

IPI Marine Spatial Planning CPD Series:

Introduction to MSP



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A LITTLE ABOUT ME....

- Academic
- Mum
- Sea Lover



This session: Fundamentals

- Basic Rationale as to why MSP needed
- Some definitions
- Property Rights
- Marine Planning Problem
- Comparing LUP and MSP
- Suggested Reading



Welcome to the IPI MSP CPD series

- "It is time to stop planning with our backs to the sea" (GAUFRE, 2004)
- Different mindset for how we think about and use the sea
- Get rid of our "Seablindness"!

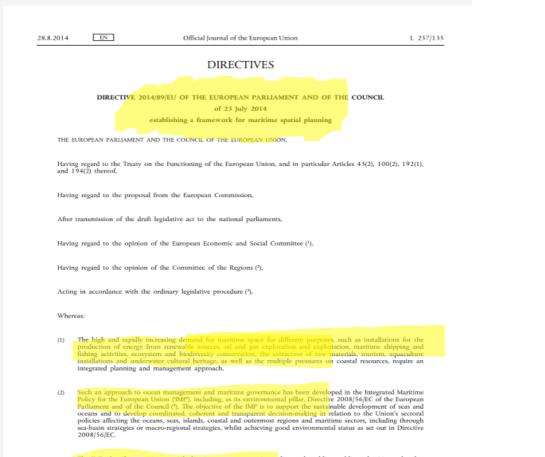




Why do we need MSP?

- Ocean are fundamental to the **health** of the planet
- Our seas and oceans are a **limited** and **scare resource** (ORE different view?)
- **Public awareness** of pressures on the sea and marine problems heightened
- Case for **state intervention** in managing marine development is gathering momentum
- Recognition of **international efforts** to better plan and manage the sea
- Introduction of formal marine planning system demarcates a new vision

Why do we have MSP? We have to!



(3) The IMP identifies maritime spatial planning as a cross-cutting policy tool enabling public authorities and stakeholders to apply a coordinated, integrated and trans-boundary approach. The application of an ecosystem-based approach will contribute to promoting the sustainable development and growth of the maritime and coastal economies and the sustainable use of marine and coastal resources.

- In July 2014, the European Parliament and the Council adopted Directive 2014/89/EU to create a common framework for maritime spatial planning in the European Union.
- In broad terms, the Directive places a legal requirement on Member States to develop and implement Maritime Spatial Plans (MSP) by 2021 at the latest.

Restructuring the sea

- Marine environments: subject to multiple and conflicting uses
- Traditional Uses: Shipping conservation fishing – recreational + tourism – defence – research – energy exploitation

V.

 Growth of new sectors – ORE/ Floating /solar / hydrogen production/ storage/ nature-based solutions

= Significant economic and social challenges with **clear spatial** and **institutional implications**

 Regulatory and institutions have become an administrative battleground





Marine uses previously

 "largely sectoral, reactive, application-led, centralised, remote....characterised by ad hoc planning, extensive duplication, inadequate coordination and integration, and limited information gathering, enforcement and monitoring"

(Tyldesley, 2004)



Evolution of Marine Planning Governance

The sea viewed as 'unplannable' and 'undevelopable'?

- Application of terrestrial planning not easily applied to the sea Why?
- •State jurisdiction and controls over marine waters = weak
- Sea considered as a space with common rights for navigation and shipping and fishing
- •Pattern of activities dynamic and overlapping and tidal
- Licensing was regulated by separate government agencies creation of silos
- Little sense of **comprehensive integration** of activities
- Add **Borders and boundaries** into the mix...
- → Governance of coastal marine environments developed as *piecemeal,* sectoral and complex

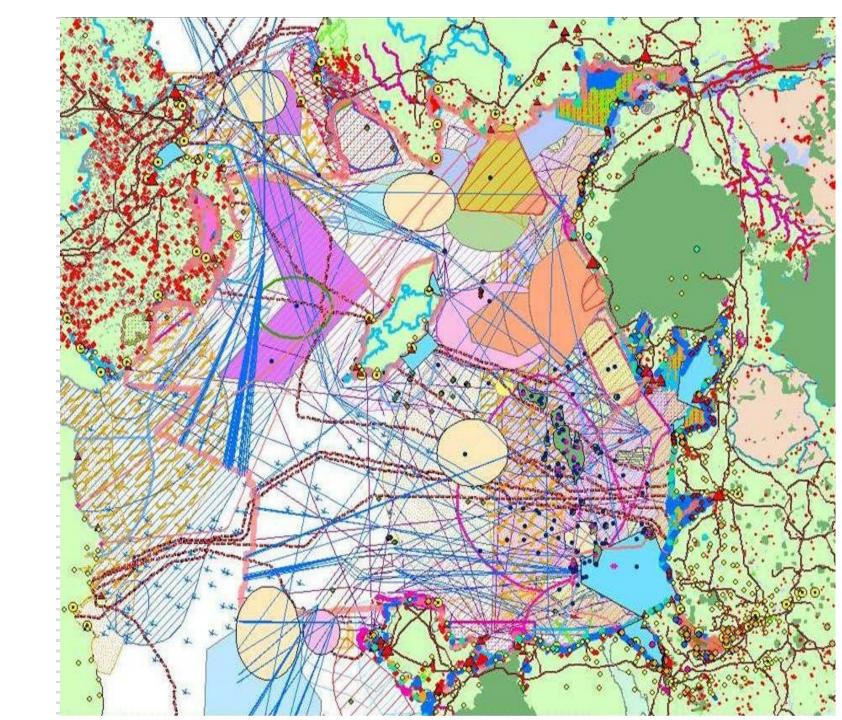
Busy seas becoming busier

• Key Activities Represented 200+ GIS Layers of marine and terrestrial activities:

