



# **ESaTDOR European Seas and Territorial Development, Opportunities and Risks**

ANNEX 9 to the Draft Final Report

## **Governance Case Studies: Atlantic Ocean**

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## **ANNEX 9:**

### **Atlantic Ocean Governance Case Studies**

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The purpose of the maritime governance case studies within the ESaTDOR project is to provide a more in depth assessment of the governance experience of different maritime and coastal regions. More specifically, case studies have been chosen on the basis that they are examples of transnational governance (either bilateral or multilateral arrangements) in order to investigate the following issues:

- Management of conflicts in relation to the uses of maritime space,
- The integration of terrestrial (land-based) and marine or maritime spatial planning, and
- The contribution that existing transnational governance arrangements can make to territorial cohesion.

In addition, the evaluation of governance arrangements in each of the case studies is intended to highlight examples of good practice in maritime governance, and provide evidence for further recommendations as to how governance arrangements in different maritime regions can be strengthened, through, for example, Integrated Maritime Policy or the development of further transnational cooperation initiatives.

The case studies were undertaken using a mixture of documentary reviews and interviews with a limited number of key stakeholders. A synthesis of the case study findings for all the regional seas considered in the ESaTDOR project (the Arctic and Atlantic Oceans, and the Baltic, Black, Mediterranean and North Seas) is contained within the Draft Scientific Report.

# Atlantic Case Study 1:

## The Atlantic Arc Commission

### Introduction

The Atlantic Arc Commission is an association of local and regional authorities that border the Atlantic coast of Europe, taking in the countries of the United Kingdom, Ireland, France, Spain and Portugal. The Commission was established in 1989 as one of the geographical commissions of the Conference of Peripheral Maritime Regions, which was itself established to overcome the problems of peripherality in relation to Europe's core economic and political regions.

Although the Atlantic region is a large and diverse area, it can be characterised by a mixture of rural or remote regions, such as the Highlands of Scotland and western Ireland, and large urban centres such as Dublin, Lisbon, Bilbao and Bordeaux.

In general, the Atlantic region has been observed to have been over-reliant on primary industries such as fishing and agriculture and experienced a prolonged period of industrial decline (Nadin and Shaw, 2000). Furthermore, problems of access from the Atlantic region to the centre of Europe and between rural and urban centres within the region have been key drivers of CPMR and the Atlantic Arc Commission's activities. However, the region also has strengths in terms of its position as a gateway for maritime transport, linking Europe to global markets, the potential to deliver clean renewable energy through wind, wave and tidal power, rich cultural heritage and natural resources.

The Atlantic Arc Commission therefore acts as a lobbying organisation to ensure more balanced development across the European territory, which takes into account the geographic specificities of the Atlantic, focused on both the challenges for territorial cohesion and promoting the assets and opportunities offered by the Atlantic region.

In 2011, there were 24 member regions of the Atlantic Arc Commission. These are listed in Table 1a and their locations shown in Map 1.1 below.

Table 1a: Member regions of the Atlantic Arc Commission, 2011

UK	Ireland	France
Argyll and Bute Council South of Scotland Alliance Wales Somerset* Devon* Cornwall* Hampshire*	Border, Midland and Western Region	Basse-Normandie Bretagne Pays de la Loire Poitou-Charentes Aquitaine
Spain	Portugal	
Navarra País Vasco Cantabria Asturias Galicia Andalucía	Norte Centro Lisboa Alentejo Algarve	

\* Will no longer be a member from 2012.

Map 1.1: Member Regions of the Atlantic Arc Commission (in 2011)



Source: Atlantic Arc Commission (2011)

## **Context**

As has been noted in the introduction, the area covered by the Atlantic Arc Commission is large and very varied, taking in the coasts of five countries – the UK, Republic of Ireland, France, Spain and Portugal, and within each of these countries different maritime characteristics are present. The wider Atlantic Area, which has been defined by DG Regio for the purposes of administering structural funds and development programmes, includes all regions and local authorities along the Atlantic coast and a population of over 56 million people<sup>1</sup>. Map 1.2 shows that within the Atlantic area's coastal regions, in most cases more than 95% of the population live within 50km of the coast.

A brief summary of some of the main characteristics of each country are outlined below:

### *The United Kingdom:*

The Atlantic-facing side of the United Kingdom is divided into a number of smaller sub-seas, namely the Inner Seas of Western Scotland, the Irish Sea and St George's Channel, the Bristol Channel, Celtic Seas and the western end of the English Channel, which is one of the busiest shipping lanes in the world. Along the Atlantic coast the UK's main urban centres are Glasgow, Belfast in Northern Ireland, the Mersey Belt (Liverpool-Manchester) and the Severn Estuary (Cardiff-Bristol), and these areas also contain some of the largest ports, with exceptions at Milford Haven and Holyhead in Wales, which are major ports for liquid bulk goods (oil) and passenger/cargo transport respectively (see Map 1.3 which indicates main maritime routes).

In terms of economic performance, most of the UK's Atlantic coastline displays GDP figures below the national average, with exceptions in its urban centres<sup>2</sup> (see Map 1.4). In particular, the remote rural areas of Wales and western Scotland are significantly below average. The greatest concentration of fisheries activities are in north and western Scotland, south west Wales and Cornwall/Devon (see Map 1.5). The Atlantic coast of the UK is also an increasingly important area for offshore wind energy, with developments concentrated around the Solway Firth, Cumbria coast and Liverpool Bay.

### *The Republic of Ireland*

Being part of an island, the Republic of Ireland is the only country to have its entire coastline fall within the Atlantic Area, with the east facing towards the UK and the Irish Sea and the west looking out onto the open waters. Given its peripheral location in Europe, the greatest concentration of population in Ireland is around its capital in Dublin, although there are also large settlements at Cork, Limerick and Galway to the south west and west of Ireland. Similarly, Ireland's largest ports for both cargo and passengers tend to be located along the east coast (Dublin, Dun Laoghaire, Rosslare and Waterford), with further large ports at Cork and Limerick (Map 1.3).

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<sup>1</sup> Based on 2005 figures quoted in

[http://ec.europa.eu/regional\\_policy/country/prordn/details\\_new.cfm?gv\\_PAY=UK&gv\\_reg=520&gv\\_PGM=1256&gv\\_defL=4&LAN=7](http://ec.europa.eu/regional_policy/country/prordn/details_new.cfm?gv_PAY=UK&gv_reg=520&gv_PGM=1256&gv_defL=4&LAN=7)

<sup>2</sup> Based on GDP figures for 2008.

Within Ireland, many regions have GDP levels below the national average – in fact it is only the Dublin area and south west Ireland where GDP is above average (Map 1.4). Agriculture and fisheries are important sectors of the Irish economy, with the largest part of Ireland’s fishing fleet being based in the west and south-west of Ireland (Map 1.5).

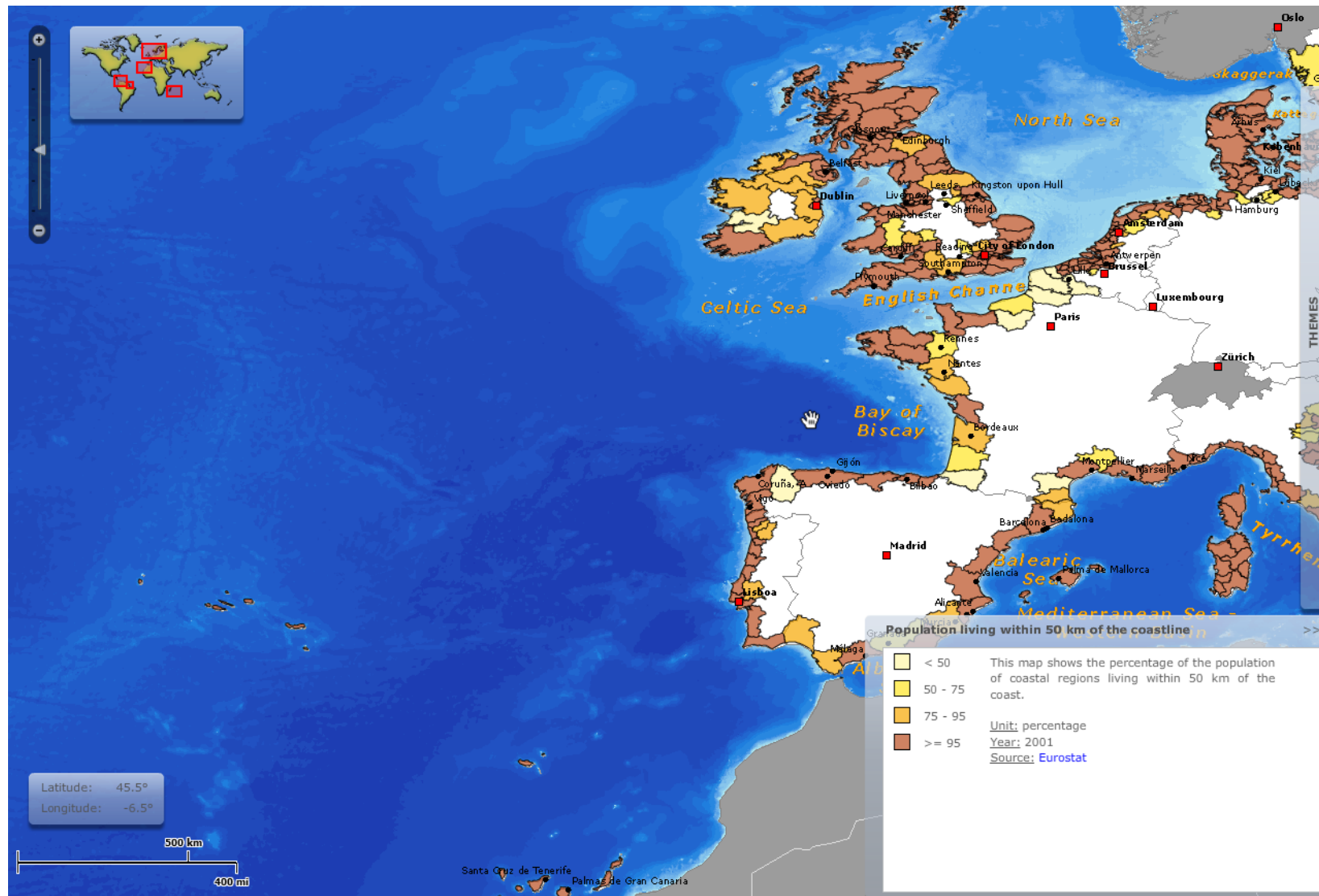
### *France*

The north and west coasts of France form part of the Atlantic area, facing onto the sub-seas of the English Channel and Bay of Biscay respectively. Along the north coast, the major urban centre is Le Havre, which is also France’s second largest cargo port in terms of total goods handled (Map 1.3). Le Havre stands at the end of the Seine estuary, and further inland the Seine passes through Rouen, another large port, before reaching Paris.

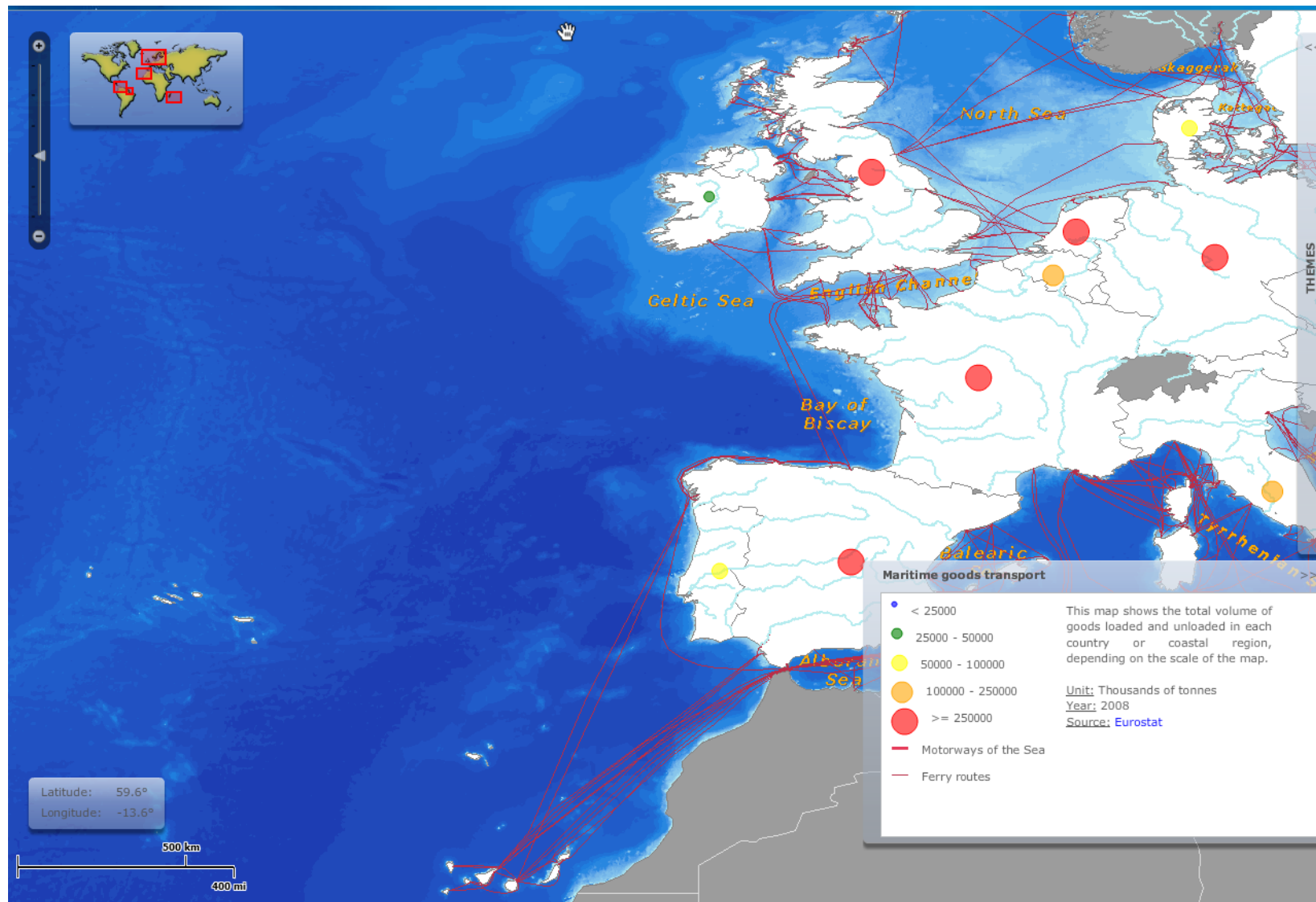
On the west coast, the greatest concentrations of population exist surrounding the metropolitan area of Nantes-Sainte Nazaire which is home to France’s fifth largest cargo port, and the city of Bordeaux.

With the exception of the Loire-Atlantique region which contains Nantes-Saint Nazaire, GDP for the Atlantic regions of France (shown in Map 1.4) is slightly below average (e.g. Brittany and the south west) or significantly below average (parts of Poitou-Charentes and Basse-Normandie). Fisheries and aquaculture is an important sector for all French regions along the Atlantic coast, with the biggest section of the fishing fleet to be found in the Finistère sub-region of Brittany (Map 1.5). This area is also home to France’s first marine park, the Iroise Sea, due to its abundance of fisheries, seabirds and seaweed species.

