>	<b>56</b>	<b>22</b>	<b>10</b>	<b>88</b>
<b>Total Respondents</b>	<b>108</b>	<b>35</b>	<b>23</b>	<b>166</b>

**Table 19**

**Question 33: Should Scottish Ministers have the power to hand responsibility for management of the estate, or parts of it, to a particular person or persons?**

Categories of respondent	Yes	No	Don't Know	Total
Other Commercial/Research	4	3	5	12
Leisure/Tourism	4	8	4	16
Fisheries/Seafood Bodies	1	2	4	7
Local Authority	7	1	3	11
Land and Estates	6	2	1	9
Community Groups	5	4	1	10
Ports and Harbours	2	3	1	6
Enterprise or Coastal Management Bodies	0	0	1	1
Natural Heritage/Conservation	0	2	0	2
Other	2	1	0	3
<b>Total Organisations</b>	<b>31</b>	<b>26</b>	<b>20</b>	<b>77</b>
<b>Total Individuals</b>	<b>38</b>	<b>31</b>	<b>18</b>	<b>87</b>
<b>Total Respondents</b>	<b>69</b>	<b>57</b>	<b>38</b>	<b>164</b>

**Table 20**

**Question 34: Is a phased approach needed to introduce reforms to the management of the Crown Estate assets across Scotland?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	8	0	3	11
Leisure/Tourism	5	2	8	15
Fisheries/Seafood Bodies	5	1	2	8
Local Authority	9	3	0	12
Land and Estates	6	0	1	7
Community Groups	7	2	0	9
Ports and Harbours	2	1	3	6
Enterprise or Coastal Management Bodies	2	0	0	2
Natural Heritage/Conservation	1	0	1	2
Other	1	2	0	3
<b>Total Organisations</b>	<b>39</b>	<b>11</b>	<b>18</b>	<b>75</b>
<b>Total Individuals</b>	<b>45</b>	<b>25</b>	<b>14</b>	<b>84</b>
<b>Total Respondents</b>	<b>91</b>	<b>36</b>	<b>32</b>	<b>159</b>

**Table 21****Question 35: Is there value in a pilot scheme prior to implementing reforms?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	9	0	3	12
Leisure/Tourism	4	4	8	16
Fisheries/Seafood Bodies	3	2	2	7
Local Authority	11	0	1	12
Land and Estates	7	0	2	9
Community Groups	6	3	0	9
Ports and Harbours	5	1	1	7
Enterprise or Coastal Management Bodies	1	0	1	2
Natural Heritage/Conservation	1	0	1	2
Other	3	0	0	3
<b>Total Organisations</b>	<b>50</b>	<b>10</b>	<b>19</b>	<b>79</b>
<b>Total Individuals</b>	<b>49</b>	<b>25</b>	<b>14</b>	<b>88</b>
<b>Total Respondents</b>	<b>99</b>	<b>35</b>	<b>33</b>	<b>167</b>

**Table 22**

**Question 38: Should the future framework include flexibility for Scottish Ministers to vary the proportion of revenue retained by the manager?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	7	2	4	13
Leisure/Tourism	8	4	4	16
Fisheries/Seafood Bodies	4	1	2	7
Local Authority	3	5	1	9
Land and Estates	2	4	1	7
Community Groups	6	3	1	10
Ports and Harbours	3	1	2	6
Enterprise or Coastal Management Bodies	2	0	0	2
Natural Heritage/Conservation	0	0	2	2
Other	0	2	1	3
<b>Total Organisations</b>	<b>35</b>	<b>22</b>	<b>18</b>	<b>75</b>
<b>Total Individuals</b>	<b>57</b>	<b>25</b>	<b>9</b>	<b>90</b>
<b>Total Respondents</b>	<b>92</b>	<b>47</b>	<b>26</b>	<b>165</b>

**Table 23**

**Question 39: Should the arrangement where the capital value of one part of the estate can be used to enhance opportunities elsewhere in the estate be continued?**

Categories of respondent	Yes	No	Don't Know	Total
Other Commercial/Research	10	0	4	14
Leisure/Tourism	13	0	3	16
Fisheries/Seafood Bodies	6	2	1	9
Local Authority	7	1	1	9
Land and Estates	4	1	2	7
Community Groups	8	0	1	9
Ports and Harbours	3	1	2	6
Enterprise or Coastal Management Bodies	2	0	0	2
Natural Heritage/Conservation	1	0	1	2
Other	2	0	1	3
<b>Total Organisations</b>	<b>56</b>	<b>5</b>	<b>16</b>	<b>77</b>
<b>Total Individuals</b>	<b>69</b>	<b>10</b>	<b>9</b>	<b>88</b>
<b>Total Respondents</b>	<b>125</b>	<b>15</b>	<b>25</b>	<b>165</b>

