ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE

AGENDA

13th Meeting, 2018 (Session 5)

Tuesday 24 April 2018

The Committee will meet at 9.40 am in the Robert Burns Room (CR1).

1. **Decision on taking business in private:** The Committee will decide whether to take items 4, 5, 6, and 7 in private.

2. **National Performance Framework National Outcomes:** The Committee will take evidence from—

   Roseanna Cunningham, Cabinet Secretary for Environment, Climate Change and Land Reform, Professor Colin Moffat, Chief Scientific Advisor Marine, Dr Linda Pooley, Deputy Director, Rural and Environment Science and Analytical Services, Sara Grainger, Head of Decarbonisation Delivery Unit, and Roger Halliday, Deputy Director, Data, Statistics and Outcomes, Scottish Government.

3. **Scottish Crown Estate Bill:** The Committee will take evidence from—

   Roseanna Cunningham, Cabinet Secretary for Environment, Climate Change and Land Reform, Scottish Government;

   Douglas Kerr, Solicitor, Scottish Government Legal Directorate;

   David Mallon, Head of Crown Estate Strategy Unit, Scottish Government;

   Mike Palmer, Deputy Director, Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe Division, Marine Scotland.

4. **Inquiry into EU environmental and Animal Welfare Principles:** The Committee will consider written evidence received.

5. **Committee on Climate Change - Annual Progress Report:** The Committee will consider draft correspondence to the Cabinet Secretary for the Rural Economy and Connectivity.
6. **Wild Animals in Travelling Circuses (Scotland) Act 2018**: The Committee will consider guidance on the Act.

7. **National Performance Framework National Outcomes**: The Committee will consider evidence heard earlier in the meeting.

8. **Scottish Crown Estate Bill (in private)**: The Committee will consider evidence heard earlier in the meeting.

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The papers for this meeting are as follows—

**Agenda Item 2**

National Performance Framework National Outcomes Cover Note  
ECCLR/S5/18/13/1

PRIVATE PAPER  
ECCLR/S5/18/13/2 (P)

**Agenda Item 3**

Scottish Crown Estate Cover Note  
ECCLR/S5/18/13/3

PRIVATE PAPER  
ECCLR/S5/18/13/4 (P)

PRIVATE PAPER  
ECCLR/S5/18/13/5 (P)

**Agenda Item 4**

PRIVATE PAPER  
ECCLR/S5/18/13/6 (P)

**Agenda Item 5**

PRIVATE PAPER  
ECCLR/S5/18/13/7 (P)

**Agenda Item 6**

PRIVATE PAPER  
ECCLR/S5/18/13/8 (P)
Introduction

1. The Scottish Government is in the process of reviewing and updating its National Outcomes as part of a broader look at the National Performance Framework (NPF). Under section 2 of the Community Empowerment (Scotland) Act 2015, the Scottish Government is required to consult the Scottish Parliament on the proposed revisions to the Outcomes. This Review (insert link) was laid in Parliament on 29 March 2018 and Parliamentary scrutiny, including any debate, must be completed by 24 May 2018.

2. The Committee agreed to consider the outcomes and indicators relevant to its portfolio and report to the Local Government and Communities Committee (LGCC). At its meeting on 24 April, the Committee will take evidence on the Review from the Cabinet Secretary for Environment, Climate Change and Land Reform.

Background

Relevant ECCLR Committee Work

3. In considering its approach to the marine environment earlier this year the Committee agreed to consider a new National Indicator related to the marine environment. The Committee subsequently agreed to review this in its scrutiny of the Scottish Government Review of the National Outcomes.

Scrutiny in the Parliament

4. The Local Government and Communities Committee (LGCC) has been designated as the lead committee to consider the Review. The LGCC wrote to committees on 3 April 2018 and asked them to provide their views in letter form by 4 May. To assist committees SPICe has provided a briefing on the National Outcomes and the NPF.

ECCLR Committee consideration of the revised National Outcomes

5. The ECCLR Committee agreed to write to stakeholders on the revised National Outcomes (and National Indicators) and take evidence from the Cabinet Secretary and Scottish Government officials on 24 April. The Committee wrote to the LGCC outlining its approach and agreed to write to the LGCC following conclusion of the Committee’s consideration of evidence.

6. The Committee sought stakeholders' views on:
   - how the National Outcomes and related National Indicators have changed;
• whether these changes are appropriate, particularly in relation to the marine environment;
• whether any wider consultation exercise was sufficient; and
• whether the SDGs have been incorporated into the NPF in such a way as to ensure that they are fully implemented.