Map 1.2: Population Living Within 50km of the Coastline



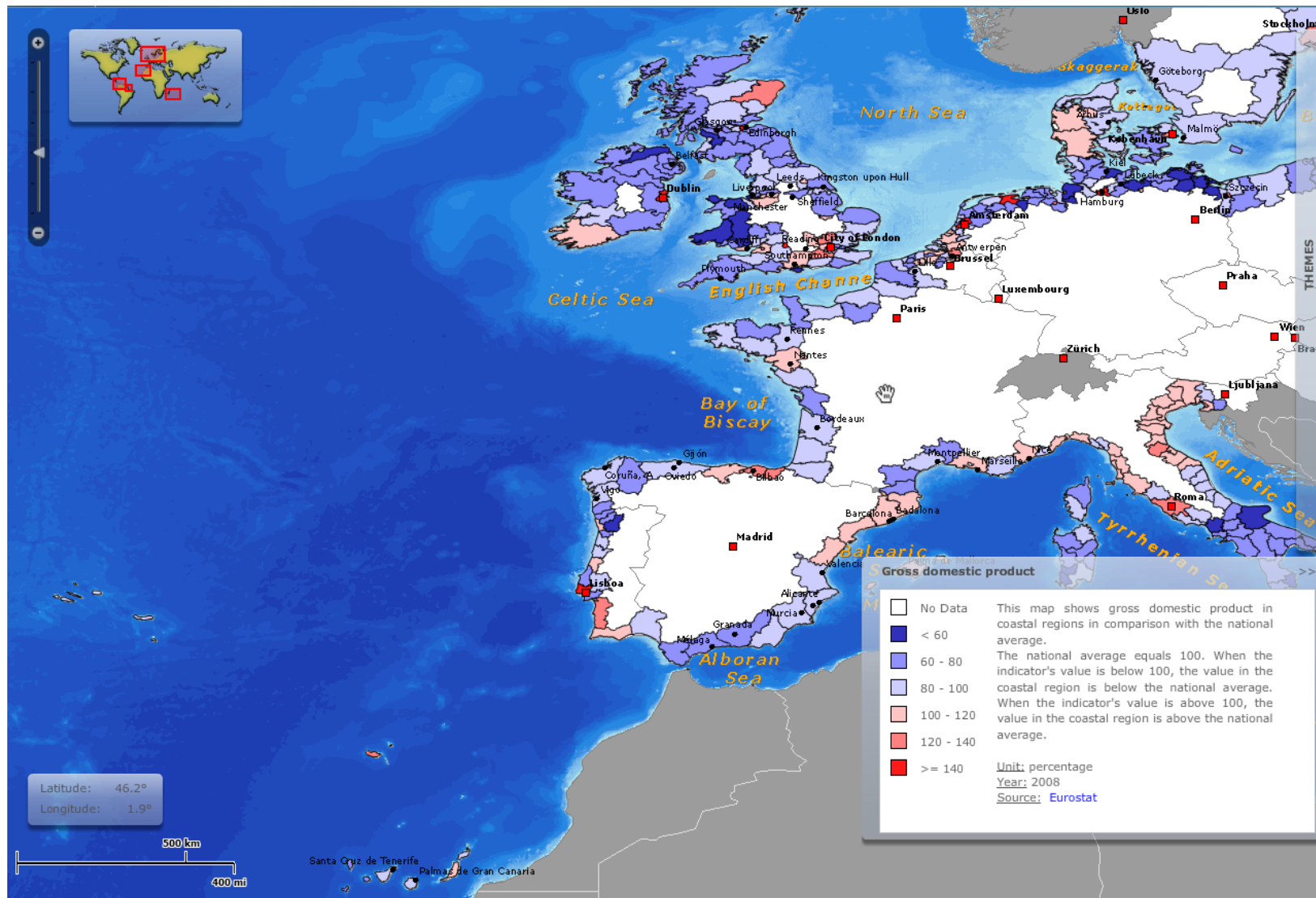
Source: European Commission (2012) Atlas of the Seas

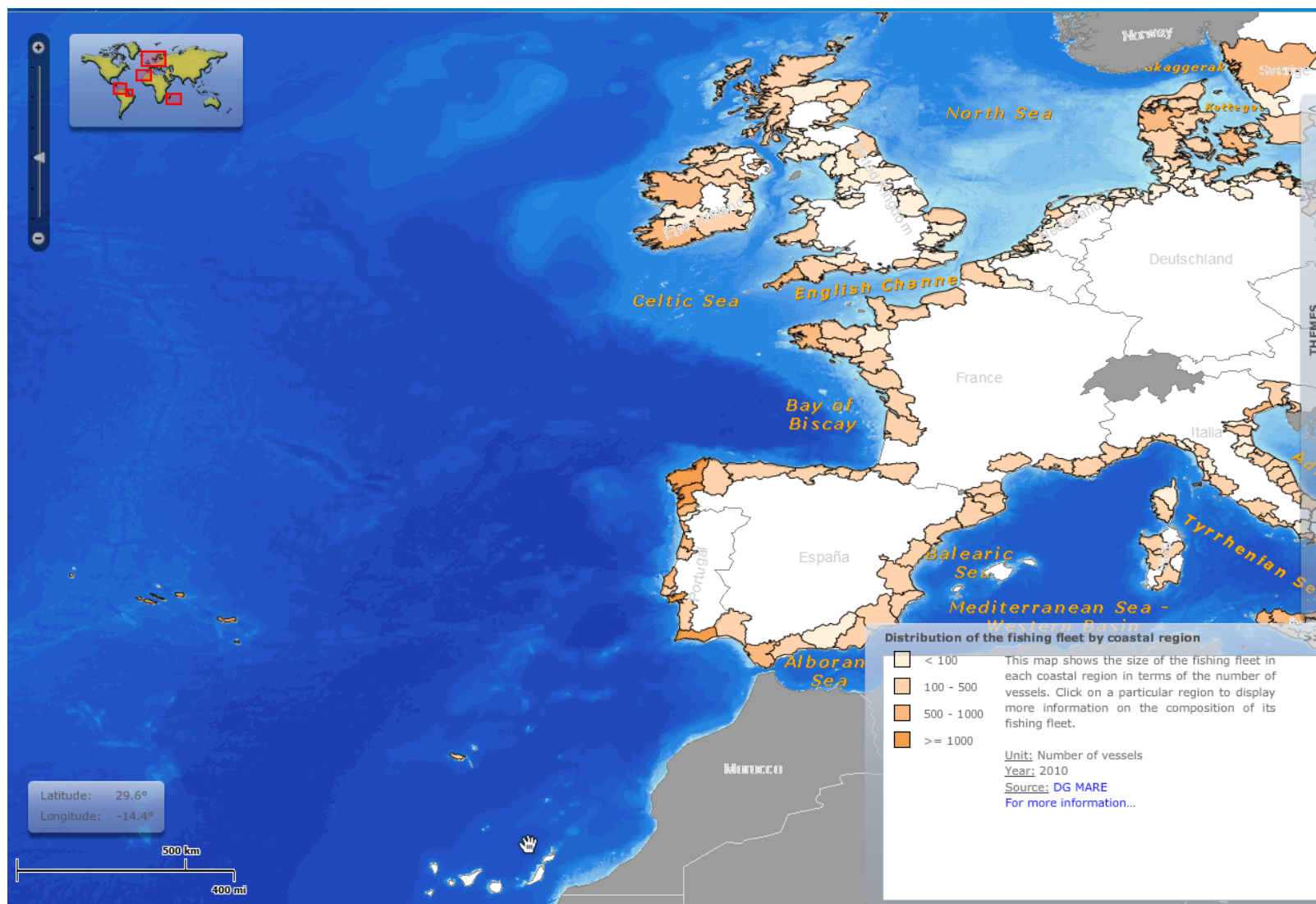
**Map 1.3: Maritime Goods Transport (Main routes and Volume of goods transported)**

Source: European Commission (2012) *Atlas of the Seas*



Map 1.4: Gross Domestic Product in Coastal (NUTS2) Regions

Source: European Commission (2012) *Atlas of the Seas*

**Map 1.5: Distribution of the Fishing Fleet by Coastal Region (NUTS2)**

Source: European Commission (2012) *Atlas of the Seas*

### *Spain*

Spain's Atlantic coastline is made up of regions along its north and north west coast, facing the Bay of Biscay and out into open seas. These coastal regions are predominantly rural, although there are some larger cities including Bilbao, Santander, Gijon, Coruna and Vigo, and population density for these coastal regions is above average, demonstrating the importance of Atlantic Spain's coastal resources (whether this fisheries, tourism or transport routes) for its inhabitants. In addition, part of Spain's southern region of Andalucía faces out onto the Atlantic, this area being most densely populated in the areas surrounding the city of Cádiz and reaching down towards the Gibraltar Strait. Further south west of Gibraltar, the Canary Islands off the west coast of Africa also form part of Spain's Atlantic territory.

Maritime transport in Spain is dominated by ports on its Mediterranean coast (Map 1.3), however Bilbao is Spain's fourth largest port in terms of gross weight handled, Huelva in the south is sixth and Gijon the ninth largest, whilst Santa Cruz de Tenerife, Santander and Cádiz are the largest ports in terms of passenger transport.

Patterns of GDP in the northern Atlantic regions of Spain show a clear trend in that GDP decreases from east to west and as regions become more remote from the centre of Spain and its major centres on the Mediterranean coast (Map 1.4). For País Vasco (the region containing Bilbao) and Navarra, GDP tends to be above national average, whilst in the Galicia region in the north west, GDP is below average for the sub-regions of Pontevedra and A Coruña, and significantly below average in Lugo. In Andalucía, GDP is also substantially below the national average, and for the Canary Islands, all but the island of Fuerteventura have below average GDP.

Fisheries are a highly important economic sector for Atlantic Spain and this is reflected in the distribution of Spain's fishing fleet (Map 1.5) – the greatest numbers of vessels are to be found in the Pontevedra and Coruña sub-regions of Galicia, with Vigo being Europe's leading deep sea fishing port.

### *Portugal*

Mainland Portugal's entire coastline faces out towards the Atlantic, with the islands of the Azores and Madeira making up the rest of its Atlantic territory. Portugal's main urban centres are its metropolitan regions around the capital city of Lisbon and the northern city of Porto, whilst Funchal in Madeira is the largest city on its islands. On the mainland, population density is highest in the coastal regions surrounding Lisbon and reaching to the north of the country, whilst those regions south of Lisbon (Alentejo and Algarve) are less densely populated (Map 1.2).

Portugal's main ports for goods transport (Sines, Leixões, Lisbon, Setubal and Aveiro) are distributed around its metropolitan regions. Passenger transport links between mainland Portugal and Madeira also represent an important connection, with the ports of Funchal on the island, Porto Santo (a small neighbouring island) and the capital city port of Lisbon being the largest ports in terms of ferry passengers (Map 1.3).

As with the other European countries which make up the Atlantic area, there are large contrasts between the GDP of metropolitan regions and more rural coastal regions. For example, in Lisbon GDP is significantly above average, but immediately to the north and south (sub regions of Oeste and Península de Setúbal) GDP is significantly below the national average (Map 1.4). Similarly, GDP in Porto is above average and below in the surrounding areas. To the south of Lisbon, the Alentejo and Algarve regions have slightly higher than average GDP, in part due to their popularity as tourist destinations.

Portugal's open coastline provides an ideal source of renewable ocean energy - the world's first wave energy farm, Aguçadoura Wave Farm, was opened off the coast north of Porto 2008. This has also recently trialled a floating wind turbine device, however due to Portugal's economic crisis and the high costs of investing in offshore energy this resource has yet to be exploited to its full potential.

### **Relevant Legislation, Policies, Plans**

Tables 1b and 1c (below) provide examples of some of the relevant policy, plans and programmes at European and national level which influence the work of the Atlantic Arc Commission and demonstrates the different approaches taken by each country in the Atlantic area to marine and coastal planning. This list is selective and does not include transnational cooperation agreements such as those which may currently be operational under INTERREG and other programmes.

**Table 1b: Examples of International and European Legislation, Policies, Plans and Programmes Relevant to the Work of the Atlantic Arc Commission**

**Environmental Protection:**

- *The Convention for the Protection of the marine Environment of the North-East Atlantic (OSPAR Convention)*: All five Atlantic states of the European Union are signatories to the OSPAR Convention, however the OSPAR area does not cover the Portuguese territories of the Azores and Madeira.
- *The Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances, 1983 (Bonn Agreement)* covers an area including the North Sea proper and parts of the North East Atlantic including the Irish Sea, Celtic Seas and English Channel. The Agreement ensures cooperation between its Contracting Parties – including the UK, Ireland and France amongst others in preventing and responding to marine pollution incidents from shipping and offshore installations.
- Council Directive 2008/56/EC of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (*Marine Strategy Framework Directive*)
- Council Directive 2000/60/EC of 23 October 2000 establishing a framework for Community action in the field of water policy (*Water Framework Directive*)

**ICZM and Maritime Spatial Planning:**

- Commission Communication COM (2007) 575 Final of 10 October 2007 on *an integrated maritime policy for the European Union*.
- Commission Communication COM (2008) 791 Final of 25 November 2008: *Roadmap for maritime spatial planning: achieving common principles in the EU*.
- Council Recommendation 2002/413/EC of 30 May 2002 concerning the *implementation of Integrated Coastal Zone Management in Europe*.

**Other Regional Policy/Spatial Planning Documents**

- Commission Communication COM (2011) 782 Final of 21 November 2011 on *Developing a Maritime Strategy for the Atlantic Ocean Area*. This Communication outlines the challenges and opportunities facing the Atlantic region of Europe and proposes a strategy for growth and job creation in line with the ambitions of the Commission's Integrated Maritime Policy and the Territorial Agenda. These include actions in the area of renewable energy, cleaner technologies in shipping, exploitation of seabed resources and helping coastal communities make the transition from traditional and declining maritime industries to high value-added jobs. Following a period of consultation throughout 2012, a final Strategy will be developed for implementation.
- *Territorial Agenda of the European Union 2020: towards an inclusive, smart and sustainable Europe of diverse regions*, 2011. The Territorial Agenda aims to "provide strategic orientations for territorial development, fostering integration of territorial dimension within different policies at all governance levels" (para 3). Crucially, TA2020 recognises the importance of the maritime dimension, stating that "Maritime activities are essential for territorial cohesion in Europe... there is a need to solve user conflicts and balance various interests by cooperation in marine spatial planning" (para 55).
- *The Atlantic Spatial Development Perspective (ASDP)* (2005) This document was prepared by the Conference of Peripheral Maritime Regions as part of the INTERREG IIIB Atlantic Area programme and sought to analyse the characteristics of the Atlantic Area, proposing recommendations for spatial planning policies based on polycentric development to improve competitiveness, connectivity and inter-regional cooperation.

### **Relevant Legislation, Policies, Plans at National Level for Marine and Coastal Planning**

**Table 1c.i: Spain**

**Marine Environment Protection Law (2010)**

This legislation aims to transpose the Marine Strategy Framework Directive into national law and requires the preparation of marine strategies for each of Spain's five *demarcaciones* or marine regions (these include the North Atlantic, South Atlantic and Canary Islands). Although the Law does not explicitly make provisions for marine spatial planning, it could provide the basis for an integrated approach to planning for the marine environment as all other sectoral policies and legislation must be in compliance with overall framework for environmental planning provided by these new marine strategies (Suarez de Vivero and Mateos, 2011, Suarez de Vivero and Atmane, 2011). An Inter-Ministerial Commission has recently been launched in Spain to oversee the coordination, drafting and implementation of the new marine strategies.

There is no single piece of legislation for ICZM across Spain, but a large number of sectoral legislation and policy contributes to the overall framework for coastal management. One of the most important pieces of legislation is *Coastal Law 22/1988* which, with corresponding legislation, seeks to protect areas considered to be part of the marine-terrestrial public domain, regulates the exploitation of resources in these areas and controls certain types of development.

**Table 1c.ii: Portugal**

**Plano de Ordenamento do Espaço Marítimo (POEM)/Portuguese Marine National Plan (2008)**

This plan covers Portugal's EEZs, territorial and coastal waters (including the Azores and Madeira) and aims to survey all of Portugal's maritime activities in order to coordinate use of maritime space in an integrated framework, ensuring and promoting sustainable use of resources, conservation and protection, a multisectoral approach to use of maritime space and the socioeconomic and environmental importance of the sea in a Portuguese context. Preparation of the plan began in 2008 and reached its final public consultation stage in 2011.

**National Sea Strategy (2006)**

This establishes principles, objectives and three strategic pillars for integrated ocean and coastal management, including coordination between other plans and strategies, spatial planning based on an ecosystem approach and the establishment of an Interministerial Commission on Maritime Affairs.

**Table 1c.iii: The United Kingdom**

**Marine Planning:**

The overall framework for marine planning in the UK is set by the UK *Marine Policy Statement* (HM Government, 2011) which sets out the framework for preparing Marine Plans, ensuring consistency across the UK, and provides direction for new marine licensing and other authorisation systems in each of the devolved administrations of England, Scotland, Wales and Northern Ireland.