 Landuse – Tourism – Oil & Gas – Mariculture – Coastal Defence – Ports & Navigation – Military Activities – Culture – Conservation – Dredging & Disposal – Submarine Cables – Fishing – Renewable Energy – Marine Recreation – Mineral Extraction

• *Multiple Uses* – Spatial and Temporal Data for the **4D** water column – **above sea** → **subsea**

Source: MSPP (2006) with kind consent for use from Dr. Stephen Hull of ABPmer

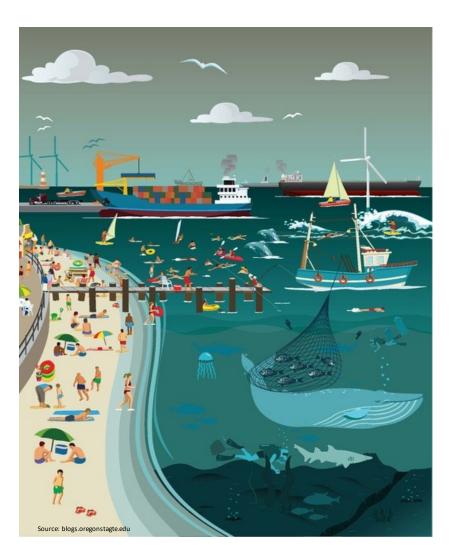


Planning for busier seas?

 Maritime activities such as shipping, renewable energy generation and transmission, recreation, tourism, nature conversation, research, blue technology

V

- Maritime impacts such as marine litter, traffic, noise, pollution, sea level rise, warming, erosion, flooding eutrophication etc
- All span national borders = transboundary issues
- Must acknowledge that coastal and marine matters are not even across the UK and Ireland
- MSP is needed to facilitate activities and impacts in a plan
- Yet care is needed in informing our understanding of the marine environment
- Intervention must be appropriate



Back to Basics: who owns the sea?

- Hugo Grotius Father of International Law
- Established Doctrine of MARE LIBRUM
- Open access to common property 400 years

"The sea that belonged to no one, free for all pioneers and explorers" Russ and Zeller, 2003, pg. 76

- Notion of seas being free and open to all explains why perhaps over exploitation – over development and degradation
- Introduction of state controls (through MSP) challenges MARE LIBRUM- MARE RESERVARUM



Hugo Grotius

Complex bundles of property rights

- Marine property rights have evolved over time
- "Open Access", "Private Property", "Communal Property"
- Defined rights by certain groups or bodies may exclude others
- Different rights may overlap
- State-market-civil relations may vary
- Irish Government and Crown Estate (UK) enjoy particular rights – such as explore and utilise natural resources to 200nm and ownership of seabed to 12nm
- Rest is vested in public (local authority) or private landowners



Purpose of MSP

- Original purpose of MSP Regulating and rationalising sea use
- Future strategic visioning
- Bring a more coordinated and integrated framework for controlling impacts and make it easier to bring development forward
- Implement ecosystem-based approach
- Purpose continually evolving to incorporate more and more:

Transboundary impacts – SDGs- Climate change and ORE Targets

Definitions of MSP from Planners

 Academic - Early definitions, coming from the more 'qualitative' disciplines, can be found on pg. ii of Jim Claydon's 2006 article in Town Planning Review:

TPR, 77 (2) 2006

Jim Claydon

Viewpoint

Marine spatial planning: a new opportunity for planners

For over half a century, land use planning has been accepted as an effective means of managing the competing demands of development and conservation in the UK. In a heavily populated country where the countryside is highly prized but of relatively low financial value, all political parties have supported the principles of the Town and Country Planning Act of 1947. While the rationale for planning and the detailed means of its implementation have varied over time, the continuing basic elements of development plans providing for future needs and the related system of planning consents and enforcement have supplied the mechanisms for putting the legislation into operation.

The marine environment, however, has not benefited from the same degree of management. In fact while there is a rapidly increasing understanding of the importance of the marine environment in ecological terms and at the same time rising demands on marine space for new uses such as energy production and recreation, the consenting mechanisms remain uncoordinated, sectoral and short-term – a position similar to that for land use decisions before the 1947 Act.

It is difficult to conceive of the translation of land use planning to the marine environment without an important recent conceptual shift in the system. The 2004 Planning and Compulsory Purchase Act introduced the idea of spatial planning. This is a model borrowed from European approaches to planning and encompasses concepts of integration horizontally across policy topics and geographic areas, and vertically between different levels of plan from local to national.