**Table 24**

**Question 40: Should the current duty of maintaining the value of the estate and the return obtained from it be continued or amended for the investment of capital proceeds?**

Categories of respondent	Continued	Amended	Don't Know	Total
Other Commercial/Research	6	2	4	12
Leisure/Tourism	8	5	3	16
Fisheries/Seafood Bodies	1	3	3	7
Local Authority	5	5	0	10
Land and Estates	1	2	4	7
Community Groups	5	3	1	9
Ports and Harbours	0	4	2	6
Enterprise or Coastal Management Bodies	0	1	1	2
Natural Heritage/Conservation	1	0	1	2
Other	1	1	1	3
<b>Total Organisations</b>	<b>28</b>	<b>26</b>	<b>20</b>	<b>74</b>
<b>Total Individuals</b>	<b>51</b>	<b>24</b>	<b>12</b>	<b>87</b>
<b>Total Respondents</b>	<b>79</b>	<b>50</b>	<b>32</b>	<b>161</b>

**Table 25**

**Question 41: Should capital proceeds from a sale in one area be invested in the same area or should there be discretion to invest anywhere in Scotland?**

<b>Categories of respondent</b>	<b>Same area</b>	<b>Discretion</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	0	9	2	11
Leisure/Tourism	2	13	0	15
Fisheries/Seafood Bodies	3	5	1	9
Local Authority	2	7	1	10
Land and Estates	1	6	0	7
Community Groups	2	6	1	9
Ports and Harbours	2	3	1	6
Enterprise or Coastal Management Bodies	0	2	0	2
Natural Heritage/Conservation	0	1	1	2
Other	2	1	0	3
<b>Total Organisations</b>	<b>14</b>	<b>53</b>	<b>7</b>	<b>74</b>
<b>Total Individuals</b>	<b>24</b>	<b>53</b>	<b>11</b>	<b>88</b>
<b>Total Respondents</b>	<b>38</b>	<b>106</b>	<b>18</b>	<b>162</b>

**Table 26**

**Question 42: Should it be possible for the capital and maintenance requirements for an individual asset to be funded from another part of the estate, even if management of the assets are devolved to the local level?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	7	1	4	12
Leisure/Tourism	8	1	7	16
Fisheries/Seafood Bodies	2	3	2	7
Local Authority	8	1	1	10
Land and Estates	7	0	0	7
Community Groups	6	1	2	9
Ports and Harbours	2	1	3	6
Enterprise or Coastal Management Bodies	0	1	1	2
Natural Heritage/Conservation	1	0	1	2
Other	2	0	1	3
<b>Total Organisations</b>	<b>43</b>	<b>9</b>	<b>22</b>	<b>74</b>
<b>Total Individuals</b>	<b>60</b>	<b>13</b>	<b>15</b>	<b>88</b>
<b>Total Respondents</b>	<b>103</b>	<b>22</b>	<b>37</b>	<b>162</b>

**Table 27**

**Question 43: Should funding of strategic activities from Crown Estate resources continue?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	13	0	1	14
Leisure/Tourism	15	0	1	16
Fisheries/Seafood Bodies	5	0	2	7
Local Authority	10	0	0	10
Land and Estates	6	0	2	8
Community Groups	7	0	1	8
Ports and Harbours	3	0	3	6
Enterprise or Coastal Management Bodies	2	0	0	2
Natural Heritage/Conservation	4	0	0	4
Other	3	0	0	3
<b>Total Organisations</b>	<b>68</b>	<b>0</b>	<b>10</b>	<b>78</b>
<b>Total Individuals</b>	<b>69</b>	<b>5</b>	<b>13</b>	<b>87</b>
<b>Total Respondents</b>	<b>137</b>	<b>5</b>	<b>23</b>	<b>165</b>

**Table 28**

**Question 44: If YES, should these strategic activities be managed at the national level?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	12	2	0	14
Leisure/Tourism	13	2	0	15
Fisheries/Seafood Bodies	5	0	1	6
Local Authority	12	0	0	12
Land and Estates	6	0	2	8
Community Groups	6	1	1	8
Ports and Harbours	2	1	1	4
Enterprise or Coastal Management Bodies	2	0	0	2
Natural Heritage/Conservation	3	0	0	3
Other	3	0	0	3
<b>Total Organisations</b>	<b>64</b>	<b>6</b>	<b>5</b>	<b>75</b>
<b>Total Individuals</b>	<b>64</b>	<b>9</b>	<b>10</b>	<b>83</b>
<b>Total Respondents</b>	<b>128</b>	<b>15</b>	<b>15</b>	<b>158</b>