**ICZM:**

Each administration of the UK has its own ICZM strategy, see for example *Seas the Opportunity: a Strategy for the Long Term Sustainability of Scotland's Coasts and Seas* (2005), *Making the Most of Wales' Coast - the Integrated Coastal Zone Management Strategy for Wales* (2007), *An Integrated Coastal Zone Management Strategy for Northern Ireland 2006-2026* (2006) and *A Strategy for Promoting an Integrated Approach to the Management of Coastal Areas in England* (2008). However in all cases there has been no statutory duty to implement ICZM at national or lower levels.

**Table 1c.iv: France**

France's *schémas d'aptitude à l'utilisation de la mer (SUAM)*, later followed by the *schémas de mise en valeur de la mer (SMVM)* have been cited by Trouillet et al (2011) as early attempts at some form of marine spatial planning in France. SMVMs provide guidelines for the conservation and development of coastal areas through zoning and provide a tool for the management of conflicts between competing coastal activities. Reforms to rural development planning and preparation of the *schéma de cohérence territoriale (SCOT)* in the mid-2000s have enabled local-level development of SMVMs to be incorporated into the overall Territorial Cohesion Scheme.

*The French National Strategy for Biodiversity (2004)* defined a "sea action plan" (*Secrétariat Général de la Mer, 2005*), which identifies ICZM as a means to guarantee the protection of marine and coastal biodiversity (Deboudt, 2011:72). ICZM has been implemented at local levels (communes, Pays) through projects such as DATAR's 2005 call for proposals, which involved a total of 25 projects across France. More recently ICZM implementation has been embedded in the *Law of 3 August 2009 ("Grenelle I Law")*, which calls for "a global strategic vision, based on integrated and concerted management of the sea and coastal zones" and "a new governance form and strategic planning that takes into account the user responsibilities with respect to the sea".

**Table 1c.v: Republic of Ireland**

The Republic of Ireland has recently finished public consultation on an Integrated Marine Plan for Ireland. It is envisaged that the new Plan should "strike a balance between protecting our marine environment and its species and habitats and maximising the use of its resources as a source of economic growth" (Department of Communications, Marine and Natural resources, 2011:13). Within this consultation document it is recognised that marine management has previously been organised on a sectoral basis and requires a more coordinated approach, and great emphasis is placed on the economic value of Ireland's marine assets and the potential for job creation.

Ireland does not have a single ICZM strategy, however development in coastal areas is regulated through the planning system through the Planning and Development Act 2000 (and subsequent amendments) and the Foreshore Acts 1933-2005 (followed by the Foreshore and Dumping at Sea (Amendment) Act 2009) which requires licenses to be granted by the Minister for the Environment, Heritage and Local Government for the development of long-term structures (e.g. bridges, marinas) and other works such as aquaculture or laying submarine cables.

### **Actors and Agencies**

The organisation of the Atlantic Arc Commission is structured in the following way:

**Table 1d: Structure of the Atlantic Arc Commission**

***President***

The presidency of the AAC revolves around member regions and is currently held by the region of Basse-Normandie in France.

***Political Bureau***

This is made up of political representatives from the member regions of each country (for example councillors, assembly chairs, regional presidents) that are elected to the Bureau and serve for a term of two years. The political bureau directs the activities of the AAC and meets twice a year.

***Executive Secretariat***

This is the permanent secretariat of the AAC and is responsible for the day to day functioning of the organisation.

***National Coordinators***

These act as a liaison point, coordinating between member regions in each country and the secretariat.

***Coordination Committee and Working Groups***

The Coordination Committee's members are officers from Member Regions of the Political Bureau, leaders of working groups and Atlantic organisations (RTA, AC3A, CAAC, RUOA). It is responsible for working on more general issues such as governance, funding, the work programme, communications policy and questions regarding the future of strategic EU policies, as well as the monitoring and evaluating the activities of the working groups. Working groups exist for the purposes of exchanging experience and best practice and setting up projects between member regions, and also to represent AAC members in regard to specific issues. Currently working groups exist on fisheries, transport and renewable energy.

***AAC General Assembly***

This is an annual meeting of the Atlantic Arc Commission members, political bureau and interested stakeholders, providing information on work undertaken by the Atlantic Arc Commission and relevant policy developments at EU and regional level.

Besides the members of the Atlantic Arc Commission and the organisational structure outlined above, the Commission cooperates with a number of other bodies. "Associate members" of the AAC include the Conference of Atlantic Arc Cities, Association of Chambers of Agriculture (AC3A) and economic and social councils (RTA - *Réseau Transnational Atlantique des partenaires économiques et sociaux*, or the Atlantic Transnational Network of economic and social partners). Through projects such as INTERREG IVB the Atlantic Arc Commission has also developed links with private sector partners, universities and other research institutions.



Map A shows that the membership of the Atlantic Arc Commission does not cover all regional and local authorities on the Atlantic Coast, and it has also been noted that some of the UK authorities that had been members of the AAC are due to leave in 2012. This is due to the fact that members must pay to join the Atlantic Arc Commission, and given the current economic climate many local authorities have had to review and scale back their spending on membership of external organisations.

Despite this, in taking a balanced perspective of the European regions, the Atlantic Arc continues to lobby on behalf of those local authorities or regions that are not members of the organisation. For example, in responding to the debate on the future of the TEN-T networks, the Atlantic Arc Commission argues that ports such as Dublin, Belfast and Liverpool and metropolitan regions such as Liverpool-Manchester and Glasgow-Edinburgh are included in the core network of ports and “nodes”, even though these areas (and their respective local authorities) are not members of the AAC itself (see Atlantic Arc Commission, 2011). In this respect, the political work of the AAC extends its power and influence beyond its member organisations and regions to affect new approaches to spatial development and territorial cohesion.

### **Sequence of Events**

**Table 1e: Timeline of CPMR/Atlantic Arc relevant events**

1973	CPMR established
1989	The Atlantic Arc Commission set up as one of the geographical commissions of CPRM
1993-95	Atlantis I programme
1995	Atlantic Arc Commission Business Plan developed
1997-99	Participation in the INTERREG IIC programme (Atlantic Area)
2003-05	Production of the Atlantic Spatial Development Perspective
2011	AAC participates in the “Atlantic Power Cluster” INTERREG IVB project
2012	AAC submits response to DG Mare’s proposed Atlantic Strategy

Table 1e shows that some of the main events that have shaped the activities of the Atlantic Arc Commission are the various funding streams and initiatives originating at EU and regional level. Of these, one of the first programmes that members of the Atlantic Arc participated in was the Atlantis I programme, funded under Article 10 of the European Regional Development Fund. This fund enabled “support for studies or pilot schemes concerning regional development at Community level”, and the range of projects included ARCANTEL, making ports more competitive through use of IT, feasibility study on air and cycle routes, promoting tourism and culture and demonstration projects on environmental protection and management (Nadin and Shaw, 2000:27).

Following the success of Atlantis, the Atlantic Arc Commission drew up a Business Plan in 1995 which aimed to identify opportunities for locally generated economic development and provide a framework for further EU funded projects. Whilst it was anticipated that an Atlantis II programme would be put into operation, the EU’s INTERREG programme began to take greater prominence and thus Atlantis II was not implemented. INTERREG IIC focused on transnational cooperation in spatial planning, and for the purposes of managing INTERREG programmes the Atlantic Area was defined as

a broader area than was covered by Atlantic Arc member regions, including larger parts of inland Spain and France.

The INTERREG IIB programme saw further development in transnational cooperation in the Atlantic Area as CPMR took on the role of lead partner in a project to produce the *Atlantic Spatial Development Perspective*. This project took the principles of the European Spatial Development Perspective and aimed to analyse the characteristics of the Atlantic Area and provide a spatial vision for future development. This project ran from October 2003 to June 2005, with the final ASDP outlining a series of policy proposals to be adopted by Atlantic regions in order to ensure a coherent approach to territorial development and concentrate further transnational cooperation on specific projects.

Whilst Atlantic Arc Commission member regions have continued their involvement in projects connected to European Structural funds, much of the AAC's recent lobbying work has been based around the concept of a new macro-regional strategy for territorial cohesion in the Atlantic area, similar to those prepared for the Baltic Sea region and the Danube Delta. This has involved extensive discussions with DG Regio, DG Mare, CPRM, Atlantic Arc member regions and other Atlantic networks.

### **Evaluation**

During its existence the AAC has achieved considerable success both as a lobbying organisation campaigning for greater recognition in European regional policy of the territorial challenges associated with the Atlantic area, and also as a partner (lead or otherwise) in a number of projects and initiatives. In addition, the outcomes of successful project arrangements have been utilised to make the case for further transnational cooperation on spatial planning.

Through the Atlantis I programme, the Atlantic Arc Commission's first opportunity to capitalise on structural funds, approximately 8 million ECU (European Currency Units), was distributed amongst different projects in the regions of the Atlantic Arc. Recognising the *ad hoc* manner in which projects were funded (Nadin and Shaw, 2000:27), the Atlantic Arc's Business Plan for the Atlantis II programme aimed to provide a more coherent approach to targeting funds, outlining six key themes including transport, environment, tourism, research and technology transfer, company development and fisheries. Whilst Atlantis II was not operationalised, many of these ideas and priorities were carried forward to be utilised under INTERREG IIC.

The production of the ASDP (between 2003 and 2005) represents another success of the Atlantic Arc Commission. Working in conjunction with the CPRM, the ASDP was the first attempt to outline a transnational vision for spatial development in the study area. Production of the ASDP involved a steering group made up from twenty one member regions of the AAC, the Commission itself, the Conference of Atlantic Arc Cities and the RTA (social and economic partners). A series of national workshops for regional and local stakeholders and regular steering group meetings took place to support the ongoing study.

Before the final ASDP document was produced, three interim reports were published – the first and second of which concentrated on describing the territorial conditions of the Atlantic area and attempting to classify different types of region. The Third Interim Report considered the economic performance of cities as drivers of growth for the Atlantic area, and thus identified five “motor subareas” or clusters of cities which displayed stronger economic performance and good connectivity, “high potential integration subareas” (rural areas with greater potential) and “weak integration subareas” (remote rural areas). At this point, further research on interregional cooperation, environmental issues both in coastal and rural areas and quality of life related to the coastal zone was undertaken, which highlighted both the number of cooperation projects with a maritime dimension, and also the importance of the coast as a natural economic asset that required careful management and protection.

The final ASDP document and final report contained a series of policy recommendations to help improve the economic development of the Atlantic area, recognising the need for greater cooperation between cities and regions, and in particular advocating that motor subareas (metropolitan areas) and high potential integration subareas (medium sized towns) should try to integrate their economies to promote further economic growth. Weak integration subareas (remote rural areas) should focus on stimulating endogenous growth, for example capitalising on their natural assets for tourism.

It was noted in a report by Robert and Stumm (2006) for ESPON that one of the strengths of the ASDP project was the way in which, relative to other macro-regional spatial visioning exercises, the ASDP had used a more participatory, bottom-up approach. This in turn helped to develop what Robert and Stumm termed a “potentially high level of mental ownership” (2006:44) amongst stakeholders who were engaged in the process of developing the ASDP, thus ensuring ongoing support for the policy proposals following publication of the ASDP.

Although the recommendations of the ASDP were not binding on Atlantic area regions, the importance of the ASDP in stimulating debate on use of structural funds and transnational cooperation has been of great significance. In the first instance, the research outlined in the project reports contributed to a greater understanding of the economic position of the Atlantic area, in particular the metropolitan regions, which were seen to be underperforming relative to world cities, and also demonstrating the Atlantic’s lack of connectivity, both internally, between regions along the north-south axis, and externally to the centre of Europe.

A second important aspect of the ASDP contributing to debate on the structural funds was the evidence it provided on current and future cooperation projects in the Atlantic area. This analysis of transnational cooperation has been credited as providing the inspiration for the proposed Atlantic Area European Territorial Cohesion Operational Programme 2007-2013 (see European Commission, 2007), whose priorities include transnational innovation and entrepreneurial networks, protecting, securing and enhancing marine and coastal environmental sustainability, improving accessibility and internal links (including sea transport), and promoting transnational synergies in sustainable urban and regional development. These priorities have been taken forward through INTERREG IVB projects such as CFA-Effiplat, led by the Pais-Vasco region of Spain, promoting an Atlantic rail corridor and

multi-modal logistics platforms for freight, and the Atlantic Power Cluster (led by Grupo Sodercan, Cantabria), enhancing competitiveness and innovation in marine renewable energies. The Atlantic Arc Commission is a partner in both of these projects.

More recently, the Atlantic Arc Commission and CPRM has successfully lobbied for the European Union to produce an integrated strategy for the Atlantic area. This goal was made a priority of the AAC at its General Assembly in Santander in 2009, and has been achieved in part through publications and previous studies such as the ASDP which have highlighted the need for a coordinated approach to territorial development, and also through continuous activities such as preparing responses to European policies (such as the Fifth Cohesion Report, the future of the TEN-T network and reforms to the Common fisheries Policy), meetings with regional and European actors (such as DG Regio, DG Mare, the European Commission and sectoral organisations such as OSPAR).

A Communication on the proposed Atlantic Strategy was published by DG Mare in November 2011 (European Commission, 2011) and this is currently undergoing a period of consultation through a mechanism known as the Atlantic Forum, which is collecting stakeholder views from the five Atlantic nations on priority actions and projects that can included in the final Atlantic Strategy and implemented in the period from 2014 to 2020. The Atlantic Arc Commission has now adopted a position paper on the Strategy for the Atlantic, which calls for territorial cohesion and sustainable economic growth to be the central objectives of the Strategy, and also pressing the case for the Atlantic Arc Commission to take over the long term coordination of the Atlantic Forum due to its specialist knowledge of the area.

These examples of outputs demonstrate that the Atlantic Arc Commission is clearly a powerful lobbying group in terms of its ability to influence cohesion policy within the European Union. Some of this power can be directly attributed to the close cooperation of member regions through projects and working groups, with the ASDP providing tangible outcomes in terms of research reports and evidence to further the Atlantic Arc's arguments for further transnational cooperation and greater consideration of the territorial dimension in European policy. In addition, the work of secretariat and political bureau in responding to European policies and proposals clearly articulates the position of the Atlantic Arc and its future aspirations to policy makers, and this is supplemented by its networking activities with more powerful actors from the European Commission and relevant Directorates-General.

A further dimension to the Atlantic Arc's successful lobbying activity is its joint work with the CRPM. This provides access to a much larger network of actors that either face similar problems in relation to their own geographical specificities, or have similar ambitions in terms of developing their maritime economies. Most importantly for the Atlantic Arc and the development of an Atlantic Strategy, the CRPM supports all of its geographical commissions in campaigning for Integrated Maritime Policy and IMP measures that are regionally specific to each sea basin or Commission.

Looking at the current composition of the Atlantic Arc Commission, the example of many UK authorities and regions leaving the Atlantic Arc Commission due to funding shortages raises an

important question for the longer term sustainability of the Commission. Whilst DG Mare's proposed Atlantic Strategy is undergoing a period of consultation and the EU is preparing its Common Strategic Framework for 2014 to 2020 it appears that this is a time when membership of the AAC could be most beneficial in terms of its collective lobbying power and ability to obtain project funding and thus such regions may be disadvantaged in terms of access to cooperation networks. However, for those authorities that are no longer part of the AAC it may be possible that they can still obtain the benefits of major EU programmes such as the European Fisheries Fund through other alliances with local, regional and national authorities. Similarly, the Atlantic Arc Commission may come to lack some of the information resources and project or political support needed from UK regions in order to develop transnational cooperation in the Atlantic area to its full potential.

### **Conclusions and Lessons for MSP**

The Atlantic Arc Commission provides an example of transnational governance that, whilst it has always placed some importance on the maritime economy and its role in the development of peripheral regions, is increasingly looking to maritime space and resources as being central to achieving the objectives of territorial cohesion, for example through the development of renewable energy clusters. In this sense European policies such as Europe 2020 and the Territorial Agenda are critical in both shaping the spatial development of the Atlantic area and at the same time forming the basis for future lobbying activities and projects of the Atlantic Arc Commission and CRPM as they seek to capitalise on the opportunities provided by investments such as the Structural Funds, and looking forward, the different components of the Common Strategic Framework for 2014-2020.

In addition, programmes such as INTERREG and the Trans-European Networks are important for the Atlantic Arc Commission as they demonstrate examples of a coordinated approach to spatial planning across regions and national jurisdictions and in doing so, help to strengthen the argument for further action from the European Union to address the special conditions and challenges facing these more peripheral regions.

