

## **Crown Estate Scotland guidance note**

- I. The territorial seabed is a resource of national importance.
- II. Crown Estate Scotland is a standalone Scottish public body with a commercial remit and an obligation to carry out its duties with due regard to the requirements of good management.
- III. Fragmentation of ownership of the territorial seabed would potentially impact to the detriment of national economic and security interests. It could impede the effective achievement of government regulation, such as environmental and marine conservation objectives. It would also compromise the future development and management of the asset in terms of Crown Estate Scotland's statutory remit.
- IV. For these reasons, there is a general predisposition against sales of seabed. The policy of Crown Estate Scotland in retaining ownership and granting rights by lease or licence, has served the needs of a wide range of marine activities over time.
- V. Crown Estate Scotland is flexible in negotiating the terms of leases and can grant leases for durations up to 150 years with other terms reflecting the proposed use.
- VI. Exceptionally, sales have taken place, for example where the installation of permanent structures creates liabilities that should not revert to Crown Estate Scotland, or where significant third party ownership of areas of adjacent seabed already exists.
- VII. Crown Estate Scotland considers each application for rights to use seabed on its merits. Its obligation to realise value and meet its good management duty is achieved by the rental return and management control that leases create. The long term value is preserved as part of Crown Estate Scotland.
- VIII. If, exceptionally, a sale is contemplated, where appropriate, it would incorporate restrictions on use, and / or overage and pre-emption rights.
- IX. The value achieved in any dealing must be the best value reasonably obtainable in all the circumstances in compliance with Crown Estate Scotland's statutory duty.