

Marine Stewardship Fund Update

The Crown Estate established its Marine Stewardship Fund (MSF) in 1999 to provide funds for practical projects that contribute to best practice, environmental management and stewardship of the marine estate. To date, we have contributed over £1million to marine, coastal and community projects around the UK.

This article provides information on a small selection of recently-funded projects.



David Philip from The Crown Estate (second from left) joins representatives from KIMO International and other funders at the 'Fishing for Litter' launch.

Fishing for Litter

'Fishing for litter' is a project designed to involve fishermen in the reduction and removal of marine litter. Participating fishermen are asked to remove litter fouling their nets and take it back to port for disposal in an

environmentally sound way, rather than returning it back into the sea. The project was successfully trialed in two Scottish ports as part of KIMO International's 'Save the North Sea' campaign and will now be expanded to cover ten ports. (£50,000 over 3 years)

(See: www.savethenorthsea.com)

Marine Reserve Ranger

We have committed funding to support a full-time Ranger for the St. Abbs and Eyemouth Voluntary Marine Reserve (VMR) for the next three years, securing the future of the post. The St. Abbs and Eyemouth VMR was established in 1984 and was the first of its kind in the UK. The Ranger undertakes education and interpretation projects, survey work and visitor management, as well as liaising with the residents of Eyemouth and St. Abbs, local fishermen and business and recreational visitors. (£15,000 over 3 years)

(See: www.marine-reserve.co.uk)

Beach Guides and Beach Cleans

We are supporting The GRAB Trust, a local environment and recycling group affiliated to Argyll and Bute Council, which is developing an Argyll and Bute Beach Forum. The aim of the two-year Beach Forum project is to raise the profile of Argyll and Bute's beaches, highlight their importance, co-ordinate the work of local groups undertaking beach management projects and to encourage and co-ordinate more beach clean-ups. (£5,000 over 2 years)

(See: www.grab.fsbusiness.co.uk)

RSPB Biodiversity Projects

We have developed three projects with RSPB Scotland that will be rolled-out this year. At the Tay Estuary, we have provided funds to enable a biodiversity audit of local reed beds, which host diverse animal life including rare species of wading birds. At Nigg Bay, we are supporting a site user survey of Culbin Sands to review pressures on the area, such as bait digging, dog walking and the use of motorbikes, which are believed to be adversely affecting bird populations. We are also helping to update the information that the RSPB provides on the passenger ferries to and from the Isle of Arran. New wildlife posters will be produced for the boats, and leaflets for the ferry termini, as part of the 'Birds from the Boat' programme. (£9,000 over 3 projects)

(See: www.rspb.org.uk)

Marine Life Display Tanks

The 'Here We Are' Centre, Clachan, Loch Fyne, is a learning resource centre for the local community, which is run in partnership with Argyll College. It provides socio-economic, historical and environmental information on the area to residents and visitors. We are funding the production of a display involving educational material on the marine environment, a tank containing marine animals similar to those found in the loch and information on the Loch Fyne and Loch Etive Coastal Zone Management projects (as mentioned in the Spring 2004 issue of this newsletter). (£17,000 over 3 years)

(See: www.hereweare-uk.com)

Shellfish Growers Code of Practice

We are supporting the production of a Code of Practice (COP) for shellfish cultivation by the Association of Scottish Shellfish Growers (ASSG). The aim of the COP is to promote best practice and provide guidance on environmental and legislative issues within the industry. The COP will provide shellfish producers with a guide to site location and design and will assist in identifying common problem areas. (£3,000)

Further information, guidance notes and frequently asked questions about the Marine Stewardship Fund can be found on our website.

(See: www.thecrownestate.co.uk)

Project applications and requests for information should be sent to:

David Philip, Assistant Marine Environmental Policy Manager at The Crown Estate office in Edinburgh. (david.philip@thecrownestate.co.uk)



Reed beds at the Tay Estuary

Further copies of this newsletter are available in hard copy and electronic (Adobe Acrobat) PDF format.