This holistic approach to planning for the Atlantic area is one of the great strengths of the Atlantic Arc Commission as it promotes growth and development in a coordinated way across the whole of the territory and does not simply work for the member regions of the Commission. This inclusive approach is something that should be adopted by other regional sea governance arrangements to ensure that the territorial dimension of maritime activity can be fully realised in a way that builds on the strengths and opportunities offered by individual regions within a larger sea basin.

Another interesting aspect of the Atlantic Arc Commission as a regional sea-wide governance arrangement is in the way in which the organisation is made up of members from regional rather than national level government of the countries involved. This has its origins in the way the Commission has been formed from the grouping of members of the CPMR and provides a mechanism for a large number of regions to work closely together on maritime or other development issues that may not otherwise exist. Most obviously, this means a greater number of stakeholders (from member regions or potential member regions) are able to participate in the work

of the Atlantic Arc Commission, strengthening the democratic basis for its role in influencing European programmes.

In terms of advantages, individual member regions of the Atlantic Arc Commission are able to benefit from networking opportunities, coordinating approaches with neighbouring regions and building their collective lobbying power. This arrangement also enables the Commission as a whole and the CPMR to establish a substantial body of intelligence about the structural conditions of the Atlantic Area and to benefit from a wealth of best practice experience in cooperation projects that can underpin future activities.

Therefore, for regional sea-wide or sea basin governance arrangements, whilst national interests may tend to dominate (e.g. VASAB, OSPAR) and stakeholder involvement usually comes from national level representatives, the Atlantic Arc shows how regional stakeholders within Member states are equally significant stakeholders and should be given a greater role in sea-wide planning and decision making. By engaging stakeholders at different spatial scales, new perspectives can be brought to bear on sustainable economic development, and more specifically, maritime and coastal issues. This additional input can contribute to more locally specific policies and actions being implemented.

**REFERENCES**

- Atlantic Arc Commission (2011) *Contribution from the Atlantic Arc Commission to the debate on the future of the TEN-T*, CPMR: Rennes
- Calado, H., Ng, K., Johnson, D., Sousa, L., Phillips, M. and Alves, F. (2010) "Marine spatial planning: lessons learned from the Portuguese debate" in *Marine Policy*, 34(6):1341-1349
- Carrière, J.P. and Farthing, S. (2007) "Reflections on policy-oriented learning in transnational visioning processes: the case of the Atlantic Spatial Development Perspective (ASDP)" in *Planning Practice and Research*, 22(3):329-345
- Department of Communications, Marine and Natural Resources (2011) *Our Ocean Wealth: Towards an Integrated Marine Plan for Ireland*
- DEFRA (2008) *a Strategy for Promoting an Integrated Approach to the Management of Coastal Areas in England*, London: DEFRA
- Department of the Environment (Northern Ireland) (2006) *an Integrated Coastal Zone Management Strategy for Northern Ireland 2006 – 2026*, Belfast: Department of the Environment
- European Commission (2011) *Communication from the Commission to the European Parliament, the Council, the European Social and Economic Committee and the Committee of the Regions: Developing a Maritime Strategy for the Atlantic Ocean Area* COM(2011) 782 final, Brussels
- European Commission (2007) *European Territorial Cooperation Draft Operational Programme – Atlantic Area 2007-2013 Revised Version*, 29<sup>th</sup> May 2007 CCI: 2007 CB 16 3 PO 029
- HM Government (2011) *UK Marine Policy Statement*, London:TSO
- Nadin, V. and Shaw, D.P. (2000) "Transnational Collaboration in the Atlantic Region", in Carrière, J.P. and Farthing, S (2000), *Atlantic Cities: Peripheral Towns or Metropolitan Cities for Tomorrow?*, pp15-41, Paris: Publisud
- Ribeiro, M.C. (2007) "Marine Planning in Portugal" in *Journal of the Faculty of Law of the University of Porto*, Year IV, 2007:pp395-402
- Secrétariat Général de la Mer, (2005) *Stratégie Nationale pour la Biodiversité, Plan d'Action Mer*, Paris
- Scottish Executive (2005) *Seas the Opportunity: a Strategy for the Long Term Sustainability of Scotland's Coasts and Seas*, Edinburgh: the Scottish Executive
- Welsh Assembly Government (2007) *Making the Most of Wales Coast*, Cardiff: Welsh Assembly Government.

## Atlantic Case Study 2:

# Case Study Report: The British-Irish Council

### Introduction

As a result of Multi-Party Negotiations (also known as the Belfast or Good Friday Agreement) between the British and Irish Governments and the political parties of Northern Ireland in 1998, the BIC was formally established when the British-Irish Agreement (the agreement which gave effect to the provisions of the Multi-Party agreement) signed by the two governments came into force on 2 December 1999.

The purpose of the BIC is outlined in Strand 3 of the Multi-Party Agreement as *“to promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands”* and that *“The BIC will exchange information, discuss, consult and use best endeavours to reach agreement on co-operation on matters of mutual interest within the competence of the relevant Administrations”*.

The member administrations of the BIC include:

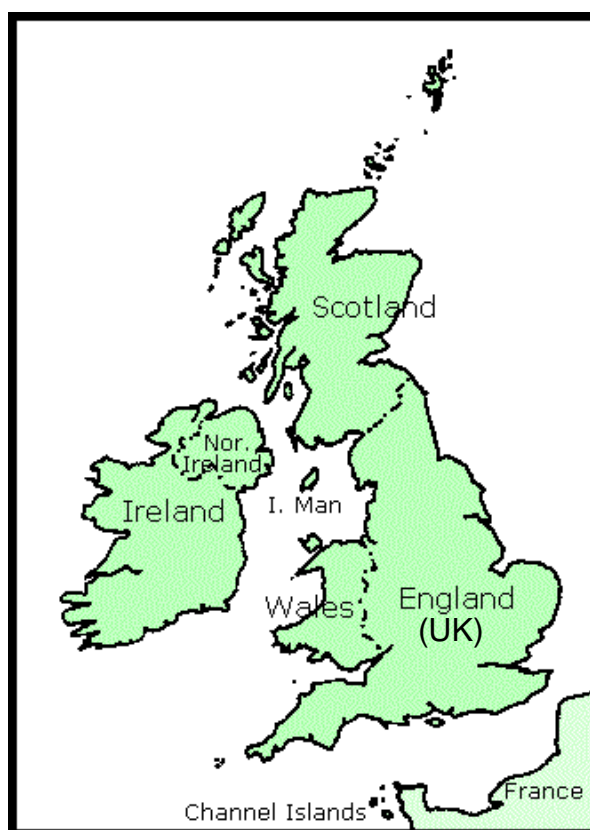
The UK and Irish Governments, the devolved administrations of Scotland, Wales and Northern Ireland, and the Crown Dependencies of the Isle of Man, and the Channel Islands of Jersey and Guernsey (see Map 2.1).

The Crown Dependencies are neither part of the UK nor the European Union and have their own Parliaments and decision making powers, apart from in matters reserved from the Crown such as defence and citizenship. The Crown Dependencies are treated as part of the EU for the purposes of trade and the movement of goods, but otherwise are not part of the EU.

This case study focuses on the areas of work undertaken by the BIC that are of most relevance to transnational coastal and marine management for its member administrations. Whilst most of the activities undertaken by the BIC focus on issues of mutual national interest, which can be difficult to define, drivers such as the increased interest in marine spatial planning, renewable energy and climate change provide a good basis for cooperation and this is reflected in the work streams and activities of the BIC that are described here.



Map 2.1: BIC Member Administrations



Source: Evans and West (2010)

### Context

The area covered by the BIC includes diverse populations and a varied coastline, adjoining five distinct sea regions – the open seas of the Atlantic, which provide a rich source of fisheries products and provides great potential for wind, wave and tidal energy, the relatively enclosed Irish Sea, the Celtic Sea, the English Channel, one of Europe’s busiest shipping lanes, and the North Sea, which, like the Channel, contains a high density of maritime traffic travelling to and from the European mainland as well as providing a major source of fossil fuels through its oil and gas fields. Each of these seas provides a number of opportunities and challenges for the BIC administrations that border those areas. A brief summary of governance arrangements and areas of maritime jurisdiction for each administration is provided in Table 2a below:

**Table 2a: Member Administrations of the British-Irish Council**

<b>Member</b>	<b>Head of Government*</b>	<b>Legislature</b>
United Kingdom	Prime Minister	UK Parliament
Scotland	First Minister	Scottish Parliament
Wales	First Minister	National Assembly for Wales
Northern Ireland	First Minister and Deputy First Minister	Northern Ireland Assembly
Isle of Man	Chief Minister	Isle of Man Government (Tynwald)
Jersey	Bailiff	States of Jersey (Assembly)
Guernsey	Bailiff	States of Guernsey (States of Deliberation)
Republic of Ireland/ Éire	President, Taoiseach	Oireachtas

\* the head of State for the United Kingdom of Great Britain and Northern Ireland and the Crown Dependencies is Queen Elizabeth II.

The British-Irish Council normally operates by consensus, and it aims to provide a forum where members can have an opportunity to consult, co-operate and exchange views with a view to agreeing common policies or common actions in areas of mutual interest for the benefit of all. At the first Summit meeting in 1999, priority areas of work including agriculture, regional issues, tourism, energy and approaches to EU issues amongst others were identified as areas that could benefit from close cooperation. At the current time, work is under way on areas including:

misuse of drugs, environment, transport, social inclusion, indigenous, minority and lesser-used languages, demography, early years policy, digital inclusion, collaborative spatial planning, energy and housing.

The Council meets in different formats, including summit (Heads of Government/Administrations) and sectoral (Ministerial and official) level. Officials from BIC member administrations meet to prepare for the meetings in advance. Following summits or sectoral meetings, details of what has been discussed are available in the form of communiqués issued by the Council.

The Secretariat for the British-Irish Council is provided by officials from the member administrations; staffed full-time, from a permanent base in Edinburgh, Scotland. The Secretariat works in co-ordination with senior officials of each of the other BIC member administrations.

Within the Multi-Party Agreement, there also exist provisions for a North-South Ministerial Council “to bring together those with executive responsibilities in Northern Ireland and the Irish Government, to develop consultation, co-operation and action within the island of Ireland - including through implementation on an all-island and cross-border basis - on matters of mutual interest within the

*competence of the Administrations, North and South*”<sup>3</sup>. This also meets on a regular basis and features representatives of the Northern Ireland Assembly and Oireachtas.

Whilst the formation of the British-Irish Council was driven primarily by the need to demonstrate cooperation between the governments of the UK, Republic of Ireland and political parties of Northern Ireland, this and subsequent sections of the case study report will focus on the areas of BIC work that are of most relevance to the ESaTDOR project, that is, transnational cooperation on aspects of coastal and maritime resource management. Of the BIC’s priority areas of work or work streams, those related to the environment, energy and collaborative spatial planning are of most relevance to marine and coastal development.

Under the terms of the Multi Party Agreement and the Protocols establishing the BIC, “All members act in accordance with their own democratic procedures and remain accountable to their respective elected institutions”, and thus whilst cooperation on issues of mutual interest takes place and may result in joint initiatives, the Council does not make any decisions that are binding on member administrations.

In this context the devolved administrations are able to pursue their own agendas with regards to coastal and marine issues and this is reflected in the different stages of development each administration has reached with their marine and coastal management plans and other relevant activities. Some examples of international, European, national policies and programmes relevant to the environment, energy and planning work streams (and marine issues) are outlined in Table 2b and Tables 2c-j below:

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<sup>3</sup> <http://www.britishirishcouncil.org/agreement-reached-multi-party-negotiations/strand-2-north-south-ministerial-council>

**Table 2b: Examples of International and European Legislation, Policies and Programmes****Environmental Protection:**

The Convention for the Protection of the marine Environment of the North-East Atlantic (*OSPAR Convention*): The Republic of Ireland and the UK (including the Crown Dependencies) are signatories to the OSPAR Convention.

Council Directive 2008/56/EC of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (*Marine Strategy Framework Directive*)

Council Directive 2000/60/EC of 23 October 2000 establishing a framework for Community action in the field of water policy (*Water Framework Directive*)

Council Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds (*the Birds Directive*)

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (*the Habitats Directive*).

Council Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (*SEA Directive*)

**ICZM and Maritime Spatial Planning:**

Commission Communication COM (2007) 575 Final of 10 October 2007 on an *integrated maritime policy* for the European Union.

Commission Communication COM (2008) 791 Final of 25 November 2008: *Roadmap for maritime spatial planning: achieving common principles in the EU*.

Council Recommendation 2002/413/EC of 30 May 2002 concerning the implementation of Integrated Coastal Zone Management in Europe.

The *ICZM Recommendation* was adopted in 2002 by the UK Government (excluding the Crown Dependencies), but not the Republic of Ireland.

It has been noted that the Crown Dependencies are considered to be part of the EU for the purposes of trading, however in other matters the Isle of Man, Jersey and Guernsey are not bound by EU legislation such as the Habitats Directive or the Marine Strategy Framework Directive. In this sense the Crown Dependencies are essentially free to choose to what degree their legislation, policies and plans may be aligned with their UK and Irish equivalents. In some particular cases, such as exporting food products, ensuring compliance with European standards (and thus having greater access to EU markets) provides a clear economic reason for keeping broadly in line with what is expected of EU member states, however in other areas such as environmental legislation, the administrative or financial burden of EU regulations may lead the Crown Dependencies to take a different approach. As one interviewee noted, there is no clear logic or systematic approach as to which European policies are followed or not as the case may be.

**Table 2c: Relevant Legislation, Policies and Programmes – UK**

**Spatial planning:** responsibility for spatial planning in the UK is devolved to England, Scotland, Wales and Northern Ireland. In England, the *Planning and Compulsory Purchase Act 2004* provides a framework for terrestrial planning (applications, consents and enforcement). Planning policy is elaborated in a number of Planning Policy Statements.

**Marine planning:** the UK *Marine Policy Statement* (HM Government, 2011) applies to the UK and devolved administrations (Scotland, Wales and Northern Ireland), setting out the framework for preparing Marine Plans, ensuring consistency across the UK, and provides direction for new marine licensing and other authorisation systems in each administration.

**ICZM:** In order to help prepare national ICZM strategies for the devolved administrations, the UK government commissioned “ICZM in the UK: a Stocktake” by Atkins Consultants. This was published in 2004 and provided an analysis of the laws, regulations, actors and institutions played a part in the framework for coastal management in the UK.

**Marine energy:** The Energy Act 2004 enables the Crown Estate to lease the seabed in England and Wales (out to 12 nautical miles) for offshore energy developments.

The *UK Renewable Energy Strategy*, published in July 2009, set out a commitment to developing a Marine Energy Action Plan. The Executive Summary and Recommendations for this were published in March 2010 and include forming a coordination group to develop a planning and consenting roadmap for all types of marine renewables; consideration of funding for new technologies and leveraging of private funding; establishing guidelines and best practice for developing new technologies and building a UK marine energy supply chain and utilising the current skills base of maritime industries.

**Table 2d: Relevant Legislation, Policies and Programmes - Scotland**

The Scotland Act 1998 provides an overall framework for the devolution of powers from the UK Government and Secretary of State for Scotland to the Scottish Government.

**Spatial Planning:** the *Planning etc. Scotland Act 2006* and *National Planning Framework* govern terrestrial planning, which must contribute to sustainable development.

**Marine Planning:** is governed by the Marine Scotland Act (2010) which establishes a framework for planning, licensing and conservation in Scottish waters. A National Marine Plan for Scotland is expected to be ready late 2012 and regional marine plans will follow.

**ICZM:** Scotland’s ICZM Strategy, *Seas the Opportunity: a Strategy for the Long Term Sustainability of Scotland’s Coasts and Seas* was published in 2005.

**Marine Energy:** *Blue Seas - Green Energy: A Sectoral Marine Plan for Offshore Wind Energy in Scottish Territorial Waters* was published in 2011 and identifies a number of sites around the Scottish coast for future wind energy developments. In the fields of tidal and wave energy, Scotland is a world leader in research, with Pentland Firth and Orkney waters hosting the European Marine Energy Centre, and the Crown Estate leasing seabed options for commercial exploitation.

