

Marine spatial planning:

A down to earth view of managing activities in the marine environment for the benefit of humans and wildlife

What is marine spatial planning?

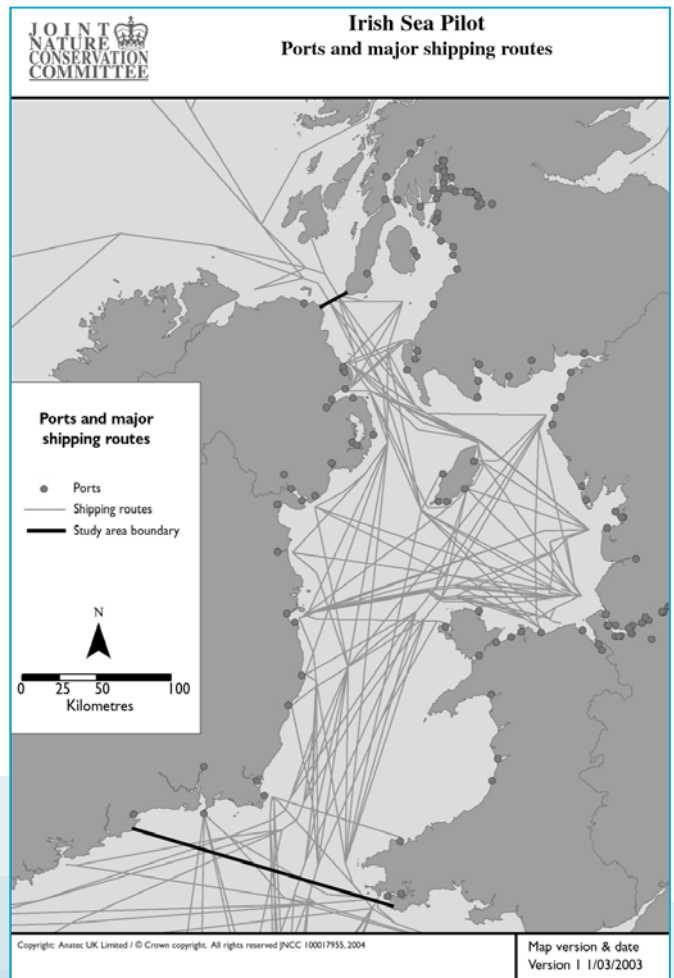
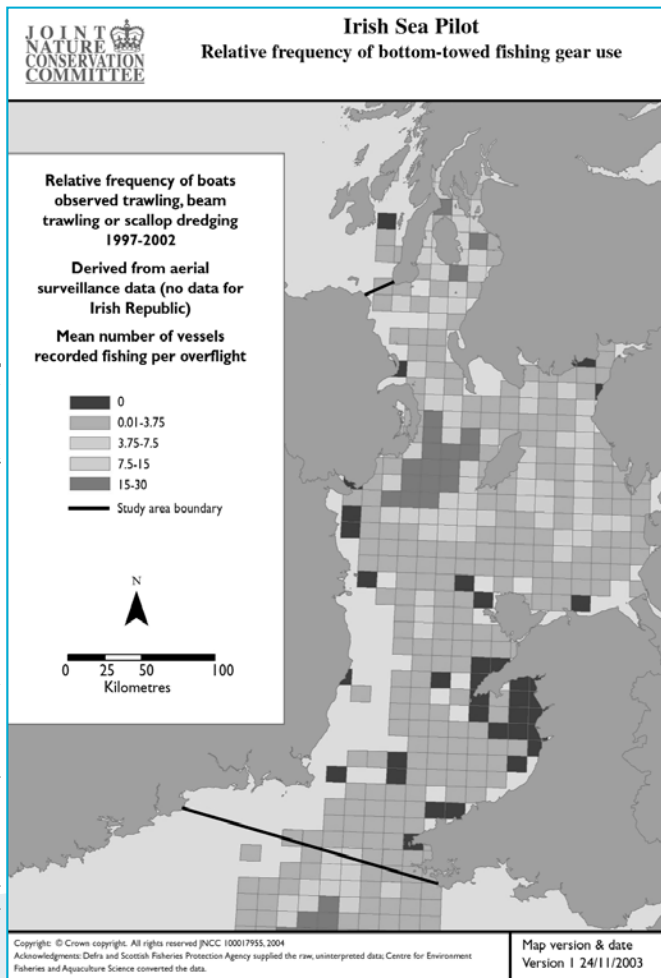
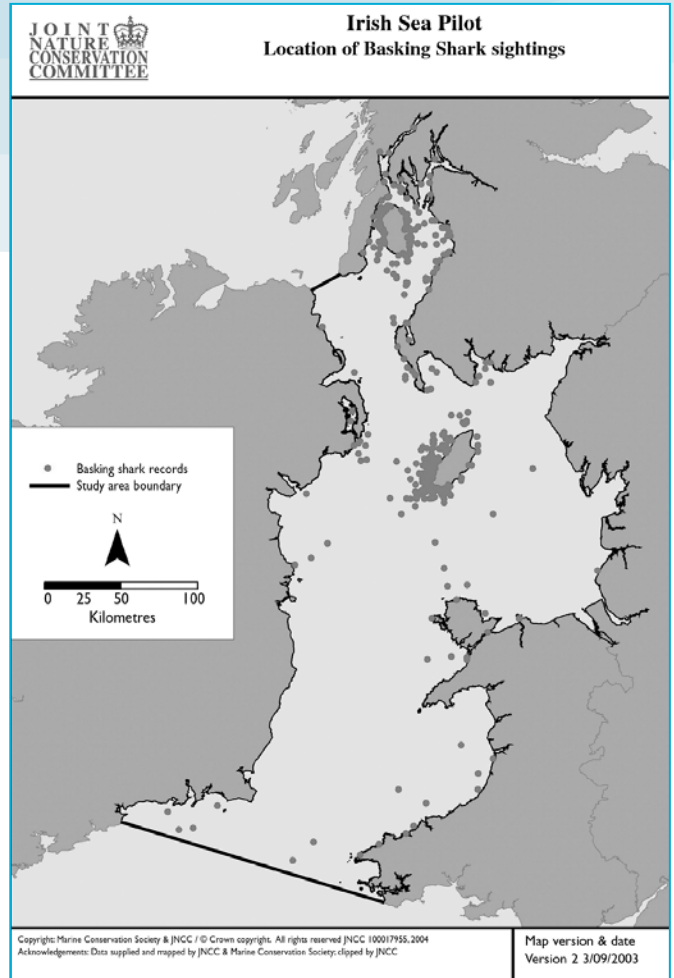
Marine spatial planning is seen as a way of improving decision-making and delivering a more ecosystem-based approach to managing marine activities. In essence, it is a planning tool that enables integrated, forward-looking and consistent decision-making on the use of the sea.