In this Viewpoint I will argue that marine spatial planning (MSP) is essential for safeguarding our seas from irreversible degradation and to provide certainty to those with marine economic and social interests. In addition there is an opportunity for planners to bring their expertise to bear on a new policy environment, with the UK government expected to issue a consultation paper in the spring of 2006 and a Marine Bill due before Parliament in the autumn. The Bill is likely to propose the production of regional marine spatial plans for UK territorial waters which will require the input of both marine specialists and those with the knowledge and skill to prepare plans.

What is marine spatial planning?

Marine spatial planning is an idea which has yet to be demonstrated in practice. It is, however, an idea which has strong support from marine NGOs (e.g. see Wildlife and Countryside Link, 2005) and from the government, having been trailed in the Labour party election manifesto in 2005 and the Queen's Speech later the same year. In a Defra-sponsored project, consultants have produced a pilot plan for part of the Irish Sea (MSPP Consortium, 2005b). The pilot demonstrates not only what a marine spatial plan might look like and contain but also sets out a process for its production and a justification for MSP as an activity.

The pilot defines MSP as follows:

An integrated, policy-based approach to the regulation, management and protection of the marine environment, including the allocation of space, that addresses the multiple, cumulative and potentially conflicting uses of the sea and thereby facilitates sustainable development. (MSPP Consortium, 2005c, 1)

International Definition

- United Nations Educational, Scientific, and Cultural Organization (UNESCO) define MSP as:
- 'a public process of analysing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic and social objectives that are usually specified through a political process' (Ehler & Douvere, 2009, p. 18).

EU Definitions

• EU Maritime Spatial Planning Directive (2014)

"A process by which the relevant Members State's Authorities analyse and organise human activities in marine areas to achieve ecological, economic, and social objectives" Art 3(2)

The Marine Planning Problem



- Peel, D. and Lloyd, G. (2004) The Social re-construction of the marine environment: towards marine spatial planning, Town Planning Review, 75(3), pp. 359-378
- Increasing intensity of marine related activity
- → negative consequences for ecological and physical conditions
- Expansion of traditional activities v. new innovative activities
- → Disjointed regulation of the activities = cumulative impact and pressures = more conflicts + tensions

• Marine Planning Problem = 2 strands

- Environmental deteriorating environment fish stocks water quality land-sea interactions
- Institutional fragmentation piecemeal regulation sectoral operation and regulation – varied boundaries – overlaps in jurisdictions

Common Characteristics of MSP

- Ecosystem Based balancing 3 pillars of Sustainable Development (Env/Econ/Soc)
- Integrated across sectors and agencies and among layers of government
- Place based or area based
- Adaptive capable of learning from experience and responding to changing conditions
- **Strategic** and anticipatory focus on the long term
- **Participatory** active involvement of stakeholders

Similarities + Differences between TSP and MSP: **Cross-learning** is possible between TPS and MSP - but **appreciate different 4D environment** = constraints for any potential transfer of learning.

Need to try to remember **different environmental, legal and cultural characteristics** of the marine areas as well as biophysical, cultural, heritage, historical and emotional

There are also distinct similarities between TSP and MSP:

- Common concern to control adverse impacts of human development
- Planning started as a social movement to improve quality of life, in the Victorian times people were living in squalid conditions, so first planning laws were introduced as a way of slum clearance – which then led to rapidly built and unregulated cities from the 20th Century.
- Similar underpinning for MSP

Similarities

- Continual changing paradigms
- Introduction of an MMO Marine Management Organisation (in England) – equivalent to a central planning authority with development management (control) functions, publication of the High Level Marine Policy Statement and Marine Plans.
- In the UK, TSP the implementation mechanism is around Planning Trinity: 'development management' 'Forward planning' 'enforcement'
- Implementation mechanism for MSP may be similar process of consenting for the right to undertake marine activities
- Public regulation of private interests.

Progression of Marine Planning – is it 21st Century?