**Table 2e: Relevant Legislation, Policies and Programmes – Wales**

The Government of Wales Acts 1998 and 2006 provide the overall framework for the devolution of powers from the UK Government's Secretary of State for Wales to the Welsh Assembly Government

**Spatial Planning:** Most UK acts of Parliament and legislation apply in Wales, such as the Town and Country Planning Act 1990 and Planning Act 2008. Within Wales the National Spatial Plan provides a strategic framework for development. Planning Policy Wales outlines the policy framework for local development and is supplemented by a series of topic-based Technical Advice Notes (TANs).

**Marine Planning:** The Marine and Coastal Access Act 2009 applies to both England and Wales. The Welsh Assembly Government are currently consulting the public and working with DEFRA and England's Marine Management Organisation on their approach to marine planning. A Marine Consents Unit operates in Wales, issuing licences for the Welsh inshore and offshore areas.

**ICZM:** "Making the Most of Wales' Coast - the Integrated Coastal Zone Management Strategy for Wales" was published by the Welsh Assembly Government in 2007.

**Marine Energy:** a *Ministerial Policy Statement on Marine Energy in Wales* was published in May 2011. The Statement suggests a range of initial actions for key stakeholders, including continued investment in the Marine Renewable Energy Strategic Framework (MRESF) project which investigates the potential for marine renewable energy in Wales' territorial waters as an aid to policy development.

**Table 2f: Relevant Legislation, Policies and Programmes – Northern Ireland**

Arrangements for the devolution of powers from the UK government to the Northern Ireland Assembly are set out in Strand 1 of the agreement reached in the Multi-Party negotiations.

**Spatial planning:** land-based spatial planning in northern Ireland is governed by the Planning (Northern Ireland) Order 1991 which provides for the Department of the Environment (NI) to carry out functions related to preparing planning policy and development plans, development control and enforcement. These powers have been extended by the Planning (Amendment) (Northern Ireland) Order 2003 and the Planning Reform (Northern Ireland) Order 2006.

**Marine Planning:** Northern Ireland currently has a draft Marine Bill that will pave the way for marine plans covering the inshore area out to 12 Nautical Miles, designation of Marine Conservation Zones and new procedures for marine licensing. A Marine Management Concordat was agreed between the UK Government and Northern Ireland Executive in 2011 to ensure administrative cooperation for the implementation of the regulatory framework established by the Marine and Coastal Access Act 2009, whilst respecting the different constitutional positions of each party.

**ICZM:** "An Integrated Coastal Zone Management Strategy for Northern Ireland 2006-2026" was published by the Department of Environment (Northern Ireland) in June 2006.

**Marine energy:** the Department of Enterprise, Trade and Investment published its "Consultation on an Offshore Renewable Strategic Energy Plan 2009-2020" in December 2009, proposing to develop at least 600 MW of offshore wind and 300 MW from tidal resources in Northern Ireland waters by 2020. In addition, *Regional Locational Guidance (RLG) for Offshore Renewable Energy Developments in NI Waters* provides non-statutory guidance and information on offshore renewable energy developments in NI waters to assist marine stakeholders ahead of seabed leasing by the Crown Estate.

**Table 2g: Relevant Legislation, Policies and Programmes – Republic of Ireland**

**Spatial planning:** the Planning and Development Act 2000 (and subsequent amendments) provide the basis for spatial planning in Ireland, setting out the detail of regional planning guidelines, development plans and local area plans as well as the basic framework of the development management and consent system. The National Spatial Strategy 2002-2020 outlines a planning framework for Ireland that aims to achieve more balanced development between the regions.

**Marine Planning:** Operation of the foreshore consent process has been governed primarily by the Foreshore Act 1933, and most recently updated by the Foreshore and Dumping at Sea (Amendment) Act, 2009. In light of new developments in European policy, marine energy and marine planning elsewhere, the Republic of Ireland is seeking to develop a new Integrated Marine Plan for Ireland. This is currently at the consultation stage, with a final plan due later in 2012.

**ICZM:** A review of ICZM Principles and Best Practice for Ireland was carried out by the Coastal and Marine Research Centre at the University of Cork in 2004 (see Cummins et al, 2004), but an ICZM Strategy has not been produced.

**Marine Energy:** *An Ocean Energy Strategy for Ireland* was published in 2005, aimed at advancing Ireland's research and development capabilities and the speed at which ocean energy technologies are deployed in Ireland. This was followed by a Government White Paper on energy policy, *Delivering a sustainable energy future for Ireland - The Energy Policy Framework 2007-2020* which includes a specific ocean (wave and tidal) energy target of 500 MW by 2020. Currently an Offshore Renewable Energy Development Plan is being prepared which describes the policy and regulatory context for renewable energy in Irish waters.

**Table 2h: Relevant Legislation, Policies and Programmes – Isle of Man**

**Spatial planning:** the main planning legislation for the Isle of Man is the *Town and Country Planning Act 1999*. Under this Act the Department of Infrastructure is required to produce an Island Development Plan, which consists of a strategic plan and four area plans covering the island. The strategic plan details the Isle of Man's general development and land use policies.

**Marine Planning:** the Isle of Man Government is currently developing a consenting regime for all types of developments within its territorial waters (12 Nautical Miles) and also developing a Marine Plan which will take into account current and future uses of the Isle of Man's Territorial Seas.

**ICZM:** The Isle of Man has not adopted and ICZM strategy.

**Marine Energy:** The Isle of Man Government has pledged to produce 15% of the Island's energy from renewable sources by 2015 and the Council of Ministers has established an Energy and Climate Change Sub-Committee. The Isle of Man's energy policy has the three main aims of maintaining the security of energy supply, securing the efficient use of affordable energy and minimising the impact of energy use on the environment. An independent report has identified the potential electricity output from a number of renewable sources including tidal and offshore wind, however also notes that the Isle of Man Government's energy policy documents "*do not express targets (other than for renewables) and objectives in a quantified manner*" and "*detailed implementing measures are not defined in the energy policy*" (AEA Technology, 2010:3).

**Table 2i: Relevant Legislation, Policies and Programmes – Jersey**

**Spatial planning:** Jersey's main planning law is the *Planning and Building (Jersey) Law 2002*, which is supplemented by several orders related to particular types of development and planning processes (e.g. EIA, public enquiries). The *Island Plan 2011* provides the overall framework for planning policy.

**Marine Planning:** the States of Jersey do not have any specific marine planning policies in place, however the Island Plan 2011 sets out provisions for management of the Marine Zone (from High Water mark to 12 Nautical Miles) with a presumption against development except where it is sustainable and serves wider Island interests (para 2.26) in accordance with the Planning and Building (Jersey) Law.

**ICZM:** Jersey's ICZM Strategy, "Making the Most of Jersey's Coast" was published in 2008.

**Marine Energy:** a Tidal Power Commission was established in 2008 to investigate opportunities for Jersey in relation to tidal power. This is due to report when Jersey's Energy White Paper is published.

**Table 2j: Relevant Legislation, Policies and Programmes – Guernsey**

**Spatial planning:** Planning legislation for Guernsey is set out in the *Land Planning and Development (Guernsey) Law, 2005* and associated Ordinances which set out the regulations for strategic planning, development control and enforcement. Guernsey has two main strategic plans for Urban and Rural Areas, which guide planning decisions and set out policies for conservation and protection of the environment.

**Marine planning:** Guernsey currently has no marine planning legislation in place, however the *States Strategic Plan 2009* specifies the need for Guernsey to identify legislative and policy mechanisms for the generation of a Marine Spatial Plan delivering the sustainable eco system approach.

**ICZM:** Guernsey has not adopted an ICZM strategy.

**Marine energy:** In 2010 the States of Guernsey set up a Renewable Energy Commission to investigate the potential for, facilitate and consent the development of, macro renewable energy projects, particularly wave and tidal. This has been superseded by the Guernsey Renewable Energy Team (RET), part of the Department for Commerce and Employment, which recently launched its "*Renewable Energy Team Strategy – 2012 and Beyond*" which outlines potential targets for marine energy by 2020 and the conditions (environmental, economic and political) needed to fulfil this vision. A Regional Environmental Assessment has been carried out to understand the impacts of marine renewables developments in Guernsey's Territorial Waters (up to 3 Nm).

The *Collaborative Spatial Planning* group began work in 2009 and brings together officials responsible for regional development strategies, national planning strategies and frameworks in each member of the council. The group is in the process of considering how Member Administrations can work together for mutual benefit, through a more collaborative approach to Strategic Spatial Planning on issues which cross over boundaries. Previously the group has looked at Strategic Environmental Assessment (SEA) processes in member administrations.

The *Environment* group of BIC held its first ministerial meeting in 2000 and since then has held ten further meetings. The topics of these meetings have ranged from extreme weather events and climate change to Sellafield nuclear power plant and radioactive waste. Different aspects of coastal and marine management have featured throughout the work of the environment group, including discussions on ways to meet OSPAR objectives (Cardiff, 2004), Integrated Coastal Zone Management



(Dublin, 2005), marine litter (Northern Ireland, 2008) marine planning and marine climate change impacts (England, 2010).

The *Energy* work stream of BIC was established in 2009 and comprises two sub-groups - marine renewables and electricity grid issues. The first meeting of the UK Government led electricity grid work stream was held in June 2009 and included presentations on the current challenges that electricity networks in the British Isles face in accommodating significant amounts of new renewable and other generation energy on the system to meet renewable energy targets and increase security of supply. Participants also set out current or planned projects and proposals to meet these challenges. This included proposals to significantly increase the capacity of the existing grid network through use of new technology and the building of new transmission lines.

### **Actors/Agencies**

As has been previously noted, the BIC meets in different formats including summits (heads of administrations) and sectoral (Ministerial/official) groups. Within each of the work streams or sub-groups, officials from each of the eight administrations meet more regularly, for example once every three months for the marine renewable and grid sub-groups to discuss ongoing work and plan ahead for issues to be dealt with in the next work programme (1-2 years). At the officer level external speakers may be invited to give presentations depending on the topic being considered and other officials or stakeholders with an interest may be brought in to meetings where appropriate. For the energy sub-groups, stakeholders from industry have been invited to attend, and in the environment group, an officer from England's Marine Management Organisation was invited to the 2010 meeting to update officials on the latest developments in marine spatial planning in England.

The nature of discussions at BIC is at a very high level concerning national interests, thus there are few stakeholders beyond the ministers, officials and invited guests that participate in BIC meetings. In addition, the focus on the UK and Ireland means that neighbouring countries that could be a source of cooperation or conflict are excluded. For example France, being the closest neighbour to the Channel Islands, does not have any representation at BIC but may have a strong interest in the potential location of any marine energy developments by Jersey and Guernsey, and likewise the Channel Islands may be affected by French renewable energy installations. Fisheries may also be an area of concern involving administrations beyond Britain and Ireland, but again this falls beyond the scope of BIC.

With regards to issues of power within the BIC, the tone tends to be set by bigger jurisdictions such as the UK, Scotland, Ireland and Wales rather than the Crown Dependencies, however as all the administrations have an equal stake in discussions there are also opportunities for the smaller administrations to raise their own concerns. This is particularly helpful for the Crown Dependencies in that it allows them, through dialogue with other BIC members, to have some representation in Europe on matters which may be relevant to them such as waste, where European Directives may have unforeseen costs for the Crown Dependencies in terms of the recycling or disposing of waste. However, it may also be the case that where the matter in question has a strong European driver

behind it, for example in relation to conservation and biodiversity targets, the necessity for compliance means there is little scope for discussion between EU member and non-member administrations of the BIC – effectively Ireland, the UK government and devolved administrations have to take a particular course of action that may not be open to the Crown Dependencies. In this respect, therefore, powers higher than the individual member administrations of the BIC have a strong influence on the work that is undertaken.

In terms of funding for BIC initiatives, there are no specific funds set aside for the environment, energy or planning work streams, but administrations may work together to seek funding opportunities from sources such as the European Union's INTERREG programme which has sponsored the Irish-Scottish Links on Energy (ISLES) project involving the Irish, Scottish and Northern Ireland administrations and other partners, assessing the feasibility of creating an offshore transmission network and subsea electricity grid based on renewable energy sources off the coast of western Scotland and in the Irish Sea/North Channel area. For other projects, such as the Fishing for Litter scheme which was introduced by the environment group and encourages fishermen to collect marine litter for safe disposal, it has been up to individual administrations to seek out or provide funding for pilot projects should they wish to take them up.

### Sequence of Events

The timeline below outlines some of the key events in the history of the BIC, alongside international policy developments and relevant projects and outputs by the different BIC groups.

Date	Event
1998	The BIC established as part of the Multi Party Negotiations
2000	First meeting of the BIC Environment group
2002	ICZM Recommendation adopted by the European Parliament and Council
2002-2007	Northern Ireland Assembly suspended
2004	Environment group ministerial meeting discusses OSPAR objectives and the MSFD
2005	Environment group ministerial meeting discusses ICZM and climate change scenarios for islands
2008	<ul style="list-style-type: none"> <li>- MSFD comes into force</li> <li>- Environment group holds further discussions on Fishing for Litter project</li> </ul>
2009	Energy and Collaborative Spatial Planning work streams established by BIC
2010	Environment ministerial meeting focuses on the work of the Marine Management Organisation, Marine Climate Change Impacts Partnership (MCCIP)
2011	<ul style="list-style-type: none"> <li>- UK Marine Policy Statement published</li> <li>- BIC contribute to the Energy position paper <i>Towards European Industrial Leadership in Ocean Energy in 2020</i></li> </ul>

The activities of the different groups and sub-groups of BIC are informed by policy developments originating at a number of levels, and also by issues identified by individual administrations as being

relevant to all members. Due to the different scales of each member administration, finding topics of relevance to all can be a considerable challenge and thus the focus of activities may tend towards more “soft” examples of collaboration, such as information exchange. As the work programme for each BIC group is planned up to two years ahead of sectoral and ministerial meetings, they are able to take into account both legal and policy developments of relevance and also longer-term or recurring issues such as climate change.

## Evaluation

The outputs of each of the BIC’s work streams are quite wide ranging, from the basic sharing of information between administrations, undertaking research and feasibility studies to political lobbying. Within the collaborative spatial planning group, Scotland has taken the lead on bidding for an ESPON (European Spatial Planning Observation Network) project on Key Indicators for Territorial Cohesion and Spatial Planning.

In the environment group, two significant outputs have been the work on marine litter and climate change. The marine litter project, “Fishing for litter” came about as a result of BIC members being part of an organisation called KIMO (Kommunenenes Internasjonale Miljøorganisasjon or Local Authorities International Environmental Organisation) which first ran the Fishing for Litter project in the North and Baltic Seas. The Fishing for Litter scheme involves providing fishing vessels with bags so that they can collect marine sourced litter and deposit the bags safely onshore for disposal. This concept was introduced to the BIC by the Isle of Man representative, and following a presentation from KIMO on how the scheme worked and some of the issues involved in dealing with the litter that is collected by fishermen, this scheme has now been taken up by two areas in England, one in Wales and several harbours in Scotland where 117 tonnes of litter were removed from the seabed in the first phase of operation from 2005-08 (Scottish Executive, 2008).

A second area where the discussions in the environment group have had a positive outcome is in relation to climate change. When discussing climate change scenarios in the BIC it was noted that in research produced by the UK Climate Impacts Programme (known as UKCIP02) that the resolution of the computer models on a 50km grid square was too small a scale to show the effects on the Isle of Man and Channel Islands. In this instance, the models were recalibrated using a 25km grid square by the Hadley Centre (part of the UK’s Meteorological Office) to produce scenarios that showed the effects on smaller territories (see Jenkins *et al*, 2003). This made the scenario models more useful in terms of how the BIC member administrations may tackle the opportunities and threats associated with future environmental change.

Within the energy (marine renewables) group, one of the main outputs has been the production of a position paper on ocean energy in conjunction with the European Ocean Energy Association, European countries including Belgium, the Netherlands, Portugal, France, Ireland, Denmark, Spain and Norway. It was recognised within the marine renewables group that following trials of tidal and wave energy devices by EMEC (the European Marine Energy Centre, Scotland) that substantial investment was needed to support the development of tidal and wave technologies to make them

ready for commercial deployment – at present the high capital cost of manufacturing devices and lack of public funding is seen as a barrier to further investment by the private sector.