If you require this newsletter in an alternative format, such as large print or audio, please contact us on:

Telephone: 0131 260 6070

E-mail: enquiries@thecrownestate.co.uk

Rhona Fairgrieve, Coastal Manager at The Crown Estate, takes a look at the Water Framework Directive



Just when you thought it was safe to go back in the water, along comes a piece of legislation that has far-reaching implications for almost every aspect of use and management of water resources in the UK and beyond. European Directive 2000/60/EC – to establish ‘a framework for community action in the field of water policy’ – is better known as the EU Water Framework Directive (WFD).

Awareness of what WFD covers is spreading since it became law in January 2004. In a nutshell, the WFD updates and consolidates current, piecemeal EU water legislation that has previously existed in glorious isolation. It introduces a new, integrated approach to water protection and sets targets for improvement in water quality and the sustainable use of water bodies, from source to sea.

The WFD applies to all water bodies, including ground water sources, rivers, lochs, firths and estuaries (to be known as ‘transitional water bodies’) and man-made water bodies such as canals and docks. It also extends out into coastal waters – to a distance of three nautical miles in Scotland and one nautical mile south of the border. Its wide range of aims and objectives, include:

- preventing deterioration in the status of water bodies (‘status’ being a measure of water quality)
- restoring water bodies to ‘good’ status by 2015
- reducing pollution and phasing out the use of hazardous substances
- mitigating the effects of floods and droughts
- contributing to achieving the objectives for sites protected under other EU legislation, such as the Bathing Waters Directive, the Birds and Habitats Directives, the Nitrates Directive and the Shellfish Waters Directive.

In our rural coastal and marine areas of interest, the WFD has the potential to affect all aspects of abstraction, impoundment, discharges, maintenance dredging and disposal, diffuse pollution and bank or coastal protection works. Even weed control on river banks is likely to be covered and there could also be significant implications for any new development proposals that involve construction or dredging or require any other form of consent.

The Department for Environment, Food and Rural Affairs (Defra) has overall responsibility for WFD in the UK, although the Scottish Environment Protection Agency (SEPA) is charged with its implementation in Scotland, where the Directive is transposed into law by the Water Environment and Water Services (Scotland) Act 2003. SEPA produced its consultation document on the Scottish river basin management planning strategy in Spring 2004.

The WFD is frequently referred to as the most important, far-reaching water legislation to ever come out of the EU and is ambitious in both its scope and its programme, as demonstrated by the tight implementation deadlines that have been put in place.

We are considering what the WFD will mean for our interests. We will be working with our agents, coastal businesses and the regulatory bodies to establish how the requirements affect us and how to achieve implementation. In the meantime, further information can be found on the SEPA website.

(See: www.sepa.org.uk)

News in Brief

• Trafalgar Woodland

Autumn 2005 will see the 200th anniversary of the Battle of Trafalgar and The Crown Estate is working with The Woodland Trust, through its ‘Tree For All’ project, to mark the occasion by establishing one of 27 ‘Trafalgar Woods’ near Tomintoul on its Glenlivet Estate.

Trees played a vital role in the Battle of Trafalgar. The 27 ships of the fleet contained wood from around 50,000 oaks, representing roughly two million years of tree growth. Scotland contributed significantly to the battle as five of the 27 Captains of the fleet were Scottish, and Scottish industry supplied jute sails from Dundee, iron cannons from Falkirk and crew members, with almost 30% of the 18,000-strong crew hailing from Scottish towns and fishing villages.

We will be involving local school children, and the Glenlivet community, to help plant and maintain 4 hectares of native woodland holding some 4,000 trees. The wood will be named ‘Defence’ after HMS Defence, one of the 27 ships, which was captained by a Scot.

(See: www.treeforall.org.uk)

• Seafood for plants?

Fish and shellfish by-products can help plants grow, according to a new study by Seafish, which suggests that much of the waste from processing could make an ideal basis for horticultural compost. Fish and shellfish by-products, including shells, bones and tails, are a potential source of valuable minerals, but are currently disposed of as waste at high cost to seafood processors. The study tested seafood-based compost on pot-grown tomato and barley plants with encouraging results.