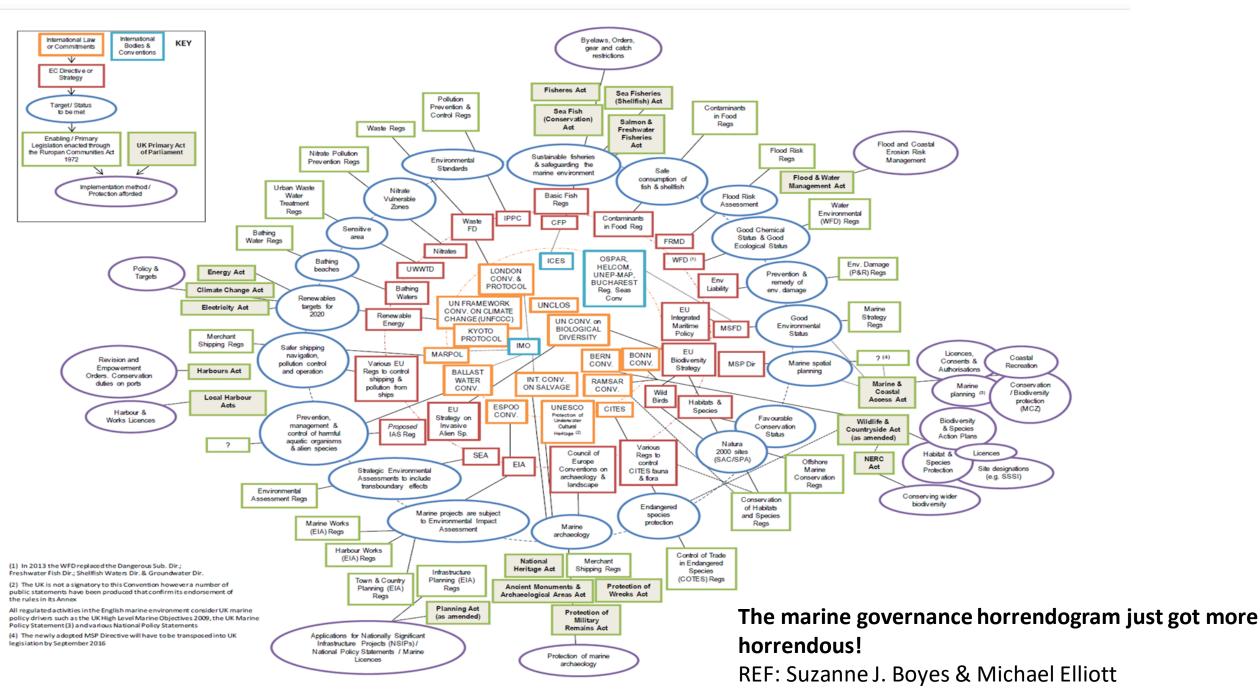
MSP at a similar point now of where Land Use Planning was back with the UK 1947 Act/ROI 1963 Act?

The beginnings of land use planning based on the following:

- Art based process of physical design architecture, engineering
- Linked to systems thinking scientific process rather than creative process requiring analysis of data
- From systems became piecemeal, incremental, opportunisitic, pragmatised and politicised.
- Planning paradigm was art and science planner as expert specialised knowledge and skill making judgements on behalf of the public about what type of environment is desirable to create using powers provided by state...value free planning process is now challenged
- Planning is inherently political in character.

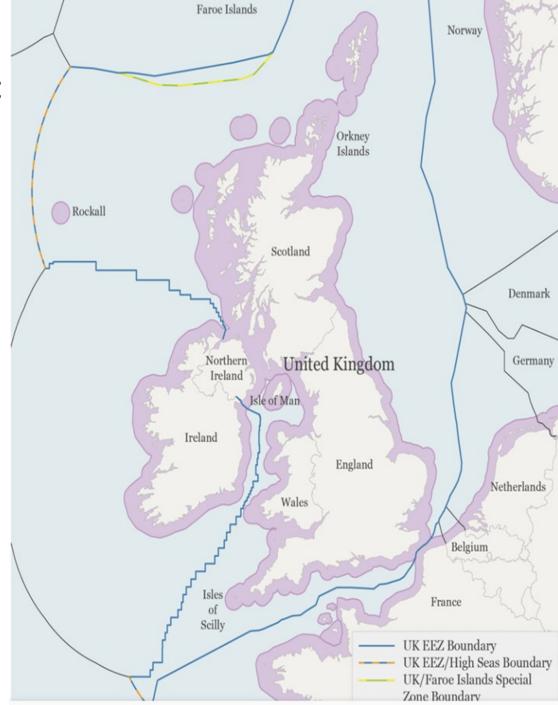
Stakeholder engagement in the marine environment

- Different to Land much more complex different stakeholders
- Physically and dimensionally different no fences borders
- Concept of *Mare Librum* curtailed by MSP
- Starting points different for engagement motivations, rationale and context
- Land= post war development (1947) social science
- Sea = sustainable development & ecology natural sciences
- Marine property rights exist but different manner
- Very complex mix of public property rights fuzzy boundaries



The provenance of MSP in UK and Ireland: A Challenging Context

- 1st UK DEFRA Marine Nature Conservation reviews early 2000s
- 1st wave of academic planning papers and research 2004
- 1st UK Legislation Marine and Coastal Access Act 2009
- 1st Joint UK High Level Marine Objectives
- 1st Scottish Legislation Marine (Scotland) Act 2010
- 1st Northern Ireland Legislation Marine (NI) Act 2013
- 1st EU Directive for Marine Spatial Planning 2014
- 1st East inshore and offshore English Marine Plans 2014
- 1st Scottish National Marine Plan 2015
- 1st Welsh National Marine Plan 2019
- 1st Draft Northern Ireland Marine Plan 2018 (formal adoption?)
- 1st Irish National Marine Planning Framework 2021
- 1st Irish Maritime Area Planning Act 2021



