

## Community Land Scotland

Wild Fisheries Review

Submission of Evidence – June 2014

### Community Land Scotland

Community Land Scotland is the representative organisation of Scotland's community land owners. Those community land owners now own, in aggregate, some 500,000 acres of land with a number of members owning and managing wild fishing interests, much of which is currently in the Highlands and Islands and represents an important resource to those areas.

The Scottish Government has a target to double the amount of community owned land by 2020 and it is known that a number of communities are currently in the process of seeking to acquire their land, often including rights to wild fish interests.

Community ownership of land is democratic and has at its heart the question of the common good and the sustainable future of the local community, delivered through the ownership and appropriate use of the land and associated assets. The focus of community owners is largely economic in providing a better means to a more sustainable future through the provision of housing and jobs associated with the utilisation of the resources at their disposal.

### Background

The Wild Fisheries Review follows a remarkable number of previous reviews into the subject matter, but few of which have delivered decisive change in the governance and management arrangements, such as to still require change in current arrangements.

The Review also co-incides with wider policy development in Scotland concerned with the ownership and utilisation of land resources, currently being considered as part of the recommendations flowing from the Land Reform Review Group, and as part of the considerations currently underway in relation to agricultural tenancies through the Review of Agricultural Holdings.

These other reviews, in common with the Review of Wild Fisheries, are examining and recommending change to the established order in the management of crucial national, finite and natural resources.

Setting aside the specific recommendations of the Land Reform Review Group regarding wild fishery management, which they acknowledge is the subject of this separate Review, they none the less have made some very important statements of principle which, in the land context, underpin the detailed recommendations they make. Community Land Scotland believe that these underpinning principles, which have been broadly welcomed by the Scottish Government as giving strength to the rationale for reform, have wider relevance and should be considered as part of this Review.

In particular, within the question of land reform, the Land Reform Review Group has made clear that "Land is a finite and crucial resource that requires to be used and owned in the public interest for the common good." (Evidence from Chair of the LRRG to the Scottish Parliament in summary of findings in the report to that effect).

They go on to define the common good as being:

- the wellbeing of society as a whole
- an enriched participatory democracy

- inter-generational and international environmental sustainability
- economic success
- greater social justice
- the achievement of human rights

Community Land Scotland suggests that these principles and definition have relevance to the Wild Fisheries Review and can become principles against which particular actions can be tested.

Fundamentally, Community Land Scotland believes that, as in land, wild fisheries are a finite and crucial resource that require to be used and owned in the public interest for the common good, with the common good being defined as above.

In considering the question of wild fisheries the question arises, therefore, of how it can be managed to deliver in the public interest for the common good. In this context, the question of local and wider public accountability for the public interest and common good is an important component of future arrangements.

Wild fisheries have great local significance. They are part of the cultural heritage of the area; they require good water quality, and therefore help meet local environmental and amenity considerations; they provide for locally important recreational activity and for which access is required; and they have economic value supporting jobs, population retention and growth.

### **Baseline report**

Community Land Scotland believes the Maitland Baseline Report provided as a context for this Review is an important piece of work which clearly identifies the main issues that require to be addressed, and supports the broad thrust of the recommended areas for action.

In particular Community Land Scotland recognises the analysis that suggests: there is not a sufficient and co-herent national focus on wild fisheries as a whole; that a clearer national view is required on how to support a thriving and sustainable wild fishery; that better national co-ordination of effort, management and research is required, together with better delivery of actions from the national level; that the wild fishery requires to be looked at as a coherent whole and not just through the interests of salmon.

However, whatever the improvements that could undoubtedly be made to improving the national focus, there remains a vitally important local element to the ownership, care and management of the resource. Strong local discretion in determining priorities and what is in the local community interest needs to be available, albeit within what might be a strengthened national framework. This is a very important matter of principle for the Review to recognise and any final arrangements which thwart or unnecessarily constrain legitimate local discretion will not serve the long term needs of the wild fishery well, or retain vital local support. The challenge here will be to devise arrangements which find the right balance between: national and local interests, both national and local accountabilities; with what is the common good (as defined above) being a focus for attention. At present, the interests of, sometimes absentee, recreational fishery owners can dominate and substitute for the wider local public interest and common good. This points to the need for careful consideration of representation on local groupings.

In general terms the direction of travel set out in the April and May Bulletins of the Review have a lot to commend them, in principle, and provided the right balance is struck between national and local interests.

### **Leadership and Governance**

*Question 1 – Please give us your thoughts on the kind of governance structure that you believe might best achieve this, including how best to ensure a direct line of sight back to Scottish Ministers and the national public interest. Thoughts on whether there may be an existing public body or similar organisation that might be adapted to assist with this task would be helpful.*

The nature and scale of the wild fishery would warrant the creation of a small and separate executive agency, at arms-length from Ministers, and with an appropriate small Board of appointed non-executives.

