

Sea Scotland 2018

Workshop report

Getting the balance right: exploring integration of local and national stewardship through the Crown Estate Asset Management Pilot Scheme

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Background

The Sea Scotland Conference 2018 addressed the emerging opportunities for local empowerment in the management of coastal and marine resources. Alongside the development of regional marine planning and the Scottish Government's Local Governance Review, Crown Estate Scotland are planning to transfer management of some assets of the Scottish Crown Estate to local organisations through the Asset Management Pilot Scheme. The aims of the Pilot Scheme are to:

- “empower communities and give local people more say in decisions that impact the land, coastline and sea near where they live or work,
- contribute to Scotland's overall economic, social and environmental well-being.”¹

The Scheme aims to test a variety of approaches to local management, in terms of the mix of assets involved, the scale, location and the extent of both community involvement and empowerment. CES assets include rural land, fishing rights, some ports and harbours and moorings, leasing of the seabed for fish farming, among others.

At the workshop, delegates considered potential management scenarios and opportunities through the CES Pilot Scheme, the barriers and challenges to local management of CES assets and how success of the schemes could be measured.

Summary of Discussion

The group acknowledged the extent of this shift in policy from CES, from community benefits as secondary to commercial benefit, to being a more core performance indicator in Scotland. The Pilot Scheme, and other policy changes, present a huge opportunity, particularly if integrating property rights with marine planning is possible. It presents an opportunity to think innovatively, particularly as the pilot scheme may go beyond MSP which doesn't specifically focus on enabling innovation.

Interaction with wider governance mechanisms

¹ (Crown Estate Scotland's Asset Management Pilot Scheme – Criteria and Process, Draft for Public Consultation, March 2018)

http://www.crownestatescotland.com/bundles/app/downloads/5a9bf3f9ec515_Pilot%20Scheme%20Consultation%20Document_FINAL.pdf

- There needs to be clarity in the scheme around how regional marine planning, CES leasing, sectoral planning and licensing and consenting processes interact. There is an existing lack of transparency around this, and there is a risk that the CES Pilot Scheme could create complexity where this existing governance is not clear.
- Concerns were raised that that the pilot scheme is running concurrently with other developments including the new sectoral plan for offshore wind, which was developed so far with limited community engagement. Separate leasing for offshore wind may affect / constrain opportunities and confuse applicants.
- Therefore while this represents a ‘seismic shift’ in traditional approaches, it is not clear how this will address the problems of the existing planning process if it is not joined up, and it might take a long time for better governance to emerge. It was highlighted that while this moves power for leasing, any development is still subject to consenting processes (EIA, etc.), and as experienced by the offshore wind industry, the ‘certainty’ provided by a CE lease is not indicative of the challenges that may be encountered through the consenting process or further investigations.
- The importance of marine planning was highlighted, as the process which should determine where things happen through development of an overarching strategy, followed by the leasing process, then the licensing process simply to determine whether it agrees with policies.
- There needs to be clarity around what the pilot scheme represents and how it addresses / changes existing power dynamics. There are a number of limitations around ownership and liability which influence to what extent there is local influence.
- Given the above concerns, while an attractive opportunity, it is potentially complex needs to be presented in simple terms, but also realistically represent the complexities of relating to other planning and consenting processes which the pilot scheme doesn’t simplify. Address perception, in particular, that property rights via CES enables exclusion of fishing activities.

Opportunities through the Pilot Scheme

- There was noted difficulty in conceptualising the pilot scheme without focussing on specific examples.
- Orkney Islands Council discussed their proposal to develop their existing democratic council committee process through the Pilot Scheme, to develop enhanced local decision making and facilitate views of local stakeholders.
- Considered the potential use of management fee from running the assets to support community engagement in planning processes, e.g. the community councils.
- Could visualise potential maritime crofts – extending into the sea, marine installations, seaweed farming, etc.
- Using the Pilot Scheme for conservation purposes – this could be done as part of a project with broader value (e.g. the oyster re-seeding in Dornoch Firth and the network of seagrass

habitat management for carbon sequestration for biodiversity) but not possible to manage an area for the specific purpose of excluding development.

Other mechanisms to achieving local benefit

- There are existing ways of localised management which should also be explored, e.g. through ‘Lease Options’, and applications to the pilot scheme may be more suited for these. It would be useful if CES could provide guidance and tips on other legislative tools that could also relate to this, e.g. several order? For example on the CES website.
- Also consider the relationship to Local Management Agreements (LMA) which are a more in-depth partnership although similar to a lease. LMA were a response to the desire for communities to be involved, whereas the pilot schemes are proactive.
- Demonstration and Research MPAs – these didn’t gain traction, perhaps due to timing or the way they were delivered, i.e. through MPA focus than an economic perspective? The spirit is similar and it could be worth looking at other models with same intentionality, which focus on same communities. What is the confluence of these schemes? This could be investigated and use ideas proposed for D&R MPA for the Pilot Scheme (there weren’t many but included the Fairisle application, sea angling network. Could a Pilot Scheme address the barriers experienced in the D&R MPAs?

Measuring ‘value’ of social and environmental benefit

- The emphasis is not on purely profit-driven projects, they need to include social and environmental benefits. This value needs to be evaluated but the methods are not yet clear for this. There is a willingness within CES to change the way of valuing, to consider natural capital, as reflected in the KPIs of the corporate plan.
- Could consider frameworks like ecosystem services and the natural capital approach. Could CES develop this centrally to support implementation, perhaps undertake an initial attempt / framing, which could be refined at higher resolution through a pilot study?
- Acknowledge that this is very difficult to quantify, particularly as environmental and social ‘return’ may be over a much longer timescale than profit.

Summary of Interactive Group Sessions

Three groups discussed the following questions with a summary of recommendations presented below.

How could we measure success in local management schemes?

- What criteria are important?
- What processes are required to measure success?

- CES also responsible in leading evaluation across all Pilot Schemes (their broader ‘scheme’), which will be different to measuring success of individual projects.
- Measuring success would be different in each project, depending on their objectives
- A ‘baseline’ is relevant, setting out what is wrong with the current process in the proposed pilot location (e.g. the lack of community engagement in management processes). Such groundwork and preparation will directly impact the chances of success.
- Indicators can then be set out to assessing these elements through the new pilot process.
- Whatever the criteria for success these need to be clear and agreed both among the pilot group members and between this group and Crown Estate Scotland.
- However, we need to accept that we can’t measure everything and include a reasonable mix of quantitative and qualitative information.
- Quantitative measures of success could include indicators such as number of pilot schemes started, size and scope of these pilots and the economic benefits. Natural capital assessment by CES could be developed through focus on e.g. marine croft case study to support transition to this method of measuring value.
- Qualitative indicators need to include transparency, community involvement (which should reflect the variability in commitment), adapting to change, social capital and learning.
- Enhanced Commercial Certainty is proposed as indicative of early social acceptance for developers investing in locally managed assets – success of this could be measured via the developer, how did their business develop?
- In the case of OIC, where regional marine planning and the pilot scheme would be linked, the marine plan objectives could also be used to guide evaluation (which should also relate to wider national policy).
- Monitoring should also record positive outputs that may not be anticipated, and could be incorporated through broad review of “What is the value of the scheme over the current status quo, or business as usual?”
- Resources for monitoring– who pays for this? CES perhaps has a role in supporting monitoring, including providing information on any ‘baseline’ relating to their asset before transferring.
- Failure will also be informative – investigate what went wrong and who is accountable.