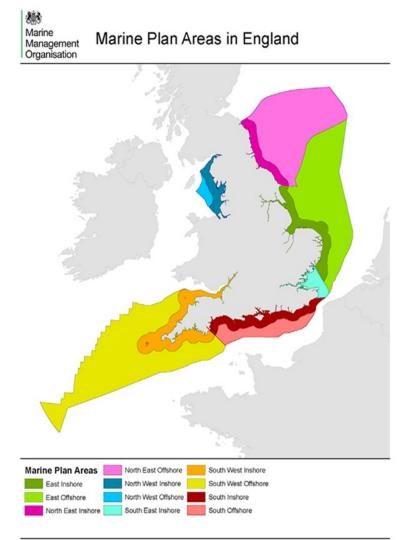
Source: http://iilss.net/maritime-boundaries-between-france-and-u-kgreat-britain-and-northern-ireland/

How are we doing MSP?

- UK and Ireland creating entirely new planning systems
- Not like other European Countries integrated marine with Land (Germany)

Primary UK legislation

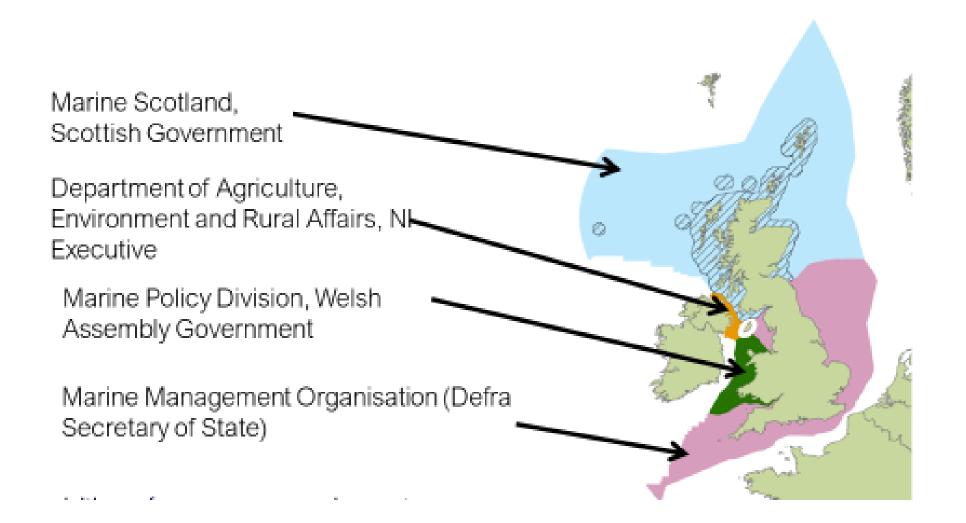
- Marine and Coastal Access Act 2009
- With Additional legislation in Scotland and Northern Ireland
- England x 11 plans



Date of Publication: June 2021 MMO Reference: 10560 Conta Coordinate System: ETRS 1969 UTM Zone 30N © N

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UK marine planning authorities



The North West Marine Plan

Documents

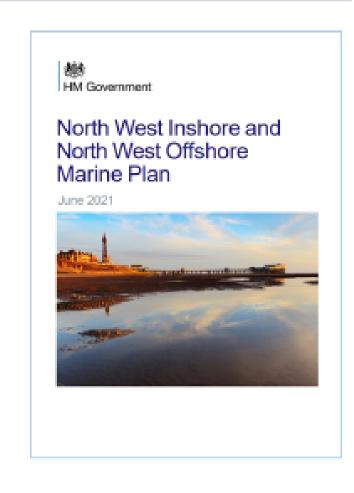
Documents:

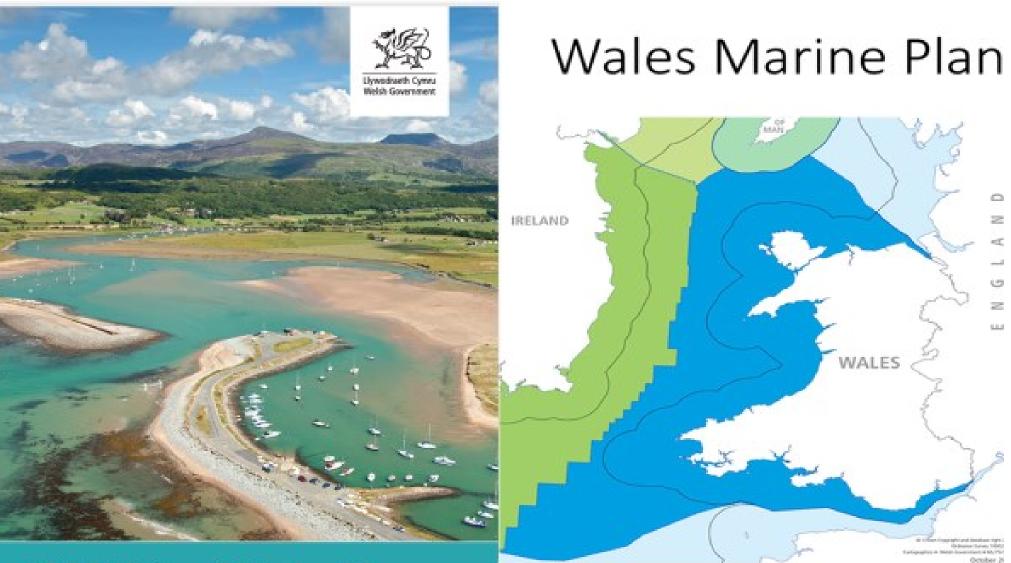
Marine Manapoment Organisation

- North West Marine Plan
- North West Technical Annex
- Sustainability Appraisal
- Habitats Regulation Assessment
- Marine Plan Vision
- Marine Plan Objectives
- Marine Plan Policies

