

Seabed rights storm gathers

David Ross, Highland Correspondent

[0 comments](#)

Published on 4 Apr 2010

Calls are growing for MSPs to abolish the Crown's rights to the seabed round Scotland's coast, as the multi-billion pound development of offshore wind, wave and tidal projects gathers momentum.

Yesterday the former deputy first minister and the leader of Highland Council said Holyrood should use the publication of the Commons Treasury Committee's report into the management of the Crown Estate last week to scrutinise MSPs' existing powers over Crown rights to the seabed.



As The Herald reported on Saturday, the Crown Estate Commissioners (CEC) do not own the seabed around Scotland, despite their repeated claims. Indeed they admitted to the Commons Treasury Committee that they do not own anything in their own right.

But much confusion surrounds the CEC, who have taken to branding themselves as "The Crown Estate", while the properties and rights they administer form "the Crown Estate". So whether it is "The" or "the" in front of Crown Estate is important.

The rights to the seabed have been clearly devolved to the Scottish Parliament along with other Crown rights, according to the committee's report. Its findings make clear that Holyrood can legislate over the Crown's property rights in Scotland.

In the wake of the findings, the leading land campaigner and expert on public rights to Scottish land, Andy Wightman, has called on MSPs to legislate for the official abolition of the Crown rights to the Scottish seabed, and not to be diverted by the argument that the activities of the CEC are reserved to Westminster.

He believes that to be irrelevant, as he told The Herald: "The administration may be reserved, but it has been clear for some time that the property rights in Scotland's seabed are devolved."

But ministers, who are currently co-operating successfully with the CEC over seabed leases for renewable energy projects, have a different perspective.

On abolition of Crown Rights, a Scottish Government spokesman said: "The Scottish Parliament has no power to legislate over the management of the Crown Estate, therefore, any such proposal would have little meaningful effect."

Last night Lord Wallace said: "We have known for some time that Holyrood can legislate on Crown Estate property in matter such as planning.

"But MSPs at Holyrood should certainly examine this report from the Commons Treasury Committee on the management of the Crown Estate and their powers. In addition the next UK Parliament should look at the powers of the Scottish Parliament in light of this report. I certainly endorse the committee's recommendation that the next Government review the operation of the Crown Estate. It is long overdue."

Dr Michael Foxley, leader of Highland Council, said "We have been campaigning for years over the Crown Estate.

"Scotland already owns its seabed, now we must be able to manage it in Scotland directly."

In Saturday's report, we wrongly attributed two paragraphs to the Treasury Committee Report, when they were actually part of the written article.

The words "The commissioners have increasingly claimed to own the seabed.... The Crown Estate will continue to work closely with its partners..." was background information that did not appear in the report.

Copyright ©2010 Herald & Times Group. All rights reserved.

:: :: :: :: :: ::