**Environment, Climate Change and Land Reform Committee**

**Scottish Crown Estate Bill**

**Written submission from Fauna & Flora International (FFI)**

[Fauna & Flora International](http://www.fauna-flora.org) (FFI) is an environmental NGO active across 40 countries. Since our establishment in 1903 our primary focus has been biodiversity conservation, believing that healthy and diverse ecosystems underpin the health and livelihoods of people across the planet. We currently operate over 100 projects worldwide, and have been actively working in Scotland since 2011. Here we have been hosting a project since 2014 which is focused on offering support to [local coastal communities](http://www.communitiesforseas.scot) to engage in dialogue around inshore marine management and protection.

FFI support the transfer of management from The Crown Estate to Crown Estate Scotland, or a delegated manager (“the transferee”). We support the listed transferee’s including (a) the Scottish Ministers, (b) Crown Estate Scotland, (c) a local authority, (d) another Scottish public authority, (e) a community organisation.

FFI believe that natural assets which are community owned, managed through a representative mechanism such as a community body, allows a community to better influence their operation or use, providing more responsive management and allowing communities to directly conserve and enjoy the benefits arising from such resources.

FFI are in agreement with the definitions of community organisation within the Bill. We would stress however that with enhanced responsibility comes enhanced workload, pressure and liability. As such community bodies who are seeking to obtain management responsibilities of this nature for the first time should be empowered to do so and enabled to engage within their own parameters and with **adequate support to community bodes** in place from both Scottish Ministers and Crown Estate Scotland.

Regarding the Bill’s duty to maintain and enhance value, FFI supports the provisions which state that managers/transferees of Scottish Crown Estate assets must maintain and seek to enhance the value of the assets (and the income arising from them) in a way that is likely to contribute to the promotion or the improvement in Scotland of (a) economic development, (b) regeneration, (c) social wellbeing, (d) **environmental wellbeing**, (e) sustainable development.

Similarly, with regards to the manager’s duty to obtain market value, we support the provisions which allow the manager to make a relevant transaction for consideration of *less than market value* if the manager is satisfied that the relevant transaction is likely to contribute to the promotion or the improvement in Scotland of (a) economic development, (b) regeneration, (c) social wellbeing, (d) **environmental wellbeing**, (e) sustainable development.

Although FFI would recommend transfers being granted on a case-by-case basis, any case-by-case transfers of powers to local bodies which is granted will need to be in line with legislation such as the [National Planning Framework](http://www.gov.scot/Topics/Built-Environment/planning/National-Planning-Framework), the [National Marine Plan](http://www.gov.scot/Publications/2015/03/6517), [Land Use Strategy](http://www.gov.scot/Topics/Environment/Countryside/Landusestrategy), the [Scottish Biodiversity Strategy](http://www.gov.scot/Topics/Environment/Wildlife-Habitats/biodiversity/BiodiversityStrategy) and [Scotland’s National Outcomes](http://www.gov.scot/About/Performance/scotPerforms/outcome) including valuing and enjoying our built and natural environment.

Ultimately, clear standards will be necessary for seabed and foreshore management if this process is to ensure developments deliver more than direct economic benefit. There will also need to be clear responsibility for enforcing such standards nationally, to mitigate any environmental risks and ensure strong protection where case-by-case management could otherwise cause detrimental impacts upon the natural environment.

With regards to **disposals requiring Ministerial consent** – we strongly support the provision which states that transferring ownership of seabed away from the manager (other than the Scottish Ministers), wherein the manager no longer manages any Scottish Crown Estate assets, can only occur with the consent of the Scottish Ministers. We would express concerns over potential interests in disposals of seabed assets - an asset which should be managed for common good - and we seek further detail on the criteria which Ministers would apply if this scenario where to arise, and/or on the likely scenarios which would lend itself to this arising.

With the potential of Local Councils taking on further management responsibilities the risk of **conflicts of interest** could emerge – for example where the Local Councils planning responsibilities under the Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007 (which makes the planning consenting process for aquaculture sites is the responsibility of Local Councils) would sit alongside their new Crown Estate Scotland management. This would mean a Local Council would be both the aquaculture licensor and the leaser of the seabed and in this scenario adequate safeguards would need to be enshrined.

With a **maximum period to grant a lease** being set at up to 150 years, we would also like to flag potential concern over the length of tenure and would seek assurances on the length of tenure being relative to the activity being proposed, in particular respect to its environmental impact over time.

As a final point to flag, FFI questions why Crown Estate Scotland are not listed as a body which communities can make **Participation Requests** to under the Community Empowerment (Scotland) Act 2015 but appreciates this may be something to discuss with the relevant persons within the Scottish Government’s Community Empowerment Team.

Whatever management arrangements are developed, there is the ability to influence these so that the **triple bottom line** of environmental, social and economic benefit are enshrined in decisions being made about use of this public asset. We appreciate that the Asset Management pilot scheme is working towards enabling this.

Sincerely,

Kerri Whiteside,

Marine Community Support Officer,

Fauna & Flora International.