(See: www.seafish.org)

• Expert floats deep sea idea

A study should be made into the possible use of redundant oil and gas platforms for aquaculture business, according to Donal Maguire, Aquaculture Development Manager for the Irish Sea Fisheries Board. Mr Maguire told the Aquaculture Today 2005 conference, held in Edinburgh in April, that a shortage of locations in inshore waters would force the industry to move further out to sea, where the growing number of redundant oil and gas platforms could be converted for use as deep water fish farms.

(See: www.bim.ie)



Alison Kentucket explains the role of the Receiver of Wreck

In the UK, wreck and salvage law dates back to at least the 12th century, however the role of the Receiver of Wreck first appeared in the Merchant Shipping Act 1854. Traditionally, there were many Receivers of Wreck based in ports around the country, although in more recent years, this role was undertaken by Customs officers. In 1993, the Receiver of Wreck became one centralised post covering the whole of the UK as part of the Maritime and Coastguard Agency (MCGA).

Current legislation, the Merchant Shipping Act 1995, states that all wreck recovered from within UK territorial waters, or brought within territorial waters, must be reported to the Receiver of Wreck. It is then the Receiver's job to locate the legal owner and give them the opportunity of having it returned. However, the Receiver also acts on behalf of the finder, by ensuring that legitimate salvors receive a fair salvage award. In this way, the Receiver acts as 'honest broker' between the two parties.

The Merchant Shipping Act 1995 specifies that all recovered wreck should be reported to the Receiver, regardless of its age, size, material of construction or value. Wreck is defined as flotsam, jetsam derelict and lagan, and includes ships, aircraft and hovercraft, any parts of these, their cargo or equipment. So, reported wreck could be anything from one small item picked up by a recreational diver to an entire cargo recovered by a commercial company.



Once a report of wreck (known as a droit) is received, it is the Receiver's job to try to locate the current legal owner of that material. The owner has one year in which to prove ownership. If no owner has been found at the end of that year, the reported item(s) become 'unclaimed wreck' and property of the Crown*. It is then the Receiver's job to dispose of the item(s) on behalf of the Crown. In many cases the finder will get to keep the item(s). However, in cases where finds might be of historic interest, the Receiver will, where possible, arrange for the acquisition of these items by an appropriate museum.

The Receiver's main customers include recreational divers, fishermen, commercial salvage companies, maritime archaeologists and metal detectorists, and reported wreck ranges from modern wreck, such as the cargo of timber lost from the vessel KODIMA when it grounded in Whitsand Bay in 2002, to historic wreck, such as Bronze Age finds from off Salcombe in Devon. Regardless of the age of the find, the Receiver will make best efforts to identify the legal owner. Often, this is not an easy task, particularly where the recovered items might be hundreds or even thousands of years old. In one notable case, the wreck material reported was a collection of 1st or 2nd Century AD funeral stones and marble busts (see picture, above). Despite their age, the Receiver was able to identify their legal owner.

The Receiver of Wreck is also responsible for the administration of section two of the Protection of Wrecks Act 1973. This allows for the designation of wrecks that are deemed to be dangerous by virtue of their contents. It is further responsible for the Royal Prerogative for Fishes Royal (England, Wales and Northern Ireland only). Fishes Royal is the name given to stranded whales, dolphins, porpoises and sturgeon. They are so called because, since a statute of Edward II (1307-1327), the Crown* has been entitled to such strandings, which would once have represented a valuable commodity. Today, strandings will often be recorded by Coastguards in their capacity as the Receiver's local representatives and this information is passed on to the National Strandings Database maintained by the Institute of Zoology and the Natural History Museum. In the event of a large whale stranding, the Receiver will work in conjunction with other interested parties to co-ordinate its safe removal and disposal.

(See: www.mcga.gov.uk)

Alison Kentucket is Deputy Receiver of Wreck.

* in this context, 'the Crown' is Government, and not The Crown Estate.