The position paper, *Towards European Industrial Leadership in Ocean Energy in 2020* thus outlines the key benefits of investing in the ocean energy sector, including the potential global market for new technologies, job creation and economic growth in coastal communities and contributions to meeting renewable energy and carbon reduction targets. The paper calls for the European Union to recognise the ocean energy sector (wave, tidal, salinity gradient and ocean thermal) as a European strategic technology under the Strategic Energy Technology Plan (European Ocean Energy Association, 2011:5). This would enable greater collaboration between European Member States, the private sector and other stakeholders on developing ocean technologies and enable the leveraging of private sector funds. The BIC's contribution to this position paper therefore demonstrates the role it can play in political lobbying at the international level to support the future interests of its member administrations.

Looking to the future, the work programme for the grid group is also addressing a number of issues that will contribute to the development and use of renewable energy, encompassing land-based sources as well as those from the marine. Based around the general principle of removing regulatory hurdles related to energy exports, the Grid group will examine the potential for exporting renewable energy from other countries (such as the Crown Dependencies) to EU member states to meet the Renewables Directive targets, barriers to cross-border energy trading (e.g. for the Republic of Ireland and Northern Ireland), grid interconnections and market coupling.

#### *Robustness/Dealing with issues:*

In terms of potential conflict and the ability of the BIC to effectively mediate between different interests, a number of factors must be considered in evaluating BIC's role. Primarily, the BIC has been established to foster cooperation between the eight administrations, and as one interviewee described it, "the BIC is there to demonstrate to people that we can all work together in harmony". In practice this means that BIC has not been designed as a vehicle for resolving conflict, and for any issues where administrations may disagree then this is likely to be dealt with at a political level beyond the scope of the BIC. What is central to the work of the BIC is finding "broad-reaching areas that everyone will have some interest in", even if political arrangements mean that it is not possible to adopt a common approach across all administrations.

In this sense it is also acknowledged that individual administrations are free to pursue their own interests –for example each administration sets its own targets for the proportion of electricity to be generated from (marine) renewable sources, and indeed the example of marine spatial planning demonstrates how the administrations can take different approaches to implementation, but through networking and sharing information each administration is aware of potential differences, for example in terms of who might be the competent authority for marine consenting (i.e. a government department such as the Welsh Assembly Government, or a non-departmental public body such as Marine Scotland) and thus can anticipate potential developments that may have knock-on effects for their own policies or governance arrangements. Whilst it may be perceived that BIC meetings are a missed opportunity to produce more binding outcomes on member administrations

(for example on commitments to aligning marine consenting processes), the differing scales and political contexts of each administration means that more fundamental changes to the ways in which member administrations operate in on particular matters is unfeasible and in some cases undesirable.

### *Future issues*

Considering how the BIC might function in the future, one of the strengths of the BIC is its flexibility to create work streams or sub-groups according to the needs and interests of its member administrations and either disband groups once a task has been completed, or periodically revisit topics that have the subject of previous discussions. In this respect the BIC is highly adaptable to changes in the policy environment and therefore can retain its role as a forum for sharing information and close cooperation over a sustained period. On a political level, the BIC continued to meet during the period when the Northern Ireland Assembly was suspended (2002-2007). Although no ministers from Northern Ireland participated during this period, officials from Northern Ireland were involved as part of the UK delegation.

Most significantly in the area of marine and coastal issues, there is the possibility that a marine planning group could be established as part of the BIC in the future. This issue was first raised as part of a series of workshops which took place on partnership working in support of marine spatial planning for the Irish Sea which took place in 2011 and featured a representative from BIC's environment group. At present there is a moratorium on the creation of new work streams or groups whilst the permanent secretariat of BIC is fully established at its new base in Scotland, but the number of issues around the Irish Sea (such as separate marine plans and planning processes for all the neighbouring administrations, electricity grids and the laying of high voltage undersea cables) provide grounds for the establishment of a new marine planning group to be pursued. It will be important, however, that any new marine planning group should not duplicate work that is being done elsewhere within the BIC.

### **Lessons for MSP**

The BIC provides a unique opportunity for transnational cooperation on marine, coastal and other issues in that it brings together ministers and senior level civil servants in a formal setting to discuss issues that are relevant to all of the member administrations. Several interviewees have described the arrangements of the BIC as one of the few opportunities where all the ministers for a particular sector, whether it is environment, energy, or one of the other sectors addressed by the BIC's work are able to meet and share information about policy developments at the level of the devolved administrations. For officers, sectoral meetings also provide an opportunity for networking with their counterparts in other administrations which can facilitate further cooperation and building of relationships – having met at the BIC it becomes much easier for officers to contact each other directly between meetings, and by extension, obtain access to other useful contacts that may be able to assist with particular queries. This contact also enables different views to be expressed and

for groups to reach a consensus on the best way forward, even in circumstances where there is some potential for disagreement. This building of networks through the BIC thus provides intangible benefits related to knowledge transfer and access to information.

The main weakness of the BIC arrangements, however, is that although the arrangement has formal status in law it relies on a “soft” governance approach of dialogue and information sharing. This lacks any real powers to implement policies or plans that will affect a fundamental change in the way that transnational marine and coastal management issues are dealt with. Whilst it is acknowledged that each member of the BIC functions according to its own laws and constitutional matters and this prevents members adopting identical policies or planning processes, there are relatively few concrete examples of how the BIC has facilitated more coordinated actions across all of its member administrations. This may change over time, particularly as the collaborative spatial planning group becomes more established and finds more topics of mutual interest that can be built upon, and as member administrations move rapidly towards establishing marine planning systems and plans - with a particular focus on the Irish Sea - where six different administrations will be involved in producing their own plans. The need for a joined-up approach to marine and coastal management in these circumstances may provide a strong driver for cooperation.

One of the crucial factors for sustaining the work of the British-Irish Council and supporting any future coastal and marine related initiatives is the fact that all of the BIC work streams have ministerial support. Whilst other officials from across the administrations are engaged in BIC activities on a more regular basis, the Ministerial summits where many projects are publicly launched demonstrates a level of political buy-in to the work that is being undertaken. This is important for ensuring that there is an awareness of different approaches taken by member administrations to issues such as coastal management or marine planning, and could potentially lead to more coordinated approaches to different aspects of marine management in the future. This support is also important for ensuring representation at the European level – for example joint work on the ocean energy position paper demonstrates how the combined support of the BIC administrations contribute to lobbying the EU for changes to policies or legislation that are in the interests of BIC administrations individually and collectively.

## References

AEA Technology (2010) *Renewable energy sustainability study – impacts and opportunities for the Isle of Man: Final Report – Executive summary*, prepared by AEA Technology Plc for the Department of the Environment, Food and Agriculture, Isle of Man Government

<http://www.gov.im/lib/docs/daff/enviro/Energy/aeaexecutivesummary.pdf> [last accessed 24/3/2012]

Atkins (2004) ICZM: A Stocktake (Final Report), HMSO

Cummins, V., O'Mahony, C. and Connolly, N. (2004) *Review of Integrated Coastal Zone Management and Principles of Best Practice*, Report for the Heritage Council (An Chomhairle Oidhreachta)

DEFRA (2009) *a Strategy for Promoting an Integrated Approach to the Management of Coastal Areas in England*, London: DEFRA

Department of Communications, Marine and Natural Resources (2005) *Ocean Energy in Ireland: An Ocean Strategy for Ireland*, report prepared by the Marine Institute and Sustainable Energy Ireland, submitted to the Department of Communications, Marine and Natural Resources, Dublin

Department of Communications, Marine and Natural Resources (2007) *Government White Paper: Delivering a sustainable energy future for Ireland – the energy policy framework 2007-2020*, Dublin: Department of Communications, Marine and Natural Resources

Department of Enterprise, Trade and Investment Northern Ireland (2011) *Regional Locational Guidance (RLG) for Offshore Renewable Energy Developments in NI Waters*, [http://www.detini.gov.uk/rlg\\_final\\_version\\_sept\\_2011.pdf](http://www.detini.gov.uk/rlg_final_version_sept_2011.pdf) [last accessed 24/3/2012]

Department of the Environment (Northern Ireland) (2006) *an Integrated Coastal Zone Management Strategy for Northern Ireland 2006 – 2026*, Belfast: Department of the Environment

HM Government and the Northern Ireland Executive (2008) *Marine Management Concordat*, [http://www.doeni.gov.uk/signed\\_marine\\_management\\_concordat.pdf](http://www.doeni.gov.uk/signed_marine_management_concordat.pdf) [last accessed 24/3/2012]

HM Government (2009) *the UK Renewable Energy Strategy (Cm7686)*, London:TSO

HM Government (2010) *Marine Energy Action Plan 2010: Executive Summary & Recommendations*, [http://www.decc.gov.uk/assets/decc/What%20we%20do/UK%20energy%20supply/Energy%20mix/Renewable%20energy/explained/wave\\_tidal/1\\_20100317102353\\_e\\_@@\\_MarineActionPlan.pdf](http://www.decc.gov.uk/assets/decc/What%20we%20do/UK%20energy%20supply/Energy%20mix/Renewable%20energy/explained/wave_tidal/1_20100317102353_e_@@_MarineActionPlan.pdf) [last accessed 24/3/2012]

HM Government (2011) *UK Marine Policy Statement*, London:TSO

Jenkins, G., Cooper, C., Hassell, D. & Jones, R. 2003. Scenarios for climate change for islands within the BIC region. Produced for the British-Irish Council by the Met Office, Bracknell.

Marine Scotland (2011) *Blue Seas - Green Energy: A Sectoral Marine Plan for Offshore Wind Energy in Scottish Territorial Waters*, Edinburgh: the Scottish Government

European Ocean Energy Association (2011) *Position Paper - Towards European industrial leadership in Ocean Energy in 2020*, paper produced in conjunction with the governments of the United Kingdom, Ireland, Spain, Portugal, France, Denmark, Norway, Belgium and the Netherlands

Scottish Executive (2004) *National Planning Framework for Scotland*, Edinburgh: the Scottish Executive

Scottish Executive (2005) *Seas the Opportunity: a Strategy for the Long Term Sustainability of Scotland's Coasts and Seas*, Edinburgh: the Scottish Executive

Scottish Executive (2008) *Fishing for Litter*, 10<sup>th</sup> December 2008, <http://www.scotland.gov.uk/News/Releases/2008/12/10110723> [last accessed 24/3/2012]

States of Guernsey (2009) *States Strategic Plan*, Guernsey: the Policy Council

States of Guernsey (2012) *Renewable Energy Team Strategy – 2012 and Beyond*, <http://www.guernseyrenewableenergy.com/documents/managed/DOC453%201%20RET%20Strategy%202012%20and%20Beyond%20-%20Final.pdf> [last accessed 24/3/2012]

States of Jersey (2011) *Jersey Island Plan 2011*, Trinity: States of Jersey

States of Jersey (2008) *Making the Most of Jersey's Coast – Integrated Coastal Zone Management Strategy*, Trinity: States of Jersey

Welsh Assembly Government (2004) *People, Places, Futures – the Wales Spatial Plan*, Cardiff: Welsh Assembly Government

Welsh Assembly Government (2007) *Making the Most of Wales Coast*, Cardiff: Welsh Assembly Government

Welsh Assembly Government (2009) *Ministerial Policy Statement on Marine Energy in Wales*, <http://wales.gov.uk/topics/environmentcountryside/energy/renewable/marine/marineenergy/?lang=en> [last accessed 24/3/2012]

Welsh Assembly Government (2011) *Marine Renewable Energy Strategic Framework: Approach to Sustainable Development*, Report by RPS to the Welsh Assembly Government, Cardiff: Welsh Assembly Government



## Atlantic Case Study 3:

### The Solway Firth Partnership

#### Introduction

The Solway Firth occupies an area of coast and seas between the north west of England and south west of Scotland, facing out towards the Irish Sea. The Solway Firth Partnership, established in 1994, works in this area “to secure an environmentally sustainable future for the Solway Firth area which allows the economy to prosper while respecting the distinctive character, natural features, wildlife and habitats of the Firth” based on the principles of Integrated Coastal Zone Management.

In recent years, as separate marine planning arrangements have been developed and implemented for English and Scottish waters, this has placed great emphasis on the need for a cross-border approach to planning for the Solway’s marine and coastal areas. Whilst the Solway Firth Partnership has no statutory responsibilities for marine or terrestrial planning in the Firth, it has been closely involved in stakeholder consultations for marine planning on both sides of the border and other activities such as consultations for offshore energy, preparing management plans for European Marine Sites, promoting the Solway Firth’s natural and cultural assets and working with local fishing communities to ensure sustainable fisheries.

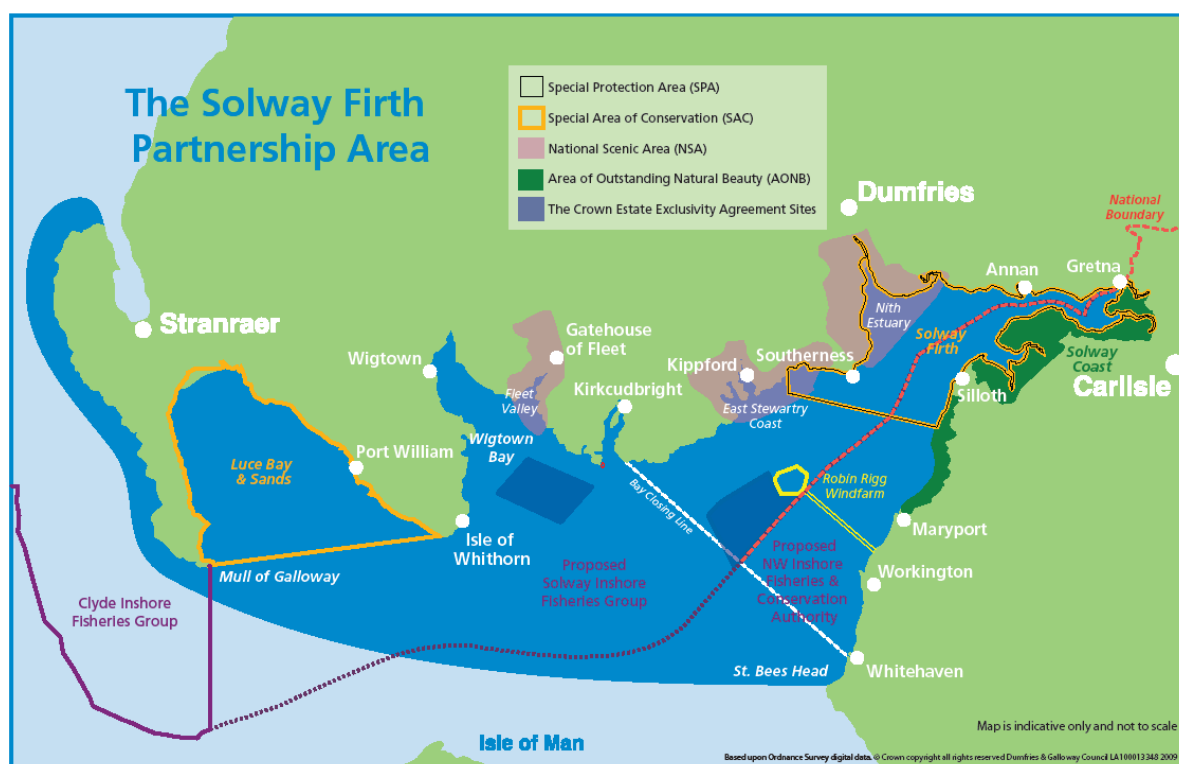
#### *Location and Environment*

The Solway Firth is a sea bay located between the North West coast of England and south western Scotland in the United Kingdom, opening out onto the Irish Sea and in close proximity to the Isle of Man. It stretches from the Mull of Galloway in the north down to St Bees Head in Cumbria.

The area covered by the Solway Firth Partnership (shown on Map 3.1) includes the waters of the upper Solway starting at Gretna, extending south west to St Bees Head in Cumbria and reaching Milleur Point north of Stranraer in Scotland. No inland boundary has been defined for the Partnership area, as this depends upon the extent to which individual coastal and marine activities are connected with their hinterland.

The landscape of the Solway Firth is characterised by a longer, more rugged coastline to the north containing a series of uplands and small river estuaries, and a shorter, low lying sandy coastline surrounded by lowlands to the south. The inner Solway comprises a series of mud flats which are exposed at low tide.