The Solway Firth border with Scotland and the River Dee border with Wales

... ambitious for our seas and coasts





Welsh National Marine Plan November 2019



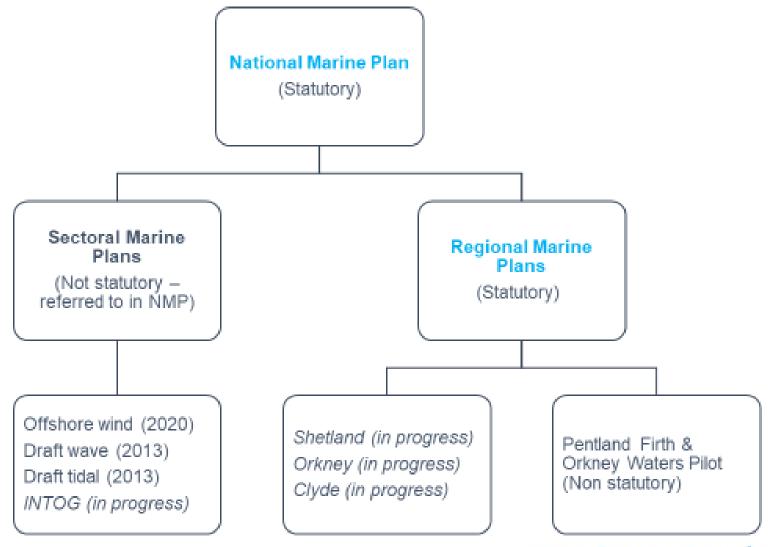
Marine Plan Vision for Wales: Welsh seas are clean, healthy, safe, productive & biologically diverse

 \square

Sectors March

Family of marine plans





marinescotland

National Marine Plan 2



Programme for Government 2022-23 announced intention to start developing a new NMP

"address the global climate and nature crises by carefully managing increased competition for space and resources in the marine environment."

NMP2 will:

- Deliver a new policy framework for licensing and consenting decisions
- Account for increasing competition for marine space and aim to balance existing and emerging uses

 Provide a key mechanism for delivering the outcomes of Scotland's Blue Economy Vision 2022 and strategic ambitions, including a just transition to net zero emissions by 2045 A Stronger & More Resilient Scotland The Programme for Government 2022-23



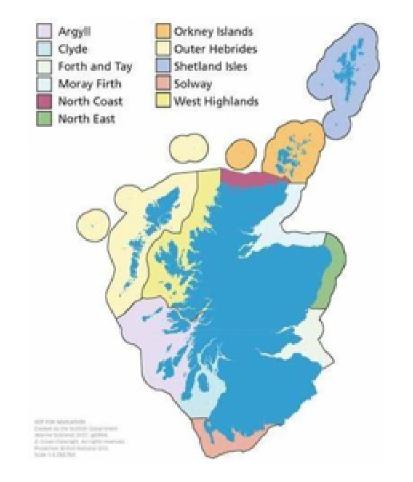


marinescotland

Regional Marine Planning



- Marine (Scotland) Act 2010 enables planning for the marine regions to be delegated to Marine Planning Partnerships (MPPs)
- Scottish Marine Regions Order (2015) <u>established boundaries</u> for 11 Scottish Marine Regions.
- · Three MPPs established to date:
 - · Shetland (March 2016)
 - Clyde (March 2017)
 - Orkney (November 2020)
- · No statutory RMPs in place yet