News in Brief

• Increase in farmed shellfish production

According to new figures published in April 05, there has been a sharp increase in the overall production of farmed shellfish in Scotland. The Scottish Shellfish Farm Annual Production Survey reported that overall production increased by 42.5 per cent, from 2,351 tonnes to 3,350 tonnes, while production of mussels increased by 49 per cent, from 2,003 tonnes to 2,968 tonnes. The industry employed 137 full-time and 235 part time workers, an increase of over 2 per cent from the previous year.

(See: www.marlab.ac.uk)

• Beach rubbish reaches record high

The amount of rubbish found on UK beaches has hit a record high, according to the Marine Conservation Society. The organisation's Beachwatch 2004 report, released in March 05, records an increase in overall litter levels by a staggering 82 per cent in the last decade and an average of one piece of litter recorded for every 52 centimetres (20 inches) of beach examined. More than 3,000 volunteers helped survey 269 beaches covering 145 kilometres (90 miles) of the UK coastline. In Scotland, 63,015 pieces of litter were recovered from 46 beaches covering 42 kilometres (26 miles) in just two days. The Beachwatch project is part of the Marine Conservation Society's Adopt-a-Beach project, which receives funding through The Crown Estate's Marine Stewardship Fund.

(See: www.adoptabeach.org.uk)

• Seaweed solution to fish farm waste?

Seaweed could provide an organic solution to the problem of fish farm waste, according to Dr Maeve Kelly from the Scottish Association for Marine Science (SAMS) in Oban. Addressing the Aquaculture Today 2005 conference in Edinburgh in April, Dr Kelly stated that the environmental impact of sea-cage fish farming could be significantly reduced by cultivating seaweed on site – a process that could create a potentially-lucrative second income for fish farmers through the supply of seaweed for use in health foods and biomedical products.

(See: www.sams.ac.uk)



Briefing

Moorings, Marinas and Anchorages

The Crown Estate is the owner of almost all of the seabed and around half of the foreshore around the Scottish coast. We are required by statute (The Crown Estate Act 1961) to grant consent for the use of foreshore and seabed within our ownership.

Navigation in coastal waters is deemed to be a public right; this includes the casting of an anchor while in the course of navigation and as part of an onward journey. However, the laying of a mooring, or other equipment to hold a vessel, requires our consent, usually in the form of a licence.

In Scotland, the Scottish Executive protects the public right of navigation by applying the provisions within the Coast Protection Act 1949. Its consent (known as Section 34 consent) is also required when laying moorings, or any other equipment or material, in tidal waters.

There are a number of marinas around the coast of Scotland and, as with any other landowner, any permanent structure (or activity that results in equipment or moorings) on our property requires consent.

Rental is charged for both private and commercial use of Crown foreshore and seabed and, in the case of moorings, a charge is paid for the right to lay a mooring. A single mooring consent in Scotland costs £70 per annum. For a Mooring Association, comprising ten or more moorings, the rent reduces to £35 per mooring per annum.

We reviewed mooring charges with effect from 1st January 2005 and agreed that the rent would remain unchanged until the next review in 2010. We have also streamlined administration by providing five-year mooring tags rather than annual ones and by implementing common payment and review dates.



A mooring licence provides security, and, equally importantly, enables effective management of mooring areas. This has become increasingly important as yachting and other water sports become ever more popular. Interest in coastal shipping routes, ferry traffic, aquaculture and other coastal developments, combined with other sea use, add pressure



on areas traditionally occupied by moorings and make effective regulation and management vital.

In order to provide local regulation and control, Mooring Associations have become increasingly popular. Mooring Associations lease an area within which they manage moorings. Consent is provided for a defined number of moorings and the Mooring Association is then able to decide

where moorings are laid and to whom they are allocated. The area is not normally exclusive to the Association and other mooring operators or boat owners may operate within the area, but only after consultation with the Association.

Any enquiries regarding moorings should be directed to our Managing Agents. (See the tear-off briefing sheet in the last issue of this newsletter or our website at: www.thecrownestate.co.uk).



