

## **Written submission from COSLA**

COSLA noted with interest the recent laying before Parliament of the draft National Marine Plan, especially as it came at a time of significant lobbying by COSLA on behalf of member councils around the devolution via the Smith Commission process of the revenues and responsibilities of the Crown Estate to local communities.

This letter provides written evidence for the Rural Affairs, Climate Change and Environment Committee's consideration of the draft plan over the first few months of 2015.

COSLA's submission to the Smith Commission, promoted three over-riding arguments:

- The process of governance of Scotland is an integrated system between Parliament, Government, Local Government, and agencies and changes to one part of the system therefore need to be considered and implemented with equal consideration of how changes might affect all the other parts.
- A great success of the Referendum campaigns was the extent to which a fundamentally greater level of democratic engagement was achieved. The devolution of further powers to Scotland needs to consider the democratic issues at both a national and local level, and how those powers can be used to best effect locally.
- One of the key drivers of the Smith Commission is the extent to which new arrangements in Scotland can give rise to better outcomes for local people and local communities. Given that no matter where constitutional responsibility lies outcomes and inequalities can and are only ever delivered at a local level, new powers will not deliver fully for communities without addressing how power is used at the local level.

Specifically, COSLA also identified a number of specific policy areas where positive change could be achieved, including the devolution of the Crown Estate and greater devolution of decision-making around large-scale consenting for a number of sectors: planning, marine, energy. Local government's view was that doing so would deliver economic benefits and improve social capital by involving communities in decisions that directly affect their local 'place'.

As you will be aware, the Smith Commission Heads of Agreement outline that responsibility for the management of the Crown Estate's economic assets in Scotland and the revenue generated from these assets should be transferred to the Scottish Parliament, and outline that following this transfer, responsibility for the management of those assets will be further devolved to local authority areas.

This proposal builds on COSLA's long standing case for greater devolution of Crown Estate and also Marine planning responsibilities to coastal authorities and communities. Indeed, these issues featured strongly in the COSLA Development, Economy and Sustainability Executive Committee's submission to the recent Commission on Strengthening Local Democracy.

The Executive Group's discussion on the issues raised by the Commission for Strengthening Local Democracy over the course of 2013 was guided by the 4 key

principles outlined in the “Local Government Vision” developed and subsequently agreed by Convention:

- **Empowering local democracy:** doing more locally and doing things differently and making sure local democracy is part of the checks and balances of effective democracy.
- **Integration not Centralisation:** Bringing power closer to local people, not centralising it. And preventing problems – not spending on the results of failure.
- **Outcomes not inputs:** flexibility to focus on what makes the biggest difference locally i.e. leading on reducing inequality, improving fairness, supporting vulnerable people and driving social cohesion.
- **Local Choice and accountability:** protecting local democratic decision making and making sure that local services and spending are decided upon locally.

COSLA has previously supported the three island authorities operating under the aegis of ‘Our Islands Our Future’ who have agreed the following objectives:

- Control of the sea bed around the islands, allowing revenues currently paid to the Crown Estate to be channeled into local needs.
- New grid connections to the Scottish mainland to allow world class wave, tidal and wind energy resources to generate maximum benefits for the islands.
- New fiscal arrangements to allow the islands to benefit more directly from the harvesting of local resources, including renewable energy and fisheries.

We know that like COSLA, the Scottish Government has been pressing for several years for the devolution of the Crown Estate. Our positions have much in common, but it is important that with the Smith Commission recommendations now being actively developed, we ensure that this happens in ways that maximise the benefits that local communities can achieve. For that reason, we are clear that it is insufficient for the Crown Estate to be devolved to the Scottish Parliament. Rather, we need to ensure that the Smith Commission’s recommendations are acted on in full by ensuring that Crown Estate operations and associated revenues are fully devolved to local government. I recognise that at present, post the Smith Commission, no detailed political discussion has begun on the mechanics of such a position. However, I have recently written to the Deputy First Minister requesting further discussions prior to the tripartite political meeting between COSLA, Scottish Government and UK Government on 12 February 2015.

On the wider issue of marine consenting and planning, Councils have previously expressed concern that Ministers are able to overrule the decisions/representations of planning authorities after extensive work, community engagement and evidence-gathering has informed local decision-making. This contributes to people feeling disempowered, disillusioned and apathetic as to the control they have over their surroundings. The DES Executive Committee in previous discussions has outlined a concern, similar to the concern about Electricity Act 1989 onshore applications over

50MW not being determined locally, about marine planning and the lack of local decision making input for communities and their representatives, in an environment which residents consider it just as much part of their community as the land they live on.

COSLA consideration of the Planning Scotland's Seas Consultation, recognised that alongside the recent NPF3, the publication of the marine plans would complete the national framework for planning across Scotland. A key point of reference, given offshore developments have on-shore planning impacts and generate significant community interest, requiring resources from planning budgets.

The DES Executive Group at the time of the consultation stated that all developments and activities which take place in Scotland's seas have implications onshore too – ranging from changing infrastructure requirements to the impacts on communities in terms of economic growth or decline. Marine planning will introduce better integrated management of our seas in order to protect our marine ecosystem and the many services it provides – services which underpin social and economic wellbeing.

In conclusion, whilst welcoming the comprehensive assessment within the National Marine Plan of the significant long-term strategic issues facing the marine environment around Scotland, COSLA would like to see further recognition of local communities' right to shape their own environment to reflect the priorities and needs of local people in the final plan.

The ability to make decisions at a local level is key to delivering this, moreover, making these decisions at a local level enables communities to hold decision makers directly accountable. Local democracy should therefore be strengthened to further empower communities who can feel cut off from their own environments when national policies dictate the way that some services are delivered or overrule locally made decisions.

I would wish to outline that I would welcome an opportunity to give oral evidence if this was helpful to the Committee in their scrutiny of the draft final National Marine Plan.