7. **Responses** were received from:

  • Community Land Scotland
  • Scottish Environment Link
  • WWF
  • ClimateXChange
  • Zero Waste Scotland
  • Keep Scotland Beautiful
  • National Farmers Union Scotland

**Clerks**

Environment, Climate Change and Land Reform Committee
Introduction

1. The Scottish Crown Estate Bill was introduced in the Scottish Parliament on 24 January 2018. The Bill was published with the following documents:

- Scottish Crown Estate Bill
- Policy Memorandum
- Explanatory Notes
- Financial Memorandum
- Statement on Legislative Competence
- Delegated Powers Memorandum

Background to the Bill

2. The Crown Estate in Scotland was originally part of the UK wide Crown Estate, which is one of the largest property owners in the UK. It is independently managed in the UK by the Crown Estate Commissioners (CEC) which belongs to the reigning monarch ‘in right of The Crown’. However, it is not Her Majesty the Queen’s private property as Crown Estate assets cannot be sold by the monarch nor do revenues from it belong to them.

3. In 2014 the Smith Commission agreed responsibility for the management of the CEC economic assets in Scotland, and the revenue generated from these assets, should be transferred to the Scottish Parliament. This would include the Crown Estate’s seabed, urban assets, rural estates, mineral and fishing rights, and the Scottish foreshore for which it is responsible. It also agreed that following this transfer, responsibility for the management of those assets will be further devolved to local authority areas such as Orkney, Shetland, Comhairle nan Eilean Siar, or other areas who seek such responsibilities.

4. These recommendations were included in the Scotland Act 2016 and powers over the revenue and management of the Crown Estate in Scotland were subsequently transferred to the Scottish Government. It then established an interim body to take on the management functions of the Scottish assets. This body, Crown Estate Scotland, became fully operational on 1 April 2017 and operates under a framework document drawn up by the Scottish Government.
5. Crown Estate Scotland is responsible for managing:

- 37,000 hectares of rural land with agricultural tenancies, residential and commercial properties and forestry on four rural estates (Glenlivet, Fochabers, Applegirth and Whitehill);
- Rights to fish wild salmon and sea trout in river and coastal areas;
- Rights to naturally-occurring gold and silver across most of Scotland;
- Just under half the foreshore around Scotland including 5,800 moorings and some ports and harbours;
- Leasing of virtually all seabed out to 12 nautical miles covering some 750 fish farming sites and agreements with cables & pipeline operators;
- The rights to offshore renewable energy and gas and carbon dioxide storage out to 200 nautical miles; and
- Retail and office units at 39-41 George Street Edinburgh.

Contents of the Bill

6. The Scottish Crown Estate Bill makes provision for the on-going devolution of the Crown Estate to Scottish Ministers following the Smith Commission’s recommendations and makes provision for its future management.

- **Part 1** renames Crown Estate Scotland (Interim Management), established in the 2017 Order, to Crown Estate Scotland (CES).
- **Part 2** establishes the provision that Scottish Ministers may transfer management of Scottish Crown Estate assets to a ‘transferee’ (colloquially a manager) which could include CES, a local authority, another Scottish public authority or a community organisation.
- **Part 3** makes provision for a number of managerial provisions including: allowing managers to dispose of and/or acquire assets on behalf of the Crown as if they were owners; to maintain the financial value of the assets; to maintain and enhance the wider socio-economic benefits of Scotland; and prepare management plans.
- **Part 4** covers a range of more general provisions, including the parliamentary procedure to be used for future regulations and the commencement of the Bill.

Previous Meetings

7. At its meeting on Tuesday 20 February the Committee heard from officials from the Scottish Government on the Bill.
8. On **Tuesday 13 March**, the Committee took evidence from NFU Scotland and tenant farmers representing Crown Estate Scotland’s four rural estates.

9. On **Tuesday 27 March**, the Committee heard from those who have an interest in the management of Crown Estate Scotland’s non-agricultural assets, comprising: Scottish Renewables, the Scottish Salmon Producers’ Organisation, the British Ports Association and Fisheries Management Scotland.

10. On **Tuesday 17 April**, the Committee heard from organisations with an interest in the strategic direction and governance of Crown Estate Scotland, comprising: RSPB Scotland (representing Scottish Environment LINK), Comhairle nan Eilean Siar (representing Our Islands, Our Future), Highlands and Islands Enterprise, Community Land Scotland and Crown Estate Scotland (Interim Management).

This Week

11. The Committee will conclude its Stage 1 scrutiny of the Bill when it will hear from the Cabinet Secretary for Environment, Climate Change and Land Reform.

Call for Views

12. Written evidence on the Bill can be read [here](#)

**SPICe Briefing**

13. The Scottish Parliament’s Information Centre (SPICe) has also prepared a detailed briefing on the Bill.

Clerks/SPICe

Environment, Climate Change and Land Reform Committee