We employ two Marine Officers, who are able to provide help and assistance on all aspects of moorings and the establishment of Mooring Associations. They can be contacted as follows:

Argyll to Nevis & Inner Isles

P-J Korbel 'Nairana', Inverneill, Ardrishaig, Argyll, PA30 8ES
Tel: 01546 600123

Nevis to Eriboll and Outer Hebrides (plus Skye)

Rob Adam, The Old Store, Badachro, Gairloch, IV21 2AA
Tel: 01445 741339

Call for Aquaculture Planning Regulation

There is continuing uncertainty over how the non-statutory Interim Scheme for aquaculture planning applications applies. Legislation to enable the transfer of marine aquaculture planning powers to local authorities has been promised for some years now, but has failed to materialise. The continued delay in the introduction of this legislation means that Scottish local authorities still do not have the requisite statutory powers to stipulate and enforce planning conditions, except in designated harbour areas in Orkney and Shetland where a Works Licence system applies.

There is a widespread expectation that, through its involvement in the Interim Scheme, The Crown Estate is able to introduce and enforce planning conditions when granting consent. This is not the case, as there is currently no legislation to provide for it. We are very keen that legislation be brought forward as soon as is practicable, to introduce the requisite powers to allow local authorities, to exercise appropriate control, and to remove the current uncertainty surrounding roles and responsibilities.



Outside Works Licence areas, the number of applications for new aquaculture sites (including modifications and renewals) has remained relatively stable at around three per month in recent years. The low number of applications reflects the additional costs associated with preparing new finfish site applications, where an Environmental Impact Assessment (EIA) is now normally required, and the limited availability of suitable sites in protected waters.

The 1999 EIA Regulations introduced a clear framework for finfish site assessment and most new site, modification and renewal applications are now accompanied by an environmental statement. These statements provide local hydrographic and benthic data, in addition to detailed information addressing particular site specific issues raised during the screening / scoping process. The completed documents remain on file and represent an important benchmark against which to gauge site performance in the future.

The salmon farming industry is working closely with the Working Group on Location / Relocation of Sites, which was established in response to an action in the Ministers Aquaculture Strategy Report published in 2003. The aim has been to develop a rationale to assess whether fish farms are poorly located, and to review the options for adjustment or relocation of equipment and / or sites. As the work of the Group progresses, it is anticipated that a number of applications for amendments to existing consents, as well as for new sites, will be submitted. It would clearly assist the process if a clear framework for handling such applications were to be in place in the short term.

Apart from in Shetland, the number of shellfish farm applications has remained at a relatively low level in recent years. There remain a large number of sites for which consent has been granted, but where development has yet to take place. Unlike landward planning consents, there is currently no statutory power to enable consents to lapse or be withdrawn if development does not take place within a defined timescale. This results in some approved sites effectively remaining sterilised for long periods, which has consequential effects on local employment and other business opportunities.

The table below provides a breakdown of the number of applications by type, sector and outcome. More detailed information can be found on our website.

(See: www.thecrownestate.co.uk)

The Interim Scheme

Since December 1998, the Interim Scheme for aquaculture planning has been in place. Under the Interim Scheme, the application to develop a new aquaculture site, vary an existing site or renew the development consent, is made to The Crown Estate (except in Shetland and parts of Orkney where a Works Licence system applies). The Crown Estate then puts the application out to consultation by advertising it in the local press and Post Office, and copying it to the relevant local authority, SEPA, SNH the local district salmon fishery board and the Scottish Executive (statutory consultees). All comments from respondents to the consultation are sent to the local authority for consideration. The local authority reviews the application, any consultation responses, and any supporting environmental information, and issues a recommendation to The Crown Estate, which we then accept and implement. The Crown Estate has committed to accept and pass on the local authority recommendation in response to all applications.

Aquaculture Applications

FINFISH			
Year	New Site	Site Modification	Site Renewal
2000	4	11	5
2001	6	14	8
2002	7	10	6
2003	5	7	9
2004	0	8	2
SHELLFISH			
Year	New Site	Site Modification	Site Renewal
2000	9	4	
2001	7	15	
2002	12	8	
2003	19	7	
2004	14	12	

*The table does not include figures for Orkney and Shetland Harbour Authority Areas.

