

Crown Estate Scotland Marine Data Policy Statement

“Defining what we reasonably require under our agreements”

Last updated March 2020

Introduction

We have a clause relating to data (primary observations acquired, modelling and scientific/technical reports generated) in our offshore wind, wave, and tidal energy agreements.

The clause requires the developer to provide all environmental (physical, human and biological) data collected during the entire lifecycle of the development (pre-planning through to post-decommissioning monitoring). The clause also gives us the right to make the data publicly available, subject to agreement with the developer (tenant).

This Policy defines what we require under the terms of our standard form agreement and, advises how we work with developers to help them discharge their obligations with regard to this clause. It also outlines the principles by which we take account of commercial sensitivity and generally seek to make data available to the public.

Individual agreements vary and would need to be referred to for the precise obligation in each case. Where uncertainty exists, the developer should contact Crown Estate Scotland to confirm the requirements.

Principles of the data clause

The data clause is present within our agreements in order to foster collaboration through the exchange of data. We believe that this enables and accelerates research and innovation within the industries we work with and beyond.

We believe that the data clause provides a mechanism to improve transparency, increase knowledge exchange, improve the quality of decision making and enhance the potential for sustainable development in the marine environment.

Scope of the data clause

The types of data included in the data clause are defined within each Agreement. The standard definition of data includes resource data and all associated supporting information required to understand the data.

The data clause includes data collected in, on, or around the offshore development site (e.g. the wind farm site), the offshore cable route and intertidal area.

Out of scope of the standard clause is onshore data – though onshore data is within the scope of Zone Development Agreements.

As well as the obligation to provide, our occupiers must also provide any scientific analysis or interpretive reports of a technical (as opposed to commercial) nature that complement the primary data and observations.

How we work

We endeavor to work with offshore developers to:

1. understand what survey data is being collected by developers;
2. put in place efficient processes for the provision of data;
3. ensure data meet current best practice standards and are re-usable;
4. discuss data confidentiality with agreement holders; and
5. promote value added use of the data provided.

Managing confidentiality

Crown Estate Scotland is subject to both the Freedom of Information Act and the Environmental Information Regulations and, will respond to requests for data in accordance with legislation and communicate with the owners of data when we receive such requests to both make them aware of the request and our decision with regards to the release of data.

The appropriate method and format of data release may vary depending on specific circumstances. In all circumstances, we will not release any data until an offshore planning consent application has been submitted, notwithstanding the specific provisions relating to wind data. This is because we recognise the possible risk that an application might be adversely affected if data related to it were to be made publicly available before all the relevant issues identified have been considered and addressed in the application. Once a consent application has been submitted, the data are effectively in the public domain so will generally be released thereafter.

However, we will exercise discretion and, if asked, will consider an alternative time to release data in consultation with agreement holders- subject to our rights under the relevant agreements.

Sale of data

We will not sell any data provided to us.