**Table 29**

**Question 45: Should the person taking on the responsibility for management of an asset normally take on the responsibility for managing the associated liabilities?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	9	1	4	14
Leisure/Tourism	12	1	3	16
Fisheries/Seafood Bodies	6	1	1	8
Local Authority	10	0	0	10
Land and Estates	6	1	0	7
Community Groups	9	0	0	9
Ports and Harbours	2	2	2	6
Enterprise or Coastal Management Bodies	2	0	0	2
Natural Heritage/Conservation	2	0	0	2
Other	3	0	0	3
<b>Total Organisations</b>	<b>61</b>	<b>6</b>	<b>10</b>	<b>77</b>
<b>Total Individuals</b>	<b>69</b>	<b>5</b>	<b>12</b>	<b>86</b>
<b>Total Respondents</b>	<b>130</b>	<b>11</b>	<b>22</b>	<b>163</b>

**Table 30**

**Question 46: Should the liabilities for land restoration and residual liabilities after decommissioning of marine infrastructure be managed locally or nationally?**

Categories of respondent	Locally	Nationally	Don't Know	Total
Other Commercial/Research	1	13	1	15
Leisure/Tourism	2	9	4	15
Fisheries/Seafood Bodies	1	5	2	8
Local Authority	4	3	3	10
Land and Estates	1	7	0	8
Community Groups	3	5	1	9
Ports and Harbours	0	3	3	6
Enterprise or Coastal Management Bodies	0	2	0	2
Natural Heritage/Conservation	1	1	0	2
Other	1	1	1	3
<b>Total Organisations</b>	<b>14</b>	<b>49</b>	<b>15</b>	<b>78</b>
<b>Total Individuals</b>	<b>17</b>	<b>59</b>	<b>10</b>	<b>86</b>
<b>Total Respondents</b>	<b>31</b>	<b>108</b>	<b>25</b>	<b>164</b>

**Table 31**

**Question 47: Should the costs associated with management of liabilities be included in the overheads for estate management?**

<b>Categories of respondent</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>Total</b>
Other Commercial/Research	5	1	7	13
Leisure/Tourism	12	1	3	16
Fisheries/Seafood Bodies	6	1	1	8
Local Authority	5	1	3	9
Land and Estates	8	0	0	8
Community Groups	8	0	1	9
Ports and Harbours	2	2	2	6
Enterprise or Coastal Management Bodies	2	0	0	2
Natural Heritage/Conservation	2	0	0	2
Other	2	0	1	3
<b>Total Organisations</b>	<b>52</b>	<b>6</b>	<b>18</b>	<b>76</b>
<b>Total Individuals</b>	<b>68</b>	<b>6</b>	<b>13</b>	<b>87</b>
<b>Total Respondents</b>	<b>120</b>	<b>12</b>	<b>31</b>	<b>163</b>

# **Annex 2: Further Devolution Opportunities (reproduced from Box 10, page 22 of consultation document)**

## **Functions that could potentially be further devolved to councils or communities**

- Foreshore rights
- Leasing for wave and tidal energy out to 1nm, 3nm or 12nm
- Land in local authority operated ports
- Non-operational ports and jetties

## **Functions that may be better managed at the national level**

- Offshore renewable leasing (12 – 200nm zone)
- Rights over cables and pipelines (which can transcend national borders within the UK)
- Other seabed rights (12 – 200nm zone) – gas storage rights, mineral rights (not hydrocarbons)
- Rights to naturally occurring gold and silver
- Reserved mining rights

## **Functions that need more consideration**

- The rural estates – Applegirth, Fochabers, Glenlivet and Whitehill estates
- Urban property – principally at George St, Edinburgh
- Offshore wind leasing in the 0-12nm zone
- Aquaculture (may need mechanisms for management of conflicts of interest)
- Salmon fishing rights, possibly retained as part of the rural estate or aligned more closely with wider reform of wild fisheries
- Land in other ports

