



## Solway Coast and Marine Project -FIRNS 1 Engagement with Crown Estate Scotland

### Introduction

Crown Estate Scotland manage around half of Scotland's foreshore and almost all its seabed and give permission for a range of activities and developments in those areas.

Beyond uses such as offshore energy, laying cables or pipelines and aquaculture, they issue leases, licences and consents for:

- ports and harbour development
- laying of moorings
- dredging and dumping of material from, and onto, the seabed
- coastal protection and flood defence works
- laying of outfall and intake pipes
- deployment of research equipment e.g. wave buoys, acoustic doppler current profilers (ADCPs), passive acoustic monitoring equipment
- seabed investigation work such as grab samples or boreholes to inform research or development activities
- filming on foreshore

They are currently planning how they can deliver even more for Scotland from 2025 to 2030 and beyond. Emerging themes for the new plan 2025 – 30 and Beyond are:

- long-term sustainable stewardship of the Estate and the business
- new market opportunities
- community wealth-building
- protecting climate
- restoring nature

2025-30 and beyond – emerging themes ;

- 1) Sustainable stewardship of the Estate and the business to deliver wider value for Scotland – delivering on statutory duties; ensuring assets are in the right condition; developing data-led risk-based approach; health & safety; delivering quality tenant service; di/investment strategy; organisational resilience.
- 2) New market opportunities – offshore renewables, hydrogen, enabling cables & pipelines, decommissioning, seaweed & shellfish, sustainable farming, investing in energy ports to unlock supply chain benefits.
- 3) Community including wealth-building – place-based built environment & regeneration; sustainable development grants; enhancing community involvement in land e.g. Community Land Accelerator; local energy systems; innovative aquaculture agreements.
- 4) Protecting climate – offshore renewables; CCS leasing; identifying adaptation & decarbonisation opportunities.



- 5) Restoring nature – building the role in biodiversity; community-led marine natural capital initiatives; land-based skills & education; developing policy & approach to marine natural capital asset management, validation and assessment

Aquaculture and marine natural capital - potential focus

- Management approx. 580 agreements across shellfish farming, finfish farming & seaweed harvesting.
- Develop and pilot new agreements models that enhance the role of local interests
- Sustainability reporting and data management to enhance transparency and decision-making.
- Enabling and development e.g. supporting development roles within industry and providing guidance to potential seabed users.
- Aquaculture co-ordination of the seabed / co-existence and seabed management in co-ordination with other stakeholders.
- Develop policy and approach for marine natural capital asset management, assessment and validation.

They are also interested in the potential appetite for communities to develop, own and / or manage coastal zone infrastructure. such as marinas, moorings and associated onshore facilities in ways that can underpin place-based regeneration initiatives.

In the context of the above DGC has been discussing CES's role and approach to coastal and marine restoration and enhancement project by the public, 3<sup>rd</sup> or community sectors (ie excluding commercial interests). A discussion took place between DGC officer and CES policy officer last summer prior to our FIRNS application, where an agreement to further discussions was proposed.

During the FIRNS project period a further formal meeting and discussion took place online on 8<sup>th</sup> of February. This discussion involved Karen Morley DGC, Will Parsons Finance Earth, Annie Breaden CES, Anneli Hill CES, Alex Adrian CES. At this meeting a number of issues and opportunities were discussed including;

- What would the financial models look like for restoration projects
- What expectation would project developer have of CES's involvement
- What are the potential long term liabilities and where would they lie
- What could be the potential knock on effects on future commercial projects
- Would regulating leases be needed?
- If so who would the lease be with ie a Joint venture/ SPV/ LA or community group
- The new plan was discussed and the opportunity presents itself to help shape thing on this matter in the new plan which they are hoping to consult on in the summer
- A request was made to the project to set out the challenges from a project developers perspective, with desired outcomes included.