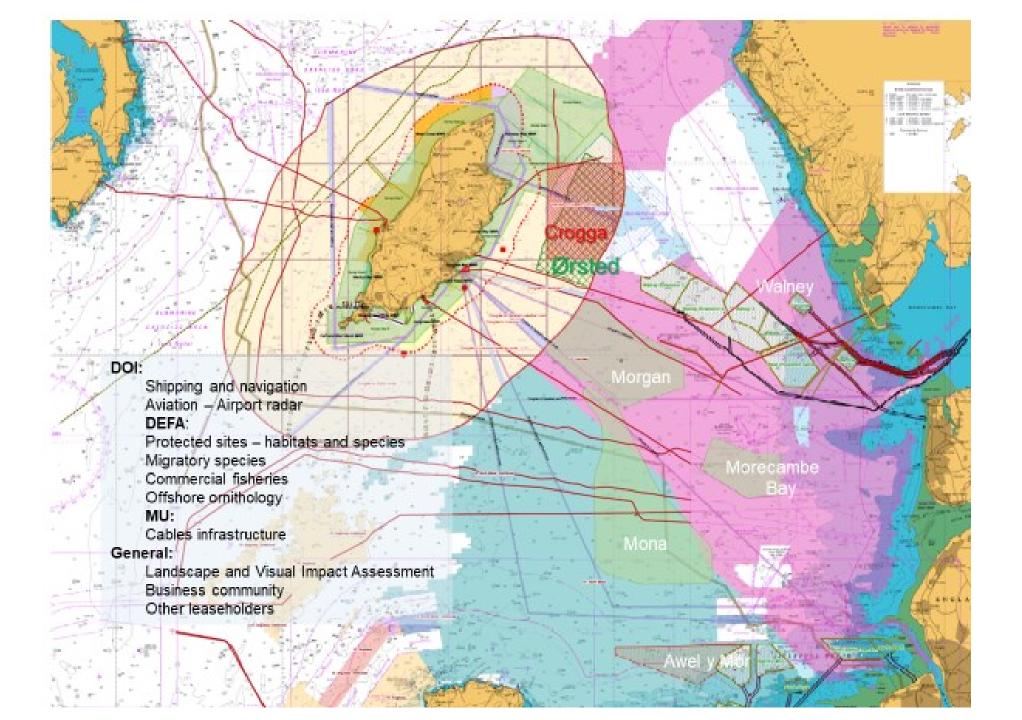


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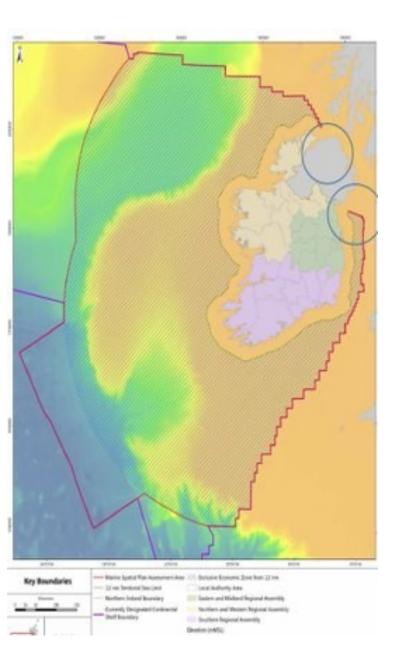
Isle of Man

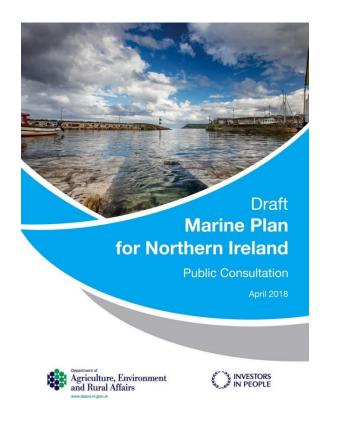
- Not UK so don't follow UK legislation
- Have Manx legislation
- They follow international conventions
- No current plans for an MSP as such
- Have an EIA compendium with various sector chapters to consult for applications

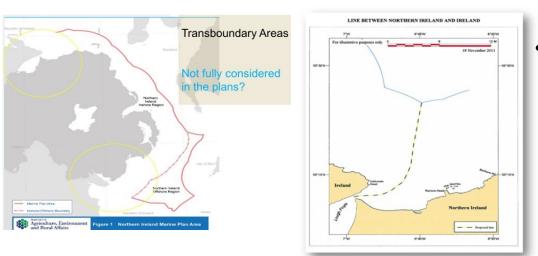












Northern Ireland

- Status Draft since 2018
- Updates from consultation responses.
- Updates from changes to legislation, policy and strategy.
- Updates and Next steps discussions with Stakeholders.
- Second iteration of draft Marine Plan for Ministers approval Dec 2023
- Transboundary issues unresolved

Marine Spatial Planning: a new exciting opportunity for planners

Claydon notes that planners have:

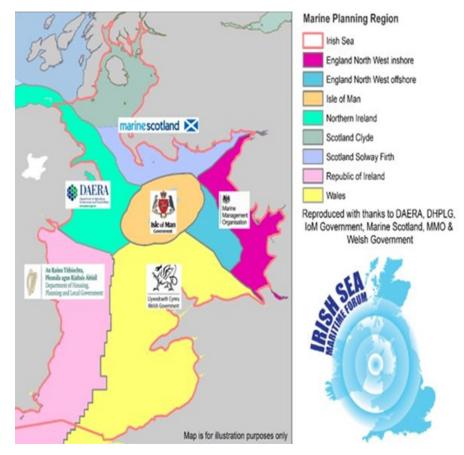
- Foresight planners deal with the future
- **Policy** planners understand policy that guides future decisions and direction
- Integration planners resolve competing demands for space and ensure that development is coordinated and compatible
- Participation the desire to engage with communities of interest in devising policies and plans is a recognised skill of planners
- **Sustainability** Planning try to balance economy, society and environmental demands through various sustainability appraisals and assessments.