The main elements of marine spatial planning include an inter-linked

system of plans, policies and regulations; the components of environmental management systems (e.g. setting objectives, initial assessment, implementation, monitoring, audit and review); and some of the many tools that are already used for land use planning. Whatever the building blocks, the essential consideration is that they need to work across sectors and give a geographic context in which to make decisions about the use of resources, development, and the management of activities in the marine environment.



Marine spatial planning: making space for wildlife and people



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Examples of activities and natural features that need to be taken into account when making decisions about the use of the sea.



All human activities and development must be considered together so plans can be made to avoid cumulative adverse impacts on our marine environment.

is tremendous pressure on this biodiversity from marine environment activities. The consequences can be seen in nearshore waters – for example seagrass beds, which are vulnerable to physical damage in addition to deterioration in areas of poor water quality – and in deep offshore waters, where cold water corals are being damaged by demersal fisheries.

Existing procedures also make it very difficult to deliver an ecosystem-based approach to planning and management, which depends on a holistic and integrated view to inform the decision-making process. Because of this, there is growing support for a more strategic approach to the planning and management of activities in the marine environment, and for a system of spatial planning to provide the framework in which this might be achieved.

What are the benefits?

The benefits of a spatial planning system in the marine environment include a directed approach towards overall objectives, rather than the current

reactive, application-led, system with inherent risks of poorly integrated or piecemeal decision-making on the use of marine resources. It would also help to minimise conflicts of use, and to take into account cumulative and in-combination effects in decision-making. A framework of marine spatial planning would also make it possible to be forward-looking and provide a clear, easily accessible, mechanism for stakeholder involvement in the planning and management of activities in the marine environment.

From a policy perspective, the benefits of marine spatial planning are seen as:

- enabling government and agencies to put the commitments to sustainable development and an ecosystem approach into action;
- enabling greater integration – joined-up approaches – in managing areas of sea to avoid massive duplication of effort and resources;
- improving the quality of decision-making, routine administration and information provision enabling the principles of Better Regulation to be

put into effect by the government and its agencies;

- providing clarity of process and greater certainty in consenting, planning and resource allocation for developers and environmental managers;
- implementing appropriate environmental management for areas of sea which avoids the considerable duplication of effort each new development sparks – in particular, management which takes into account cumulative and in-combination effects. While these are embodied in regulation (e.g. the EIA Directive), they have not been transferred satisfactorily into routine practice; and
- avoiding resources being spent on sectoral regulation that are not delivering on investment for any aspect of UK plc.

Sectoral interests have also identified particular benefits. From a nature conservation viewpoint, for example, the Wildlife, Countryside & Environment Link highlights the potential of marine spatial planning:

- to contribute towards delivery of sustainable development objectives in the marine environment;



Marine wildlife such as this short snouted seahorse is an integral part of the marine landscape of the British Isles.

Background

Interest in marine spatial planning is growing throughout the world, driving the development of ideas about what it might involve, and how it might be achieved.

At the Fifth North Sea Conference, held in 2002, ministers agreed that North Sea states' spatial planning of the marine environment needed to be strengthened. They invited the Oslo and Paris Commission (OSPAR) to take forward a number of initiatives, including investigating further international cooperation, "taking into account transboundary and cumulative effects" (§ XI, Bergen Declaration, 2002). OSPAR is taking the process forward with stakeholders to discuss the subject in more detail.

The UK will be contributing to this work regionally and nationally as part of an integrated stewardship programme.

The European Commission is also promoting the idea of marine spatial planning. In its strategy for the marine environment, published in 2002, it indicated that it would "address the integration of nature protection measures and the various sectoral activities impacting on the marine environment, including spatial planning". A subsequent stakeholder conference on the strategy concluded that "principles from spatial planning should be considered to establish a good basis for a more integrated approach of the marine area" – although there is no indication on how the Commission might help put this into practice.

Making the case for spatial planning in the UK

The UK is surrounded by some of the busiest sea areas in the world. The variety and scale of use is reflected in the significant contribution that marine-related activities make to the UK economy. This was estimated to be around £39bn or 4.9 per cent of GDP in 1999/2000, and came from sectors such as oil and gas production, shipping, the leisure industry, and business services such as marine insurance.

New directions in some sectors, such as the desire to accommodate larger vessels in ports and harbours, and the emergence of the offshore renewable energy industry, are part of the continuous development of the marine-related economy. However, all of this is taking place in the absence of any overall framework for integrated planning and management of marine activities. The control of development below the low water mark is also sectoral (see Table 1), with systems based on the regulation of particular categories of development such as oil and gas exploration, marine fish and shellfish farms and submarine pipelines. It is also application-led rather than plan-led. The end result, which has developed in a piecemeal fashion over hundreds of years, is a complex pattern of regulation and policy relating to the use of UK territorial waters and the UK Continental Shelf.