Following this meeting a paper was drawn up by the project. This was subsequently shared with a number of other FIRNS project who were likely to have interaction with CES as part of their project, both on land and with regards to the foreshore and seabed. The other projects were

- Highlands Rewilding
- Bioregioning Tayside
- Kaly Group

Any responses have been incorporated into the following paper which has been sent to CES.





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## Crown Estate Scotland – marine and coastal project development policy approach

As Part of DGC's Solway Coast and Marine Project FIRNS project has been considering, in discussion with officers from Crown Estate Scotland, the processes that are or will be needed to enable natural capital project on CES land (and seabed) and the role of nature finance. There will be many different types of projects, but we have tried to identify the common requests/needs. CES have indicated that they would like to hear from project developers the desired approach/outcome. This information will hopefully feed into CES policy development work in the near future.

### Requirements (in no particular order)

- 1) **Need/request** - Policy statement about CES landownership boundaries and raising sea levels (this has come up a lot in recent discussions with coastal landowners)  
**Potential solution** – publicly available policy statement with timescales
- 2) **Need/request** - Definition of what activities (and by whom) would be considered commercial and then would attract commercial fees?  
**Potential resolution** – A position statement, with a range of examples, a sliding scale of charges which ranges from habitat restoration by charity with no commercial benefit at the bottom end with habitat restoration by community with limited commercial benefit in the middle with pure commercial gain at the top end. Where there are potential commercial benefits these would need to be quantified and relate to any fees. There should be safeguards in place to allow for establishment with no charges. It is suggested this will be for 10 years
- 3) **Need/request** - What licencing /leasing mechanisms are available and when would they be appropriate? What would be the cost to the project of entering into such arrangements (ie CES legal fees?) who would a lease be with and for how long?  
**Potential resolution** – Guidance for project on the potential agreements with CES and the pros/cons of each and likely costs
- 4) **Need/request** - How will approvals for activities be undertaken and by whom (ie will it be Bidwells who does the work).  
**Potential resolution** - There should be an appeal process if projects feel the outcome is not fair to their project. An independent, thirds party, should be identified to review and advise on any appeal.
- 5) **Need/request** - What are the timescales for obtaining permissions/leases etc can these be guaranteed?



**Potential resolution** - Delivery mechanisms are able to respond in a timely manner, timescales are stated and guaranteed

- 6) **Need/request** - Green finance – if a project wants to sell carbon or biodiversity or any other credits from the work they are undertaking how will this be viewed

**Potential resolution** – any finance which is returned to the project for restoration or other non-commercial activities would go solely to the project. Any project where there is a financial surplus the surplus is either split between project developer and CES or by agreement is directed to some other ‘public goods’ use.

- 7) **Need/request** - If a project wants to encourage local people/businesses to undertake sustainable ‘for profit’ activities associated with any restored habitat will this change the view of the project from CES point of view

**Potential resolution** – a small scale economic activity (this needs to be defined) associated with a project is viewed as a positive community benefit and doesn’t see a project being classed as commercial.

- 8) **Need/request** - Financial models, might CES be a partner in some of these projects? Does CES have a view on what financial models would be acceptable on their land?

**Potential resolution** – a policy statement about CES view on habitat restoration project on their land

- 9) **Need/request** - Liabilities – short and long term (Biosecurity) etc CES/projects to identify (potential examples) & view on these

**Potential Resolution** – some worked examples to ensure projects are aware of potential liabilities at an early stage

- 10) **Need/request** - If any future activities consented by CES impacted on the restored habitats would CES ensure developers had to provide suitable compensation to the initial project developers

**Potential resolution** – CES would agree to place conditions on any future developments impacting on restored habitats that would compensate for habitat loss either financially or through reinstatement.

- 11) **Need/request** – Clarification with regards to CES define their responsibilities towards communities

**Potential resolution** – Policy statement following consultation

- 12) **Need/request** – define what community benefits CES would like to prioritise

**Potential resolution** – Policy statement – potential focus on strategic community action (as a counterpoint to some existing community benefits which tend to lead to unfocused action).

DGC  
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