Renewables Update

COWRIE

As part of the procedures for Round One offshore windfarm developments in England and Wales, we established the Collaborative Offshore Wind Research into the Environment (COWRIE) fund. The fund, which is based on the refundable deposits made by developers, was established to supply funding towards generic research to benefit the early stages of the offshore windfarm industry. It is administered by a steering group made up of experts from the offshore wind industry, Government departments, environment bodies and The Crown Estate.

The COWRIE research studies are separate from the requirements on developers to undertake site investigations to inform the environmental impact assessments or site monitoring requirements, but it is envisaged that the outcome of COWRIE-funded research will form guidance and best practice, which will be of great benefit to developers. The COWRIE programme continues to build our understanding of the

potential environmental impacts of offshore windfarms. With greater project funding now available through Round Two windfarms and their associated contributions, we are delighted to be able to broaden the scope of the programme.

We are registering COWRIE as a Company Limited by Guarantee and are seeking charitable status, as we are confident that our aims comply with Charity Commission criteria. A Board of Directors has been established to oversee the work of three Technical Working Groups carrying out the COWRIE programme. The Working Groups will focus on the environment, data management and education and communication, helping COWRIE to deliver on its charitable aims by disseminating the research data generated for the benefit of all marine users and stakeholders.

Further information and copies of the published reports are available on our website.

(See: www.thecrownestate.co.uk)



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News in Brief

• UK's largest offshore wind farm operational

The UK's largest offshore wind farm, at Scroby Sands, off Caister, Norfolk, was officially inaugurated in March and is now generating electricity for over 40,000 homes, marking the culmination of more than a decades-worth of planning and development. The £75 million, 60 Megawatt project is owned and operated by E.ON UK and uses 30 wind turbines. It is located on a sand bank known as the Middle Scroby Sands, which lies approximately 3 kilometres east of the Great Yarmouth borough coastline in the county of Norfolk on seabed leased by The Crown Estate.

(See: www.eon.com)

• Test turbines for deep water

The world's first deep-water wind farm could be built off the Caithness coast if a pilot project proves successful. Canadian company, Talisman, and its partner, Scottish and Southern Energy, have awarded a contract to Amec for two test turbines at the Beatrice Field as part of a £24 million feasibility study. The turbines will be sited in 45 metres of water and will be used to test the technologies required for deep-water electricity production and to determine the viability of such large scale developments.

(See: www.talisman-energy.com)

Marine Estate Update

It is a busy time around the rest of the UK coastline. In England, we await decisions from the Government on the proposed Thames Shell Haven, Harwich Bathside Bay and Felixstowe South port developments, all of which involve significant Crown Estate marine interests. We have agreed to sell some foreshore for the new Turner Contemporary Arts Centre in Margate, and we are involved in major transport infrastructure projects with the London Docklands Light Railway extension, the London Crossrail scheme and a major redevelopment around the former power station site in Poole.

We are jointly promoting, with Associated British Ports, a major redevelopment of the Royal Pier site in Southampton and are involved in marine developments at Bognor and East Cowes, and a new marina in Portland.

In Northern Ireland, we await the outcome of a planning application for a city centre office development on the River Foyle, and are in discussions with the authorities on the future licensing of shell-fishing in the Lough.

In Wales there are exciting prospects for a 'string-of-pearls' of marinas around the coast, including developments at Pembroke Dock, Fishguard and Beaumaris. There have also been

developments in the business of alternative fuels at Milford Haven with a new lease agreed with Petro Plus for a jetty for the transportation of LNG (Liquified Natural Gas) and another lease to be agreed shortly with Esso.

Offshore, we are heartened by the news of three positive 'Government views' for new marine aggregate extraction sites off the South coast of England. These will provide much-needed new reserves for the aggregates industry in the South East England. We are working closely with the industry to ensure that this important resource is managed sustainably, openly and transparently.