The main settlements around the Solway Firth include Wigtown, Kirkcudbright, Dumfries and Annan in Scotland, whilst in England Maryport, Whitehaven and Workington are the largest coastal towns. The largest settlement in the Solway Firth area is the city of Carlisle, although this lies slightly further inland on the River Eden. Between these towns lie a number of smaller settlements. Whilst the majority of settlements in the Solway Firth are rural in character, the English towns of Workington, Whitehaven and Maryport have an industrial heritage based on coal mining and chemical works.

**Map 3.1: Solway Firth Partnership Area**

Source: Dumfries and Galloway Council

The Solway Firth is subject to a number of landscape and wildlife designations, the most significant including internationally important Ramsar sites, Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), nationally important National Scenic Areas (Scotland), Areas of Outstanding Natural Beauty (AONBs – England), Heritage Coast, Sites of Special Scientific Interest (SSSI) and National Nature Reserves. There are also a number of other sites designated for their regional/local importance. In addition, the Lake District National Park is in close proximity to the Solway Coast and Hadrian's Wall, which stretches along the border of England and Scotland from Bowness on Solway to Wallsend on the east coast of England is designated a UNESCO World Heritage Site.

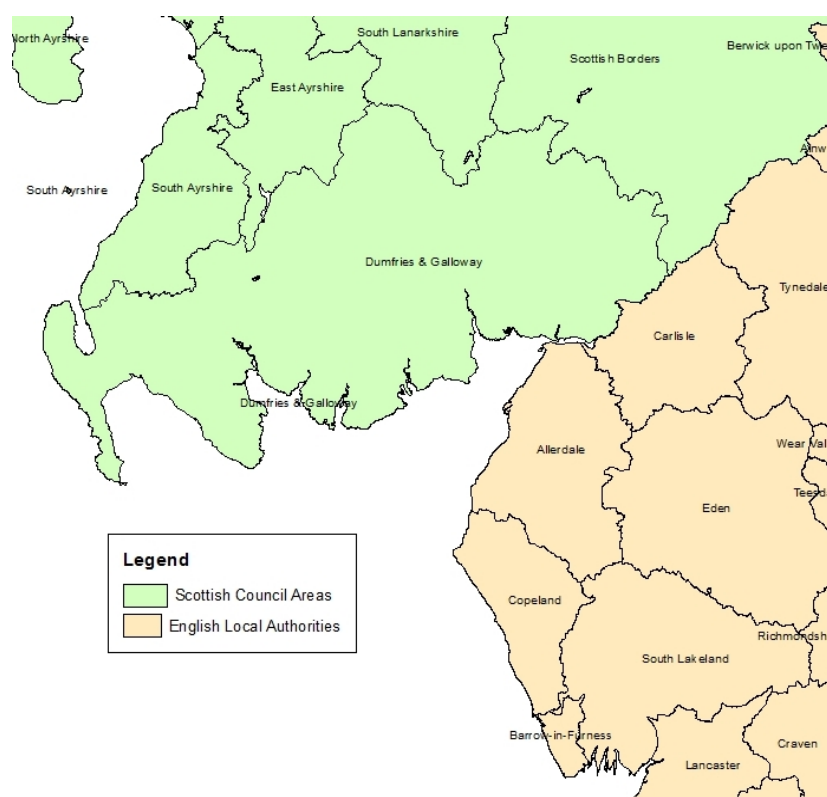
Within the Scottish waters of the Solway Firth, building of the 60-turbine Robin Rigg wind farm was completed in April 2010. This site can generate up to 180 Megawatts of electricity. In addition, there has been a proposal for a tidal energy scheme on the Upper Solway between Annan on the Scottish coast and Bowness on the English coast which aims to be online by 2020 (Solway Energy Gateway, 2011).

### *Socio-Economic Conditions*

The area around the Solway Firth is comprised of a small number of administrative areas or local planning authorities, shown on Map 3.2. On the Scottish side, the coastal area adjacent to the Solway is part of Dumfries and Galloway Council – this includes the former district councils of Annandale and Eskdale, Wigtown, Stewartry, Nithsdale and several smaller parish council areas which were abolished in 1996. To the south of the Solway, three council areas border the Firth –

these are Allerdale, Carlisle and Copeland. These three councils make up a part of the larger Cumbria County Council area along with the councils of Eden, South Lakeland and Barrow-in-Furness.

**Map 3.2: Local Authorities in the Solway Firth Partnership Area**



Source: UKBORDERS (2009) English Administrative Districts and Scottish Council Areas

The total population of the Solway Firth and its surrounding local authority areas is approximately 416,000, although this includes towns and villages further inland. Overall population figures have remained largely stable for the last twenty years, as shown in Table 3a.

**Table 3a: Population of the Solway Firth Area**

District	1991 Population	2010 population (mid-year estimates)
Dumfries and Galloway (Scotland)	147805	148190
Allerdale (England)	95702	94100
Carlisle (England)	100562	104500
Copeland (England)	71296	69500
<b>Total</b>	<b>415365</b>	<b>416290</b>

Source: 1991 Census, 2010 Midyear population estimates for Scotland (General Register Office for Scotland), 2010 Midyear population estimates for England and Wales (Office for National Statistics)

The main sectors in which people are employed in the Solway Firth region are manufacturing, retail, accommodation and food services, or other sectors such as health, education and construction. Agriculture, forestry and fishing makes up a relatively small proportion of total employment in the Solway Firth and an even smaller proportion of the total number employed in that sector throughout Great Britain. These figures demonstrate that whilst fisheries management may be a critical issue for the Solway Firth, the importance of the fisheries sector as a whole to the regional economy is in fact quite limited.

**Table 3b: Employment (number of persons, classified by broad industrial group) in the Solway Firth Area**

	Dumfries and Galloway	Cumbria	Total	As % of GB employment
Agriculture, forestry and fishing	700	900	1600	0.33
Mining, quarrying and utilities	1100	2700	3800	1.17
Manufacturing	6300	36000	42300	1.73
Construction	3100	14400	17500	1.19
Retail	7300	28000	35300	1.2
Accommodation and Food services	5100	25000	30100	1.6
Other	33200	118300	151500	0.82

Source: Office for National Statistics (2009), Business Register and Employment Survey. Disaggregated figures not available for Allerdale, Carlisle and Copeland. Employment is defined as employees plus working proprietors. Agriculture, Forestry and Fishing does not include farm data.

### The Legal and Policy Framework for Management of the Solway

The main legal instruments and policies guiding the management of the Solway can be divided into those that originate at European or international level and at the level of the devolved administrations for England and Scotland which are listed in more detail in Tables 3c and 3d below.

**Table 3c: Key International/European legislation and policies affecting management of the Solway Firth**

Legislation/Policy name	Purpose
Convention on Wetlands of International Importance (Ramsar Convention)	The Ramsar Convention provides for “the conservation and wise use of wetlands by national action and international cooperation as a means to achieving sustainable development throughout the world” (see Scottish Natural Heritage, 2011) and requires management plans for designated Ramsar sites to be put in place. In England and Scotland Ramsar sites are protected under legislation pertaining to European Natura sites (SPAs and SACs). The Solway Firth has one Ramsar site, Upper Solway Flats and Marshes, which includes land on both the English and Scottish sides of the Solway.
Marine Strategy Framework Directive	The MSFD requires Member States to achieve good environmental status for their marine waters by 2020. The MSFD has been transposed into UK law by the Marine Strategy Regulations 2010. Currently the UK is undertaking an assessment of the state of UK Seas and will publish its Programme of Measures for achieving good environmental status by 2016.
Water Framework Directive (WFD)	The WFD requires all inland waterways and coastal waters out to 1 Nautical mile to reach good chemical and biological status by 2015. The WFD regulations are transposed into law in the UK by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 and the Water Environment and Water Services (Scotland) Act 2003. In order to implement the WFD, the UK has been divided into River Basin Districts for which a River Basin Management Plan must be prepared. The Solway Firth is part of the Solway Tweed River Basin District, which crosses the administrative boundaries of England and Scotland and also extends from the west to east coasts of Great Britain.
EC Directive on the conservation of wild birds (79/409/EEC) (Birds Directive)	The Birds Directive covers the protection, management and control of all species of naturally occurring wild birds in the territory of Member States and requires the protection and management of habitats for endangered and migratory species in Special Protection Areas. In the Solway Firth, Upper Solway Flats and Marshes is designated as an SPA.

Council Directive 92/43/EEC of 21 May 1992 (the Habitats Directive)	The Habitats Directive requires EU Member States to create a network of protected wildlife areas that will make a significant contribution to conserving the habitat types and species identified in Annexes I and II of the Directive. In the Solway Firth, Upper Solway Flats and Marshes is designated as an SAC that crosses national boundaries, whilst on the Scottish side Luce Bay is designated as a marine SAC.
Common Fisheries Policy	The CFP ensures the sustainable management of Europe's fisheries by laying down laws which limit the size of the fishing fleet, amount that can be caught and regulating how and where fishing can take place in European waters. Responsibility for the enforcement of the Common Fisheries Policy in the UK currently lies with the UK government rather than the devolved administrations.
Recommendation of the European Parliament and of the Council of 30 May 2002 concerning the implementation of Integrated Coastal Zone Management in Europe(2002/413/EC) (The ICZM Recommendation)	Although non-binding, the ICZM Recommendation and its underlying principles for integrated coastal zone management provide the basis for the management of coastal areas in the UK and ensuring effective integration between marine and terrestrial environments. Each of the devolved administrations in the UK has produced their own national ICZM Strategy (Scotland in 2005 and England in 2009), however these have no statutory status and have become less significant with emerging arrangements for marine planning in UK waters.

**Table 3d: Key UK legislation and policies affecting management of the Solway Firth**

Legislation/Policy name	Purpose
The UK Marine Policy Statement	<p>Provides the overarching framework for marine planning in the devolved administrations of the United Kingdom. The MPS outlines the UK's vision for the marine environment as 'clean, healthy, safe, productive and biologically diverse oceans and seas'. Five high level objective for the marine environment, are also set out, these are:-</p> <ul style="list-style-type: none"> <li>- Achieving a sustainable marine economy,</li> <li>- Ensuring a strong, healthy and just society,</li> <li>- Living within environmental limits,</li> <li>- Promoting good governance, and</li> <li>- Using sound science responsibly.</li> </ul> <p>As well as guiding the production, implementation and monitoring of marine plans, the MPS sets the direction for marine licensing and other relevant authorisation systems.</p>
Planning and Compulsory Purchase Act 2004	<p>This Act provides the framework for terrestrial planning in England, establishing the duty of planning authorities to contribute to sustainable development. Under the Act, rules and procedures are set out for development management (applications, consents and enforcements).</p>
Marine and Coastal Access Act 2010	<p>The Marine and Coastal Access Act establishes a Marine Management Organisation which has responsibility for:</p> <ul style="list-style-type: none"> <li>- the production of marine plans in English inshore and offshore waters (which extend from mean high water springs to out to 12Nm and 12 Nm to the limits of the EEZ respectively).</li> <li>- Marine Protected Areas. In addition to European Marine Sites the MMO will designate an ecologically coherent network of Marine Conservation Zones.</li> <li>- regulating fisheries (both commercial and recreational) through the Inshore Fisheries and Conservation Authorities (IFCAs).</li> <li>- licensing offshore activities such as wind farm installation, dredging and aggregate removal, laying undersea cables and pipelines and some ports and harbour works.</li> <li>-</li> </ul>
Planning Policy Statements and Planning Policy Guidance Notes	<p>Planning Policy Statements set out the (English) government's policies relating to different aspects of terrestrial spatial planning. Of particular relevance to coastal and marine governance PPG20: the Coast, published in 1992 provided the first set of policy guidance specifically for development in coastal areas. This has now been superseded by PPS 25: Development and Flood Risk (incorporating the supplement Development and Coastal Change), which outlines the policies planning authorities should use in order to prevent inappropriate development at the coast and also to protect new (and existing) developments from physical changes to the coastline such as erosion and accretion.</p>

The Planning etc. (Scotland) Act 2006	This Act sets the framework governing terrestrial planning in Scotland, including the requirement to produce a National Planning Policy Framework and strategic development plans, and setting out rules and procedures for development management (applications, consents and enforcements). All functions carried out under the direction of the Act must contribute to sustainable development objectives.
Scottish Planning Policy	The National Planning Policy Framework is a strategy for the long-term development of Scotland's towns, cities and countryside. Within this framework, the Scottish government affirms its commitment to marine planning, noting that their approach should "build on the work of the seven Local Coastal Partnerships [which includes the Solway Firth Partnership] and marine planning pilots to achieve more integrated outcomes for coast and sea" (Scottish Government 2010: 36).
Marine Scotland Act 2010	The Marine Scotland Act provides a framework for the sustainable management of Scotland's seas through: <ul style="list-style-type: none"> <li>- a new statutory marine planning system, based on a National Marine Plan and individual plans for proposed Scottish Marine Regions.</li> <li>- a simplified licensing system for dumping at sea, offshore energy, cables and pipelines, aquaculture consenting and dredging activities,</li> <li>- improved measures for nature conservation, including the designation of Marine Protected Areas to protect biodiversity and historical assets of national importance.</li> <li>- The creation of Marine Scotland, an agency that will deliver marine planning functions on behalf of the Scottish government.</li> <li>-</li> </ul>
Crown Estates Act 1961	The Crown Estates Act established the organisation headed by Crown Estate commissioners to oversee the management of land and assets belonging to, but not the private property of the Sovereign. These assets include the majority of the UK's sea bed out to the 12 Nautical Mile limit and approximately half of the foreshore, the area between mean high and low water. Under the Energy Act 2004, the Crown Estate is able to lease sea beds for the purposes of offshore energy generation, and has a Memorandum of Understanding with the Marine Management Organisation guiding cooperation in respect of their common objectives for sustainable use of the sea bed (the Crown Estate, 2011).

The area of the Solway Firth has traditionally been managed under the terrestrial spatial planning systems that operate within the devolved administrations and enforced by local planning authorities on either side of the border (county and district councils in England and Council Areas in Scotland) who have jurisdiction down to the low water mark. Other activities that happen in the water such as fisheries, energy infrastructure, shipping/navigation and wildlife conservation, have had separate



sectoral controls and responsible agencies, for example the Scottish Natural Heritage and English Nature are responsible for overseeing management of the Upper Solway Firth European Marine Site.

With the emergence of marine planning in both Scotland and England, new planning responsibilities and agencies are being brought to bear on the management of the Solway Firth. On the English side, the Marine Management Organisation has responsibility for planning in the North West marine plan area. In Scotland, Marine Planning Partnerships will operate in Marine Regions to develop plans and implement ICZM. Currently, the division of waters into Scottish Marine Regions is still in its consultation phase to decide the boundaries of plan areas, and discussion is under way as to what the exact structure of Marine Planning Partnerships should be. For both Scottish and English marine plans, jurisdiction on the landward side will extend up to mean high water mark to facilitate integration with the terrestrial planning system.

Under the terms of devolution, the responsibility for marine planning in Scotland's inshore areas is transferred wholly from the UK government to the Scottish Executive, and thus different legal arrangements for the UK and Scotland prevent the production of a joint marine plan for the Solway Firth. Within its Marine Policy Statement, the UK Government states that:

*"The UK Administrations are committed to the co-ordination of marine planning across administrative boundaries and have made it a requirement of their respective legislation. Coordination will include planning for activities which extend across national or Marine Plan area boundaries, the sharing of data between plan authorities and the timing of the development of Marine Plans for any area. Concordats between UK administrations will enshrine the close cooperation and mutually beneficial approach to marine planning that is in place."*

HM Government (2010:8)

As the new systems of marine planning on both sides of the border are put into place, stakeholder concerns regarding arrangements for cross-border planning in the Solway persist. A central issue for stakeholders in the Solway Firth therefore is trying to ensure successful integration of the separate marine planning systems for England and Scotland to ensure that they work together to deliver beneficial outcomes for the whole of the Solway.

### The Solway Firth Partnership

Prior to the establishment of the Solway Firth Partnership, there had been only a limited number of sectorally based cross-border initiatives operating on the Firth. These included the management of the Upper Solway Flats and Marshes SPA and Site of Special Scientific Interest, and joint work between the Cumbria Sea Fisheries Committee and district Fisheries Boards.

