



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

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be returned with your response.

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (anonymous) – Individuals only  
 Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes  
 No

## Consultation Questions

**Q1: Should the future approach be changed from the duty to manage the assets on a commercial basis?**

YES

NO

Don't know

**Q2: If YES, should there be a power to take account of wider socioeconomic or other benefits?**

YES

NO

Don't know

**Q3: If YES, which assets should be managed on a commercial basis and which should be managed differently? (Please provide details in the space below)**

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**Q4: Should the requirement on 'good management' be retained?**

YES

NO

Don't know

The Crown Estate has an excellent track record in terms of its approach to good management and this should be retained. The present structure delivers a positive 'tension' between commerciality and all the aspects of good management which results in the delivery of the most beneficial outcome.

**Q5: Should the requirement on 'good management' be amended to take account of environmental implications in relation to the management functions?**

YES

NO

Don't know

We would question if this is required as surely this is already contained within the good management requirement. If the environmental requirements were higher than those placed on other then this could affect the commercial viability of certain projects.

**Q6: Should the existing Crown Estate portfolio in Scotland be preserved in its current form?**

YES

NO

Don't know

It is not possible to preserve the portfolio in its current form for all time— the nature and structure of the portfolio requires it to be able to operate commercially.

**Q7: Should Scottish Ministers' approval be required for sizeable sales?**

YES

NO

Don't know

This would depend on what constitutes a sizeable scale. An alternative approach would be for sales which are in accordance with the corporate plan (which will be signed off by Scottish Ministers) not to require further approval but for any sale which is not in accordance with the corporate plan (which should be very few, if any) then approval would be required.

**Q8: Should the existing policy - the general presumption against selling the seabed - be maintained?**

YES

NO

Don't know

**Q9: 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?**  
*(Please provide details in the space below)*

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**Q10: How can transparency on the sale and management of the Crown Estate assets be enhanced?** *(Please provide details in the space below)*

Any approach will require to take cognizance of the need to make commercial decisions. What is needed is a reasonable level of transparency which does not impact detrimentally on commercial decisions.

**Q11: How can the devolution of the management of the Crown Estate contribute to community empowerment?** *(Please provide details in the space below)*

Continued access to the assets for joint ventures such as those at Glenlivet as well as the

continuation of the use of assets to contribute to local sustainable development and delivering local aspirations will contribute to community empowerment. This can be achieved without fragmentation of the portfolio or further devolution of management.

**Q12: How can the devolution of the management of the Crown Estate contribute to land reform?** *(Please provide details in the space below)*

Devolution can help to ensure that the portfolio is owned and managed in the public interest. Arguably this is already the case but the devolution will help to ensure that this is indeed the case.

**Q13: How can we further improve alignment with Scottish Ministers' objectives to deliver on the national outcomes?** *(Please provide details in the space below)*

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**Q14: Do you have any views on the proposed application of the above principles to guide the long term framework for managing Crown Estate assets?**

YES

NO

Don't know

**Comment:** These seem reasonable

**Q15: Which of the three proposed options for managing Crown Estate assets in Scotland do you prefer?**

Option 1 (national)

Option 2 (local)

Option 3 (hybrid)

Don't know

OTHER

We would like to make it clear that we believe that national management does not prevent a high level of local involvement or reduce delivery of local benefit. We believe that a national management approach with national accounts/reporting/audit/governance/regulatory compliance etc is the most effective

management structure and also allows for 'cross subsidisation' of investment across the portfolio. We recognise that this will not satisfy some local authorities with long held aspirations to take more control of assets but feel that the national approach remains the best option. Option 3 provides the second best option but appears burdensome in terms of level of bureaucracy. If moving to option 3 then we would also like consideration being given to national and local businesses/ agencies being able to apply to manage certain CES assets as well as local authorities or community groups.

**Q16: If OTHER, what approach to management do you propose?**

**Q17: Should a geographic or a functional approach guide the reform of the management of the Crown Estate in Scotland?**

**Geographic**

**Functional**

**Don't know**

**Other**  *Please Specify:* \_\_\_\_\_

From the rural estates point of view we do not feel it make sense to split the management geographically. However for other assets such as the foreshore then if a split ion management was to occur then it would make sense to do this on a geographic basis.

**Q18: Do you have a preference for management on a geographic basis being led by either local authorities or communities?**

**Local authorities**

**Communities**

**Don't know**

**Q19: Should Scottish Ministers have the power to hand responsibility for management of the estate, or parts of it, to a particular person or persons?**

**YES**

**NO**

**Don't know**

**Q20: Should Scottish Ministers have a power to vary management arrangements held by other parties over time?**

**YES**

**NO**

**Don't know**

**Q21: 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?**

YES

NO

**Q22: Do you have any views on which assets should be managed at the (i) national level (ii) by local authorities or (iii) by communities? (Please provide details in the space below)**

We believe that all assets should be managed at a national level

**Q23: Should local authorities or communities be expected to make a case for further devolution?**

YES

NO

Don't know

If the Scottish Government decides to proceed with further devolution then a fully funded business plan and governance structure must be clearly set out prior to any devolution decision. There should also be the power to end any devolution to local authority or community.

**Q24: If YES, should they demonstrate the capability to ensure appropriate management, to maintain service delivery and to deliver increased benefits?**

YES

NO

Don't know

**Q25: 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? (Please provide details in the space below)**

Duplication of functions should be avoided – we continue to assert that the best way to avoid this risk is through national management.

**Q26: Should shared services be a requirement of devolution to the local level of decision-making on property, rights and interests of the Crown Estate? (Please provide details in the space below)**

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**Q27: What are the opportunities, if any, of further devolution? (Please provide details in the space below)**

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**Q28: What are the challenges, if any, of further devolution?** *(Please provide details in the space below)*

Keeping costs down, ensuring consistency of standards and monitoring performance will be perpetual challenges for Scottish Ministers. Fragmenting management is likely to result in the addition of significant costs.

**Q29: 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?**

YES

NO

Don't know

As per the current situation, strategic planning and a long term investment strategy will be required. This will be affected negatively by fragmentation of the portfolio.

**Q30: Do you have any views on the value of a national framework to guide local decision-making?** *(Please provide details in the space below)*

We believe that this should be a key element of any further devolution. The portfolio must be managed to meet the same overarching aims and objectives.

**Q31: Should there be consistent charging approaches between areas to avoid competition between different parts of Scotland?**

YES

NO

Don't know

**Q32: Are there any other issues that should be covered by a national framework for management of Crown Estate assets in Scotland?** *(Please provide details in the space below)*

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**Q33: Should the future arrangements in Orkney, Shetland and the Western Isles be considered first?**

YES

NO

Don't know

We would question why this should be the case and would be concerned that it may be

detrimental to the future of the rural estates if decision are not taken in a holistic manner.

**Q34: Is a phased approach needed to introduce reforms to the management of Crown Estate assets across Scotland?**

YES

NO

Don't know

**Q35: Is there value in a pilot scheme prior to implementing reforms?**

YES

NO

Don't know

There may be some merit if further devolution is the route taken.

**Q36: How can people influence decisions in relation to the management of the Crown Estate assets? (Please provide details in the space below)**

By becoming more involved in local decision making not just of the assets but in wider locality planning and by ensuring that Scottish Ministers are held to account.

**Q37: How should the long term governance arrangements differ from the interim arrangements? (Please provide details in the space below)**

The long term arrangements should primarily be influenced by the need to maintain and grow the assets of the portfolio and therefore expertise in commercial management, investment and other business disciplines will be vitak

**Q38: Should the future framework include flexibility for Scottish Ministers to vary the proportion of revenue retained by the manager?**

YES

NO

Don't know

**Q39: 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?**

YES

NO

Don't know

**Q40: 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?**

Continue

Amend

Don't know

**Q41: 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?**

Invest in same area

Discretion to invest anywhere

Don't know

**Q42: 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?**

YES

NO

Don't know

**Q43: Should funding of strategic activities from Crown Estate resources continue?**

YES

NO

Don't know

**Q44: If YES, should these strategic activities be managed at the national level?**

YES

NO

Don't know

**Q45: Should the person taking on the responsibility for management of an asset normally take on the responsibility for managing the associated liabilities?**

YES

NO

Don't know

**Q46: Should the liabilities for land restoration and residual liabilities after decommissioning of marine infrastructure be managed:**

Locally

Nationally

Don't know

**Q47: Should the costs associated with management of liabilities be included in the overheads for estate management?**

YES

NO

Don't know

**Q48: Do you have any other views on the devolution of the management or revenue of the Crown Estate?** *(Please provide details in the space below)*

The impact upon individuals, groups and businesses who have lease, contracts or other arrangements with CES must be considered during this process. For instance, many of the rural estates have agricultural tenants and any fragmentation could have an adverse impact on investment by the landlord or indeed reduce the standards of management.

**Q49: 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.** *(Please provide details in the space below)*

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**Q50: 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.** *(Please provide details in the space below)*

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**Q51: 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. (Please provide details in the space below)**

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**Q52: 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. (Please provide details in the space below)**

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