

Written submission from the Scottish Salmon Producers' Organisation

Submission to the Scottish Parliament's Rural Affairs, Climate Change and Environment (RACCE) Committee: Discussion of Further Devolution of the Management of the Crown Estates Assets, 27 May 2015

INTRODUCTION

SSPO has considered the findings and recommendations of the Devolution (Further Powers) Committee in regard to the Crown Estate which were published on the 14 May in '*New Powers for Scotland: An Interim Report on the Smith Commission and the UK Governments Proposals*'. The comments below are therefore based on that report, although in key parts they are similar to those which we made to the RACCE Committee during its consideration of the National Marine Plan at its meeting of the 7 January.

MAIN POINTS

Legal and Structural Models

The Devolution (Further Powers) Committee undertook a detailed consideration of the legal and structural model that is currently proposed in draft legislation for the devolution of the Crown Estate. The Committee concluded (p.104 of the report) that the proposed model has some short-comings and they favoured an alternative approach, as suggested by Aileen McHarg, Professor of Public Law at the University of Strathclyde.

The SSPO, representing the Scottish salmon farming industry, has a substantial amount of interaction and a long standing working relationship with the Crown Estate. We are relatively agnostic about the devolution model that is adopted to achieve the transfer of their responsibility for the management of the Crown Estate's economic assets to the Scottish Parliament. However, we are concerned that the appropriate broad vision, strategic view and specialist resources are transferred to Scotland so that the 'Scottish Crown Estate' can to fulfil its functions in regard to aquaculture and other marine industries.

Two Crown Estates

The Devolution (Further Powers) Committee was also concerned that the devolution model proposed could create the perception (or reality) of 'two Crown Estates' (p.105 of the report). This is not a matter of great concern to the aquaculture industry since we believe it would be clear which of these organisations the industry was dealing with on marine matters north and south of the border. The governmental responsibilities for marine areas are already divided between the different UK administrations so the creation of 'two Crown Estates' is not seen as a challenge.

Further Devolution

The Devolution (Further Powers) Committee has recommended as follows:

Once the powers over the Crown Estate have been transferred, the Committee recommends the early implementation of the Smith Commission recommendation

that ‘responsibility of the management of the Crown Estate assets in Scotland should be devolved further to local authorities such as Orkney, Shetland, Na h-Eilean Siar or other areas who seek such responsibilities’. These are matters where discussions should, in our view, continue to progress as a matter of urgency and we endorse the work of the Scottish Government and the ‘Our Islands, Our Future initiative’ to reach an amicable agreement that suits local circumstances’ (p.105 of the report).

Our views on this are in line with the evidence given by: Scottish Renewables, representing the energy sector (p.102 of the report); The Royal Yachting Association Scotland (p.102 of the report); and Walter Speirs, Director of Muckairn Mussels Ltd (p.103 of the report). We believe that a case can be made for the revenue streams from the Crown Estate to be transferred in any way that the Scottish Government decides, either to Local Authorities or to Local Coastal Communities or otherwise, provided the process is transparent, equitable and has broad public support. However, the Crown Estate also has a significant national management and specialist role in regard to the sea bed and this should be maintained and safeguarded.

Without this we have the following concerns.

1. It will be extremely difficult for Scotland, as a Nation to develop a national strategic approach to the development of its marine resources (as outlined in the National Marine Plan); and this will have a negative impact on industry investment and the growth of local economies and jobs.
2. Wide differences between Local Authorities in their policies and specialist capabilities and resources will act as a substantial impediment to the development of strategic Scottish industries such as aquaculture and renewable energy with loss of the major opportunities these industries offer.
3. Special measures will be needed to determine leasing policies and rents on sea bed utilisation to avoid a complex and destabilising lack of national systems and policies.
4. There are substantial governance and public accountability concerns associated with the proposed arrangement where the Local Authorities may be the ‘proprietors’ of the sea bed as well as the Planning Authorities. Should the proposal to transfer ‘proprietorship’ of the sea bed to Local Authorities proceed, the concept of Marine Scotland taking a national role as the marine planning development authority should be given fresh consideration.