

Response ID ANON-UGW9-4GYJ-A

Submitted to **Crown Estate: A Consultation on the Long Term Management of the Crown Estate in Scotland**
Submitted on 2017-03-29 17:48:05

About You

What is your name?

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Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:
Fisheries Management Scotland

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

Publish response only (without name)

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

Chapter 1: Vision

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

Yes

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

Yes

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

Please provide details in the space below.:

We have been closely involved for several years in the Scottish Government Wild Fisheries Reform programme. Whilst this ambition of the programme has been reduced in recent months, our sector recognises that the number of anglers in Scotland is falling. The promotion and development of angling therefore remains a key issue to address in Scotland. Whilst it would appear that the primary issue at the moment is lack of anglers, there is little point in promoting and developing the activity of angling without being sure that there are adequate facilities and capacity for fishing to take place.

Crown estate fishing rights (Salmon rights and freshwater rights where the Crown Estate is also the landowner) could play an important role in future, managed through angling clubs, local management (DSFBs or Fishery Trusts, or in some cases through an angling passport system - e.g. <https://westcountryangling.com/>). Flexibility to manage such public assets on such a basis, would have huge advantages to the sector, and the wider community, at little cost to the public purse.

In some cases, we consider that the seabed should not be managed on a commercial basis. 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. Such 'firebreaks' would also be of benefit to wild fish.

In the event that salmon farms are considered to be inappropriately sited, particularly in relation to impacts on wild fish and fisheries, seabed leases should not be renewed.

4 Should the requirement on 'good management' be retained?

Yes

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

Yes

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

Not Answered

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

Yes

8 Should the existing policy - the general presumption against selling the seabed - be maintained?

Yes

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?

Please provide details in the space below.:

Whilst not directly related to the legislation cited above, we believe that there is a strong case for revenue from sea bed leases for fish farms to be diverted towards management of wild fish and fisheries. Most DSFBs and Fishery Trusts on the west coast of Scotland are currently underfunded and a major element of their current work is salmon farming - engagement with the industry at a local level, attempting to mitigate impacts and undertaking research and monitoring to understand better the impacts. Most of this work is currently unfunded.

As mentioned previously, angling promotion and development is a major element of wild fisheries reform which will not now be taken forward without additional funding. This would be an enormous missed opportunity for Scotland and could be addressed by distributing finance from seabed leases to fishery managers across Scotland. A regional network of angling development officers, which could also help to deliver a programme of education projects across Scotland, would be of significant benefit to local communities.

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

Please provide details in the space below.:

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

Please provide details in the space below.:

The development of 'public' freshwater fisheries would provide additional access for communities to manage the assets, if such management is undertaken in the context of an overarching requirement for the good management of fisheries at District and National levels. Fishing could be more accessible and less expensive to run for clubs and associations and they would be able either to lower permit prices or make greater investment in the management of the river/fishery.

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

Please provide details in the space below.:

13 How can we further improve alignment with Scottish Ministers' objectives to deliver on the national outcomes?

Please provide details in the space below.:

Where Crown Estate salmon fishings are currently leased by angling clubs a reduction in the lease (perhaps to zero) coupled with an overarching requirement for the good management of fisheries at District and National levels, would provide more opportunities to invest in the river/fishery.

District Salmon Fishery Boards have a statutory obligation to protect sea trout. The marine phase of sea trout has been included on the list of Priority Marine Features - the habitats and species of greatest conservation importance in inshore waters. We are aware that there is a growing popularity of fishing for sea trout in the sea, and on occasion such anglers claim that fishing from below the mean low water mark is a public right, because they are fishing from crown estate land. It is however, an offense to fish for salmon or sea trout without legal right or written permission. We understand that almost all sea trout caught in this way are killed for consumption. There is concern about the health of sea trout stocks in Scotland, and therefore it is important that, regardless of who ultimately holds fishing rights below the mean low water mark, adequate protection is offered to sea trout.

Chapter 2: Managing Crown Estate Assets for Scotland and Communities

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?

No

Comment:

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

Other

16 If other, what approach to management do you propose?

If other, what approach to management do you propose?:

We do not consider that salmon fishing rights should be transferred to local authorities, as LAs generally do not have the resource or knowledge to manage fishings. As LA boundaries are not generally based on catchment boundaries, there are not well placed to manage such fisheries effectively. Consideration should be given to using existing catchment-wide fisheries organisations (DSFBs or Fisheries Trusts) to manage the assets, where they wish to take on this role.

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

Other

If other, please specify.:

For salmon fishings both a geographic and functional approach should be taken - it is important that management occurs at a catchment scale - a well-established principle of fisheries management.

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

Not Answered

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?

Yes

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

Yes

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?

Not Answered

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?

Please provide details in the space below.:

Salmon fishing rights should be managed at the district level with opportunities for local community management for individual fisheries under an overarching requirement for the good management of fisheries at District and National levels.

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

Yes

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

Yes

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?

Please provide details in the space below.:

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?

Please provide details in the space below.:

27 What are the opportunities, if any, of further devolution?

Please provide details in the space below.:

28 What are the challenges, if any, of further devolution?

Please provide details in the space below.:

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?

Not Answered

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

Please provide details in the space below.:

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

Yes

32 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.:

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

Not Answered

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

Not Answered

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

Not Answered

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

Please provide details in the space below.:

37 How should the long term governance arrangements differ from the interim arrangements?

Please provide details in the space below.:

Chapter 3: Securing the Benefits for Scotland and Communities

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

Not Answered

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?

Yes

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?

Not Answered

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?

Discretion to invest anywhere

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?

Not Answered

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

Not Answered

44 If yes, should these strategic activities be managed at the national level?

Not Answered

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

Not Answered

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

Not Answered

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

Not Answered

48 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.:

See comments above in relation to salmon fishings, salmon farming leases, angling promotion and development and education.

Assessing Impact

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.

Please provide details in the space below.:

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.

Please provide details in the space below.:

Our proposals have the potential to improve the management of Atlantic salmon fisheries and to develop the sport of fishing (and the wider environmental improvement and stewardship which is often associated with this) for future generations.

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.

Please provide details in the space below.:

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.

Please provide details in the space below.:

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Slightly satisfied

Please enter comments here.: