

## Response ID ANON-UGW9-4GCS-W

Submitted to **Crown Estate: A Consultation on the Long Term Management of the Crown Estate in Scotland**  
Submitted on 2017-03-23 08:55:01

### About You

**What is your name?**

**Name:**

Andrew Stevenson

**What is your email address?**

**Email:**

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**Are you responding as an individual or an organisation?**

Organisation

**What is your organisation?**

**Organisation:**

Historic Environment Scotland

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

Publish response with 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?**

Not Answered

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

Not Answered

**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.:**

**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?**

Not Answered

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

Not Answered

**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.:**

We welcome the proposition relating to the clarification of 'good management' to take account of environmental implications. It is important that environmental management encompasses the historic environment, particularly given the significant historic environment resource currently managed by the Crown Estate. This clarification could enable a number of positive outcomes, ranging from addressing potential conflicts between commercial and environmental considerations as well as providing environmental data for potential environmental assessments of plans, programmes or strategies on Crown Land.

**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.:**

Overall, the process of working with the Crown Estate could be simplified by the proposed devolution of its management. This could be of benefit to local communities in their engagement with the historic environment resources currently managed by the Crown Estate and the local aspirations for these resources (such as historic piers, jetties etc). However, it will be important that devolution of management is appropriately resourced.

**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.:**

**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?**

Not Answered

**Comment:**

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

Option 3 (hybrid)

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

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

In relation to Option 3, this hybrid option could potentially strike a good balance between allowing scope for communities to take on assets owned by the Crown Estate that they have an interest in, and retaining a strategic management role for the Estate. Benefits of such an approach could include widening of funding options for unused heritage assets that could have new community use.

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

Not Answered

**If other, please specify.:**

**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?**

Not Answered

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

Not Answered

**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.:**

We would agree that devolution of the functions such as non-operational ports and jetties to councils or communities may have benefits relating to community management of local historic environment resources. In terms of the suggested functions that may be better managed at the national level we would note that some of these functions may benefit from high level environmental assessment.

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

Not Answered

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

Not Answered

**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?**

Yes

**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.:**

In relation to the need for strategic planning and a long term investment strategy (Q29) this proactive model would help improve alignment of the estate with planning, infrastructure provisions and other land use decisions.

30. It is important for decision making by other bodies, for example for funding or planning, that a national framework sets the context for local decision making. The existence of such a framework will help to ensure consistency.

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

Not Answered

**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?**

Not Answered

**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?**

Not Answered

**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?**

Yes

**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.:

As the consultation document notes, strategic planning is important in relation to investment in research. Currently, the Crown Estate has a strong record of strategic research, publication of guidance and the funding of strategic initiatives that it will be important that this remains the case and that opportunities in these areas are identified and co-ordinated as part of a strategic planning framework.

### **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.:**

In considering the potential for significant effect on the environment as a result of the plan you may wish to consider that some of the proposals, such as that for the strategic planning and long term investment strategy, may be where strategic alternatives and significant effects could arise.

**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?:**

Neither satisfied nor dissatisfied

**Please enter comments here.:**