The nature conservation sector has a particular interest in marine spatial planning. The UK government's Review of Marine Nature Conservation

in England and Wales has flagged the subject as one that needs to be considered, and a pilot project on how marine nature conservation might be delivered in the Irish Sea will help analyse the potential of existing regulatory and other systems for delivering effective marine nature conservation. In addition, sea use planning/marine spatial planning is one of the themes being developed by English Nature for its maritime strategy, and the case for marine spatial planning has been made in a recently published Joint Wildlife, Countryside & Environment Links briefing paper. The House of Commons Environment, Food and Rural Affairs Committee inquiry into Protection of the Marine Environment found that "a marine spatial planning system may prove necessary in order to manage the array of activities at sea". Environmental issues have combined to become a cross-cutting theme. Environmental assessments have been obligatory for certain types of onshore projects since 1988 and for offshore activities since 1998, largely as a result of European Directives (Environmental Assessment Directive 85/337/EC, Environmental Assessment Amending Directive 97/11/EC and Strategic Environmental Assessment Directive 2001/42/EC). The most recent is the Strategic Environmental Assessment (SEA) Directive, which must be implemented by 2004, and which requires SEAs to be carried out when preparing plans and programmes in a wide range of sectors. In the UK marine environment, separate SEAs have been carried out when licensing areas for offshore oil and gas exploration and production, and for the extraction of marine aggregates. Marine spatial planning will enable SEAs to identify the cumulative and in-combination effects of all marine activities.

The present arrangements are becoming less and less satisfactory as the competition for resources (including space) intensifies, diversifies and needs to be consistent with the conservation of marine biodiversity. The native marine flora and fauna around the British Isles is an estimated 40,000 species and there

Table 1

Examples of sectoral legislation currently in force in UK seas

- 1949** Coast Protection Act (CPA) Works below MHWS, deposit and/or removal of object/materials. Restrictions on works detrimental to navigation.
- 1964** Harbours Act (and local harbour acts) Harbour developments.
- 1984** Telecommunications Act (TA) Subsea cables.
- 1985** Food & Environment Protection Act (FEPA) All construction, coastal defences, disposal of waste and burial at sea.
- 1989** Electricity Act Electricity generation including offshore wind farms.
- 1991** Water Resources Act Flood defence, discharge or drainage consents.
- 1991** Land Drainage Act Flood defence.
- 1992** Transport & Works Act (TWA) Large works on land and at sea.
- 1998** Petroleum Act Oil and gas installations and pipelines.



A lot of the UK imports travel by sea and our waters hold some of the busiest shipping lanes in the world.

- to help assess the cumulative and in-combination effects of projects and policies; and
- to enable government, industry and conservationists to work together to identify suitable locations for development and uses, and to identify sites where important assets need safeguarding and where conservation should take precedence.

From an industry standpoint, any system that could deliver increased consistency through an integrated and holistic approach that is simple, understandable, robust and pragmatic, would be desirable.

From land use planning to sea use planning

The land use planning system is designed to regulate the development and use of land in the public interest. Legislation such as the Town & Country Planning Act 1990 and the Town & Country Planning (Scotland) Act 1972 provides the regulatory framework and enables general policy directions and visions for particular

areas to be set out. Planning permission for development depends on whether the application is consistent with plans that set out the land use policies and proposals that apply in any given area.

In contrast, the control of development below the low water mark is characterised by a sectoral approach based on regulating particular categories of development. While these may fulfil objectives for a particular sector, tempered by SEAs and the broader objective of sustainable development, the decisions are not driven by any equivalent of terrestrial development plans which provide an overview and direction of what is desirable, in the long term, for a particular area.

Many elements of the current land use planning system, such as Planning Advice Notes and a plan-led approach, could be applied to marine areas. However, a number of important differences will need to be accommodated in any system of marine spatial planning.