Similar transferable skills LUP – MSP

BUT ENTIRELY DIFFERENT ENVIRONMENTS

RECAP

- Entirely **new planning systems** created
- Entirely **new marine planning legislation** created
- Entirely new marine planning authorities created
- The current suite of Marine Plans are mostly **1**st generation status
- The plans are high level with a strategic focus
- Mostly representation of the *status quo*
- 2nd generation move to spatial prioritisation? (DMAPS)
- ORE was drastically accelerated in 2022+, secure 50GW of offshore wind capacity by 2030 remember this is the new opportunity for planners!

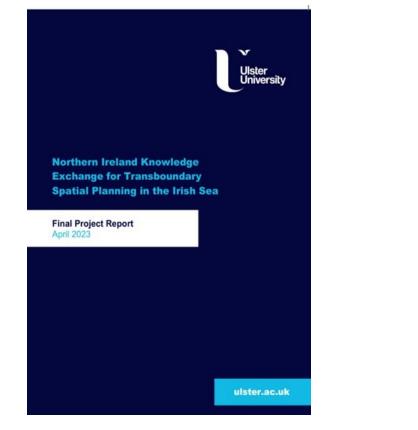


Two of my favourite Academic Papers

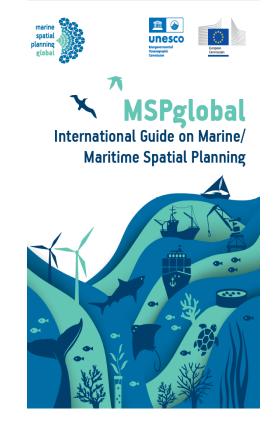


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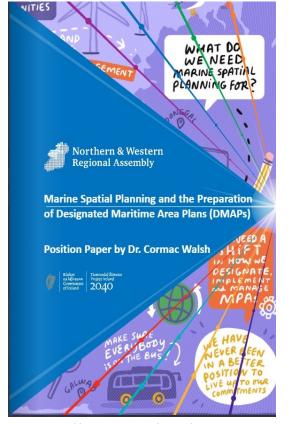
3 useful publications



Northern Ireland Knowledge Exchange for Transboundary Marine Spatial Planning in the Irish Sea



https://www.ioc.unesco.org/en/guidancemarine-spatial-planning



https://www.nwra.ie/news/marine-spatialplanning-and-the-preparation-of-designatedmaritime-area-plans-dmaps/ Suggested Academic reading

- <u>Ritchie, H.</u>, Claydon, J., <u>McElduff, L.</u> & Slater, A., (2022) <u>Independent Investigation in Marine Spatial</u> <u>Planning: necessary or discretionary?</u> <u>Journal of Environmental Planning and Management, 16 Dec</u> <u>2022,</u> <u>https://doi.org/10.1080/09640568.2022.2115345</u>
- Ansong, J, Ritchie, H, McElduff, L., Gee, K. and Zaucha, J. (2022) Pathways towards integrated crossborder MSP: Insights from Germany, Poland and the Island of Ireland, *European Planning Studies*, 15 Dec 2022 p.1-24 <u>https://doi.org/10.1080/09654313.2022.2154597</u>
- Ansong, J.O., Ritchie, H. and McElduff, L. (2022) Institutional barriers to integrated marine spatial planning on the island of Ireland, *Marine Policy*, 141, <u>https://doi.org/10.1016/j.marpol.2022.105082</u>
- <u>Ritchie, H. & McElduff, L.</u>, (2020), <u>The whence and whither of Marine Spatial Planning: revisiting the social reconstruction of the marine environment in the UK</u>, <u>Maritime Studies</u>. 19, 3, p. 229-240 12 p., MARS D 19 00051 RI.
- <u>Ritchie, H.</u>, Flannery, W., O'Hagan, A. M., Twomey, S. & O'Mahony, C., (2020) <u>Marine Spatial Planning</u>, <u>Brexit and the island of Ireland</u>, <u>Irish Geography.</u> 52, 2, p. 213-233 21 p.
- Flannery, W., O'Hagan, A.M., O'Mahony, C., Ritchie.H. and Twomey, S.(2015) Evaluating Conditions for Transboundary Marine Spatial Planning: Challenges and opportunities on the Island of Ireland, *Marine Policy*, *51*, *pp.86-95* <u>https://library.oapen.org/handle/20.500.12657/54237</u>
- Ritchie, H. Ansong, J. and Flannery, W, (2022) Integrated marine spatial planning on the island of Ireland:Brexit and beyond , in S.McKay and M.Murray (Eds) *Planning Law and Practice in Northern Ireland*, Abington, Routledge. 2nd Edition
- McElduff, I. and Ritchie, H (2021) Coastal Planning and Management in Great Britain and Northern Ireland, *Regulating Coastal Zones: International Approaches*, eds R.Alterman and C.Pellachs, Routledge Regulating Coastal Zones: International Perspectives on Land Management Instruments <u>https://library.oapen.org/handle/20.500.12657/54237</u>