Such an agency could easily be located within an existing agency, such as Marine Scotland, for the purposes of pay and rations and support services, and to encourage appropriate liaison with the wider interests and responsibilities.

The really important thing is the clarity and appropriateness of the purpose of the agency, and the relationship that is developed with local delivery of management (see below)

## **Management and Delivery**

*Question 2 – Please give us your thoughts on the sort of delivery mechanism/s (public, private and/or third sector) that might be appropriate here, with particular emphasis on the characteristics highlighted in the April progress bulletin. Thoughts on how this might link back to the governance structure would also be appreciated.*

It is right that responsibility for management and delivery should rest at the local level, and that there must be a measure of local accountability as well as a clear relationship and accountability with national priorities.

It is vital that a strong element of local discretion exists, alongside any focus on national priorities.

There are many examples within Scottish Government of frameworks for marrying national and local interests. The Planning system has a National Planning Framework with clear policy guidance and major national matters being decided nationally, but with significant local discretion within local planning policy frameworks for local discretion and decision making. In local government, local authority outcome agreements are agreed with national government. In health and education in particular there are national priority matters which merge with local policy, local discretion and local delivery.

Perhaps a system borrowing from the Planning system model would be best, with the local delivery group (see below) being charged to produce a 'local wild fisheries plan' which set out how national priority matters would be delivered, but which also had clear, legitimate and recognised space for local discretionary matters. These matters should not be excluded from national support funding, depending on the merits of the case. Such plans could be subject of an approval process by the national agency, following consultation (as with strategic development plans within the Planning system). In this way, national objectives would be met, while leaving legitimate room for local discretion. To squeeze out local discretion, always a danger of such national priority arrangements, would be a major mistake. Diversity of approach provides for innovation, gives expression to local enthusiasm of individuals to be involved, and allows for local priorities and national priorities to be met. This element of local discretion needs to be a fundamental part of the arrangements if they are to command support.

There could be a variety of ways to form the local delivery and management body. At one level it could be a body established by the local authority (or the authorities for the area) for the purpose, appointed by the local authority(ies) according to national guidance of the sort of representation it should contain, but binding it in to local democratic structures, with appropriate public accountability and reporting arrangements locally. The legal form could be a company limited by guarantee, for example, and have separate legal standing with an arrangement to deliver the agreed 'local wild fisheries plan' with the national body. Local residency should be a criteria for membership of the local body.

The final detail of how a local delivery body should be constituted should follow broad national guidelines, but should also leave room for agreement about the precise balance of representation required in any given area, to reflect particular local circumstances.

It would be possible for other ways of appointing the body, centrally, but given legitimate local interests that may send the wrong signals. However, appointments could perhaps be a joint responsibility by a panel of national and local (local authority) interests.

There could be an annual 'performance and accountability meeting' of the local body in which they reported publicly to the local authority, or panel of national and local authority interests, for their management of the resource in the public interest and for the common good.

## **Resourcing**

*Question 3 – Please give us your thoughts on both income generation and resource deployment, bearing in mind the characteristics implied in the April progress bulletin. Ideas about potential new income sources, and suggestions about how best to ensure that resource deployment aligns fully with national and regional strategic priorities, would be much appreciated.*

Local revenue supports to a significant extent, current local expenditure. It would seem right to maintain that local stream of income and not seek to alter it too much. However, any scheme should also bear in mind the need to incentivise local improvement to the fishery and not discourage or penalise such investment.

If the issue of Wild Fisheries is to receive more national focus and national direction, precisely because it is a national resource of importance, it would appear right that the national taxpayer makes a contribution to the resource management.

Many ideas have been floated in the past about a national rod license in addition to any local charges. It is essentially a political matter to determine the nature of any additional charges imposed at the national level.

## **Crosscutting Issues**

*Question 4 – Please give us your thoughts on these and any other issues that you think are of relevance.*

Part of the management and delivery of wild fisheries must be to encourage wider participation in the enjoyment of the fishery and the environment that supports it, at the local level, by local people. While the economic significance of the fishery to local economies by the marketing and sale of the product are of huge significance to many local economies and thus local people, so is access by ordinary people of little means by comparison to those who can afford to pay large sums for exclusive access. Wild fisheries should not be allowed to be dominated by a privileged elite at the expense of the legitimate interests of local people. Wild fisheries are a finite and crucial resource that require to be used and owned in the public interest for the common good.

Note: Community Land Scotland is aware of the submission made by Storax Uibhist and commends many of their practical ideas for improvement set out in that submission. Further, the widening of representation in the Western Isles on the local DSFB is seen to have helped take greater account of the wider local community interest and is an approach that could be built upon, together with the measures suggested above to limit membership to those locally resident.

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June 2014