## Annex 3: Respondents to the Consultation

### **Community Groups = 10**

Community of Arran Seabed Trust  
Glenlivet & Inveravon Community Association  
North Uist Community Council  
North West Sutherland Community Council Forum  
Point Community Council  
Scottish Islands Federation  
South West Mull and Iona Development  
The Shoreward Trust  
Tomintoul & Glenlivet Development Trust  
Voluntary Action Barra and Vatersay

### **Enterprise of Coastal Management Bodies = 7**

Clyde Marine Planning Partnership  
Highlands and Islands Enterprise  
Scottish Coastal Forum  
Scottish Council for Development & Industry  
Scottish Enterprise  
Scottish Renewables  
Solway Firth Partnership

### **Fisheries/Seafood Bodies = 13**

Association of Scottish Shellfish Growers  
Dawnfresh  
Fisheries Management Scotland  
Forth District Salmon Fishery Board  
Forth Estuary Forum  
Lochaber DSFB and River Lochy Association  
River Avon Federation  
Salmon & Trout Conservation Scotland  
Scottish Fishermen's Federation  
Scottish Salmon Producers' Organisation  
Seafood Shetland  
Sustainable Inshore Fisheries Trust  
The River Clyde Fisheries Management Trust Ltd

### **Lands and Estates = 11**

Cairngorms National Park Authority  
Community Land Scotland  
Development Trusts Association Scotland  
Galson Estate Trust (Urras Oighreachd Ghahsainn)  
National Farmers' Union Scotland  
North Harris Trust  
Royal Institution of Chartered Surveyors  
Scottish Land & Estates  
Scottish Tenant Farmers Association

The Land Trust  
The West Harris Trust

**Leisure/Tourism = 20**

Allan Water Angling Improvement Association  
Balvicar Bay Moorings Association  
British Waterways T/A Scottish Canals  
Cardwell Bay Sailing Club  
Cullivoe Marina Users Association  
Forth Yacht Clubs Association  
Glenuig Inn Ltd  
Kirkcudbright Sailing Club  
Lerigoligan Mooring Holders Association  
Lochgoilhead Mooring Association/ Lochgoilhead Jetty Trust  
Oban Bay Community Berthing  
Port Bannatyne Moorings Association  
Royal Highland Yacht Club  
Royal Yachting Association Scotland  
Scottish Anglers National Association Ltd  
Scottish Federation for Coarse Angling  
Seven Sisters / Milton Bay Mooring Association, East Kyle of Bute  
Slamannan Angling and Protective Association  
West Connel Mooring Owner's Association  
West Highland Anchorages and Moorings Association

**Local Authority = 12**

Aberdeen City Council  
Argyll and Bute Council  
COSLA  
Comhairle nan Eilean Siar  
Falkirk Council  
Highland Council  
Moray Council  
North Ayrshire Council  
Orkney Islands Council  
Outer Hebrides Community Planning Partnership  
Scottish Borders Council  
Shetland Islands Council

**Natural Heritage / Conservation = 6**

British Geological Survey  
Historic Environment Scotland  
Keep Scotland Beautiful  
RSPB Scotland  
Scottish Natural Heritage  
The National Trust for Scotland

**Other commercial (Industry) / Research = 21**

Atlantis Resources Ltd  
Black & Veatch  
British Marine  
British Marine Scotland  
British Telecommunications plc  
Caledonian Maritime Assets Ltd  
Carbon Capture and Storage Association  
EDPR UK Ltd  
European Subsea Cables Association & Virgin Media  
KIMO UK  
Nova Innovation  
Oil and Gas UK  
Open Hydro Technology Ltd  
Pale Blue Dot Energy Ltd  
Red Rock Power Limited  
RMk Group  
Scottish Carbon Capture and Storage  
Scottish & Southern Electricity Networks  
SSE  
Total E&P UK Limited  
Vattenfall

**Ports and Harbours = 8**

British Ports Association  
Crinan Harbour Association  
General Counsel for Forth Ports Limited, and representing the UKMPG on the Stakeholders' Advisory Group  
Lerwick Port Authority  
Mallaig Harbour Authority  
Scrabster Harbour Trust  
Stornoway Port Authority  
Tobermory Harbour Association

**Other = 7**

Auditor General for Scotland, Accounts Commission and Audit Scotland  
British Naturism  
Public and Commercial Services Union  
Scottish Council of Voluntary Organisations  
Shetland Liberal Democrats  
SURF - Scotland's Regeneration Forum  
Western Isles Constituency Labour Party

**Individuals = 97**



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ISBN: 978-1-78851-549-8 (web only)

Published by The Scottish Government, January 2018

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS349926 (01/18)

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