The physical nature of the marine environment is the most obvious difference. The land-use planning system

needs to deal with developments below the surface on land and in the air above – but spatial planning for areas of sea will need to be much more attuned to decision-making in a three-dimensional setting, because potentially simultaneous use of the seabed, the water column, the sea surface and the air above is the norm. The more dynamic nature of the environment will also be an important consideration. This will be especially true for coastal areas, which is the interface between terrestrial and marine planning systems where boundaries will be difficult to define.

The position in relation to public rights is another important difference. On land, the planning system can extinguish private development rights in the national interest, whereas the situation in territorial waters is reversed. The seabed is already largely in public ownership (vested in the Crown) with private companies applying for permission to carry out particular operations or developments. Purchasing or “owning” a portion of the seabed is generally not an option. This is a significant difference from coastal (foreshore, estuaries, tidal rivers) and inland areas, where there is substantial private ownership.

Management of marine activities is therefore largely determined by major governmental strategy and policy, for example on areas such as defence, telecommunications, and food and transport, and is managed by Departments of State as well as international organisations such as the International Maritime Organization (IMO) or through regulation by the European Commission. Statutes regulate particular activities where there is a national interest – for example, cable and pipeline laying. Marine aggregate extraction is the first “private” use of the sea to be coordinated through national policy.

Two other elements of public rights that will need to be taken into account are navigation and fishing. Navigation is a long-standing public right with “innocent passage” permitted through the seas around the UK, including territorial waters, where no ship is obliged to follow a particular route. However, any future



North Hoyle offshore windfarm. The UK needs marine renewables to meet international commitments to reduce CO₂ emissions. A marine planning framework will help ensure the right technology is in the right place.

marine spatial plan will be able to provide guidance on the location of routing measures such as AREAS TO BE AVOIDED, including those associated with Marine Environmental High Risk Areas (MEHRAs) and Particularly Sensitive Sea Areas (PSSAs) agreed by the IMO. There is also a public right to fish and equal access to fisheries (with various conditions applying) under the provisions of the EU Common Fisheries Policy. Fisheries management zones, such as “boxes”, will be another element to present on any marine spatial plan.

The issue of public rights highlights another significant difference between land and sea-use planning: namely, the level of decision-making. For marine areas this is principally at an international, regional seas and national level, whereas on land there is much greater sub-regional and local autonomy relating to decisions on use and development control. Government departments, rather than regional or local authorities, will therefore need to be brought into any marine planning system or devolve at least some of their existing responsibilities

to a planning authority – although the determination of policy relating to activities such as navigation and fisheries is likely to remain at national, regional seas and international levels.

The way forward

Some of the elements needed to operate a system of marine spatial planning already exist. They include the Strategic Environmental Assessment, which will help link decisions on sea use to agreed broad objectives and provide an ecosystem-based approach to management, but only if it is linked across sectors. Data sharing, risk assessment, ecological and socio-economic mapping including use of Geographic Information Systems (GIS), will also help deliver spatial planning, and there are already many operational systems that could be harnessed. A regional approach would enable such a system to reflect the different pressures, opportunities and knowledge base in different parts of the UK, as well as providing an ecological basis that underpins the planning framework.

The next step is to see how these and other elements might be drawn together, developed and rationalised – or perhaps totally overhauled – to build a spatial planning framework for the UK that will deliver the demands, standards and expectations of society for the management of marine activities in UK waters in the 21st century.

The Wildlife Trusts and WWF believe that spatial planning is key to implementing an ecosystem approach. We have been calling for changes in legislative and planning measures at a UK and devolved level through the introduction of a comprehensive UK Marine Act and complementary devolved legislation. A Marine Act would set a strategic legislative framework and rationalise existing marine legislation concerned with management of the sea, and would address specific concerns about the consents procedures in the marine environment.

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