The Solway Firth Partnership was launched in 1994 as a response to formal support for Integrated Coastal Zone Management (ICZM) from the European Union, UK Government and their agencies. The Partnership was established under the auspices of Scottish Natural Heritage's Focus on Firths initiative, which aimed "to help resolve the problems of uncoordinated management of the firths, and to achieve a more sustainable approach to their use and development" (Scottish Natural

Heritage, 1997:36) through the creation of Partnerships or Forums who would produce a management strategy in consultation with statutory and local stakeholders.

The proposal to establish a Solway Firth Partnership was also supported on the English side of the Firth by the Nature Conservancy Council and English Nature, whose Campaign for a Living Coast and Estuaries Initiative programme had similar aims to the Focus on Firths programme, concentrated on the integrated management and sustainable use of England's estuarine waters.

Key public agencies on both sides of the Solway Firth were therefore approached to set up the partnership, including local planning authorities, nature conservation bodies, fisheries groups, regional development agencies and ports and harbour owners and authorities. The initial funding for the Partnership was provided by Scottish Natural Heritage and the Nature Conservancy Council.

The overarching vision of the Solway Firth Partnership is "To secure an environmentally sustainable future for the Solway Firth area which allows the economy to prosper while respecting the distinctive character, natural features, wildlife and habitats of the Firth". To this end, a Solway Firth Strategy has been produced and a yearly business plan is drawn up, which identifies key tasks for the Partnership and the way in which they will be delivered.

#### *Structure of the Solway Firth Partnership*

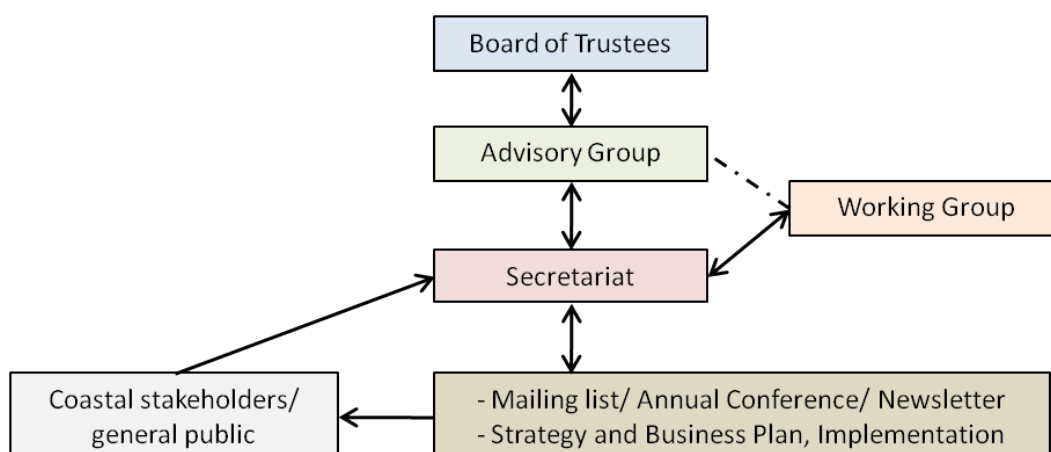
Following its establishment in 1994 the Solway Firth Partnership became a company limited by guarantee with charitable status in 2003. Core funding for the Partnership comes from a small number of public sector agencies with an interest in the Solway, such as Carlisle Borough Council, Cumbria County Council, Dumfries and Galloway Council, Natural England, Scottish Natural Heritage and more recently this has been supplemented with funding from E-On UK, the energy firm operating the Robin Rigg offshore wind farm. Project fees and applications for small grants also contribute to the financial resources of the Partnership.

Membership of the Partnership is open to anyone, and Members may belong to one of two categories:

Corporate – open to organisations that work around the Solway Firth such as local councils, fisheries groups, statutory environment and conservation bodies and landowners such as the Crown Estate and Associated British Ports. Each organisation can authorise an individual to represent them.

Ordinary – open to any individual or organisation that supports the aims of the Partnership.

Currently the Partnership operates under a tiered structure, with a Board of Trustees, Advisory Group, Working Group and Permanent Secretariat. The relationship between these bodies is shown in Figure IIIa below.

**Figure IIIa: Structure of the Solway Firth Partnership**

Source: Solway Firth Partnership (2011)

The *Board of Trustees* are responsible for the overall direction and management of the Partnership. Trustees are drawn from both the Corporate and Ordinary members of the Partnership.

The *Advisory Group* assists the Board of Trustees and SFP secretariat and is made up of corporate members but may appoint a small number of other individuals to ensure a range of skills and geographical representation when needed. The Advisory Group may also set up Working Groups to investigate and report to the Board on particular issues. Currently the Advisory Group consists of representatives from the local planning authorities - Allerdale Borough Council, Carlisle City Council, Cumbria County Council, Copeland Borough Council (England) and Dumfries and Galloway Council (Scotland), statutory environmental and conservation bodies including Scottish Environmental Protection Agency, the Environment Agency, Natural England, Scottish Natural Heritage and Solway Coast AONB, fisheries groups such as the Marine and Fisheries Agency, Nith District Fisheries Board, Annan District Fisheries Board and Cumbria Sea Fisheries Committee, landowners such as The Crown Estate and Associated British Ports, Scottish Water (utilities provision), the Scottish Coastal Forum (a stakeholder forum for Scotland's coasts), and Scottish Enterprise (an economic development agency).

The *Secretariat* runs the day to day activities of the Partnership, and is currently represented by a project manager and three part time members of staff.

Members of the SFP are also kept informed of Partnership activities through newsletters and an annual conference which presents information about ongoing activities in the Solway and updates to legislation and policy affecting the way the Solway Firth is managed.

### Key Events in the Management of the Solway Firth

Since the establishment of the Solway Firth Partnership, a number of key events initiated at both national and local levels have guided the Partnership's work. A summary timeline of the most significant events is provided in Table 3e below:

**Table 3e: Timeline of events for the Solway Firth Partnership**

Year	Event
1994	Solway Firth Partnership established
1996	Solway Firth Review published
1998	Solway Firth Strategy launched
2005	Luce Bay and Sands SAC designation
2007	Aquaculture Strategy launched
2008	Fisheries code of conduct launched
2009	Across the Waters document published
2010	Scottish Offshore wind consultation

- The Solway Firth Review (1996) and Strategy (1998) – one of the first tasks of the Solway Firth Partnership was to undertake a comprehensive review of the Firth's current state, development issues and opportunities. This Review and extensive consultation informed the preparation of the Solway Firth Strategy, which provides a framework for the Partnership to pursue Integrated Coastal Zone Management (ICZM). Although published in 1998, the Guiding Principles of the Strategy – community support and participation, wise use of natural resources, maintaining social and economic diversity and integration remain relevant to this day.
- Luce Bay and Sands SAC designation - Luce Bay and Sands on the Scottish side of the Solway Firth was designated a Special Area of Conservation under the Habitats Directive in 2005 for its dune and seabed habitats which support migratory birds and rare newts. Solway Firth Partnership was tasked with preparing a management scheme for the SAC on behalf of the Scottish government and Scottish Natural Heritage through raising awareness, consultation, liaison with stakeholders and drafting the Management Scheme document.
- In recognition of the potential conflicts between aquaculture development in the Solway and other sectors such as tourism, conservation and shellfish harvesting, the Partnership produced a Solway Firth Aquaculture Strategy in 2006/7 in conjunction with the Solway Fish Aquaculture Working Group. This identified possible sites for aquaculture development or where such activities were not possible, potential socio-economic benefits to local communities and management issues that may arise from the operation of aquaculture activities (Poseidon Aquatic Resource Management Ltd., 2006).
- In 2008, conflict between static and mobile fisheries sectors in Galloway lead to the development of a voluntary code of conduct by the Galloway Static Gear Fishermen's Association, Solway Scallop Skippers and Solway Harbourmasters supported by Solway Firth Partnership. This has resulted in improved communications between the two sectors, with static gear now clearly marked so that mobile fisheries can avoid damage to lobster pots. The code is reviewed annually and has provided a model for similar codes being adopted in the Firth of Clyde.

- In anticipation of the new Marine Acts for Scotland and England and the potential problems of having two marine planning systems operating within the Solway Firth and other water bodies with a cross-border dimension such as the Severn Estuary between Wales and England, the Partnership was commissioned by Wildlife and Countryside Link and others to produce a report entitled “Across the Waters”. This was published in 2009 and outlined the main issues arising from current management arrangements for the Solway Firth and the opportunities and problems that could arise from the new systems of marine planning. Across the Waters concluded with a series of recommendations as to how integrated planning could be achieved for the whole of the Solway. These included treating the Solway Firth as one single area for marine planning, aligning timescales for marine plan reporting on both sides of the Solway, establishing a single point of contact for marine licensing enquiries and fostering links between MCZ and MPA programmes to ensure their coherence across borders.
- In May 2010, the Scottish Government launched its Draft Plan for Offshore Wind Energy in Territorial Waters (Marine Scotland, 2010) which identified areas in Wigtown Bay and Solway Firth for future wind energy developments. Following public consultation on this Draft Plan, the Partnership’s response to Marine Scotland raised a number of concerns on behalf of local stakeholders about shortcomings in the contents of the plan and the consultation process, such as the lack of detailed information given on potential locations of wind farms, inadequate consideration of the visual impacts on National Scenic Areas and the Lake District National Park, unknown impacts on bird and fish species in the Solway Firth and the timing of proposals coming in advance of marine plans being drawn up for English and Scottish waters of the Solway. The consultation response given by the Partnership excluded representation of the Crown Estates, who have a commercial interest in the development of offshore energy (see Solway Firth Partnership, 2010b). Ultimately, plans for further offshore wind development in the Solway Firth were dropped by the Scottish government in the face of local opposition and potential impacts on the seascape, which is central to the tourist economy of the Solway Firth.

### **Outputs and Evaluation of Governance Arrangements**

The timeline above illustrates a variety of issues and activities that the Solway Firth Partnership has been involved with since its formation in 1994. Despite its lack of decision making powers, the Partnership has had a number of achievements in relation to the management of the Solway Firth. An extensive list of these achievements is presented in the Solway Firth Partnership Business Plan 2010-2011, (Solway Firth Partnership, 2010a) but the main successes can be distilled as those relating to communication, awareness raising and networking, conflict resolution and maintaining a Firth-wide, cross border perspective on management issues.

In terms of communication, awareness raising and networking, the Partnership has brought together a wide cross-section of stakeholders with a common interest in the Solway Firth. This is evidenced by the number of statutory and non-statutory bodies and sectors represented within the Partnership’s structure as part of the board, advisory and working groups as well as the ordinary membership and attendance at the annual conference. Facilitating consultation on local matters such as the current work on fisheries management in the Luce Bay SAC, participation in World Oceans Week and publicity materials developed by the Partnership (for example on recreational angling and the

seafood industry) all contribute to raising the profile of local issues and highlighting the importance of the Solway Firth's natural, economic and cultural resources.

The open nature of membership within the Solway Firth Partnership is one of its great strengths, as this means it can provide a forum for discussion, and in the case of conflict between members or sectors the permanent secretariat can act as a neutral facilitator for resolving disputes. In the case of the consultations for Scotland's Offshore Wind Energy Plans, the Partnership was not a facilitator of consultation but was able to take an independent view of the procedure and point out shortcomings of the process. One stakeholder pointed out that the Partnership was "very careful not to campaign against wind farms" as part of this process, recognising that members of the Partnership may have different views on the relative benefits or negative impacts such development would have on the area.

The greatest success of the Solway Firth Partnership which has been cited by stakeholders is its continuing efforts to maintain a Firth-wide approach to planning. Lobbying by the Solway Firth Partnership resulted in a concordat between the UK and Scottish Ministers responsible for overseeing marine planning which would ensure a joined up approach to marine planning for the Solway Firth. The Marine Policy Statement reaffirms this commitment to coordinated planning and information sharing across the devolved administrations.

The Across the Waters report prepared by Solway Firth Partnership has also helped to raise the profile of joint marine planning in the Solway. Although none of the recommendations made in the report have been concretely followed up by Marine Scotland or the Marine Management Organisation, the fact that decision making on Marine Regions and Marine Planning Partnerships and the commencement of plan preparation for England's North West marine area all have yet to take place means that many of the points raised in Across the Waters remain relevant and have yet to be addressed. However, such decisions are beyond the remit of the Partnership and will be driven by the resources available to and the political interests of the devolved administrations.

Of the Solway Firth Partnership's weaknesses as an agent of coastal and marine governance, SFP is subject to the same criticism that has been levelled at other coastal partnerships and fora throughout the UK (see McKenna et al (2008), Morris (2008), and Shipman and Stojanovic (2007)) in that the voluntary, non-statutory nature of coastal partnership activities lacks the power and legal weight to effect more fundamental change in the way coastal areas are managed. This problem has its foundations in the non-binding nature of ICZM Recommendation 2002/413/EC, which requires Member States to produce ICZM strategies but does not require that they have any legal powers, preferring instead to rely on the use of existing legal instruments.

Although the Solway Firth Partnership was set up before the Recommendation was published, the Recommendation has been used to highlight the ongoing need for an integrated approach to the management of marine areas and has provided further impetus for close working between agencies with responsibilities for aspects of managing the Solway on both sides of the border. Were the Solway Firth Partnership to be given more powers, for example through being reconstituted in the future as a Marine Planning Partnership, notwithstanding any future proposals for the structure of Marine Planning Partnerships which will be decided by Marine Scotland, the current membership of the Board and Advisory Groups would be unable to take on this new role. This is because many of the current representatives on the Board of Trustees and Advisory Group already have statutory

responsibilities related to their own organisations which could conflict with the remit and statutory responsibilities that could be conferred upon a more powerful Solway Firth Partnership.

In the current situation, the Solway Firth Partnership is sustained because of its perceived neutrality and role as a central point of contact and information for stakeholders with an interest in the Solway Firth. The work of the Partnership is seen to bring added value to the existing statutory planning systems. Like many organisations in the UK at the current time, the ability of the Solway Firth Partnership to continue its work is dependent mainly upon a decreasing amount of public sector funding. Whilst there is sufficient good will amongst its members to see the Solway Firth Partnership continue to operate, uncertain financial resources are a major challenge to further endeavours.

### *The Role of the European Union in Management of the Solway Firth*

In the interviews conducted as part of this case study, the influence of the European Union policies and initiatives on coastal and marine governance was found to be relatively small. With respect to environmental issues, Directives such as the Habitats, Birds and the Water Framework Directive have been transposed into UK or English and Scottish law and thus had direct effects in terms of the management of particular sites within the Solway or as part of a larger plan area in the case of the WFD.

Amongst interviewees it was felt that the key management issues in the Solway Firth are found to be drivers at a national or local levels rather than the European. For example, in relation to offshore energy, one interviewee stated that the Scottish Government's target of 80% of its energy consumption to come from renewable sources by 2020 is driven by a national political agenda to switch to a low carbon economy and become a world leader in renewable energy technologies. At a more basic level, one interviewee described support for ICZM and the work of the Solway Firth Partnership as being "driven by more local considerations. It's about the people, the organisations that have responsibilities around the Solway Firth, the communities around the Solway Firth, actually being driven by a need and that desire to be working more closely, to look after and use the Solway Firth better".

The ability of Dumfries and Galloway and Cumbria County Council to attract European Structural Funds was also noted, however much of this investment has gone towards agri-environment and rural development schemes. More recently, North and North West Cumbria has received money from the European Fisheries Fund Axis 4 Programme which aims to help small communities that are dependent on fishing, but this is being administered by a Fisheries Local Action Group rather than the Partnership.

Looking forward to other European initiatives that may have implications for the management of the Solway Firth such as the Roadmap for Maritime Spatial Planning and possible follow-up actions related to the ICZM Recommendation, the necessity for future European intervention was regarded as being of low priority. In particular, it was noted that neither the Marine Scotland nor the Department for Environment, Food and Rural Affairs (DEFRA) in England had responded to the European Commission's Consultation on Maritime Spatial Planning and Integrated Coastal Zone Management which was held in early 2011. This again was attributed to the need for national

interests to take precedence and also a desire to minimise the administrative burden that could result from any additional Directives. Furthermore, a potential mismatch between time scales for implementing marine planning at the national and local levels within England and Scotland and actions coordinated at the European level was cited as a challenge to achieving further integration of marine planning across borders and with higher levels of government.

### **Lessons for Marine Planning**

The case of the Solway Firth Partnership highlights a number of critical issues for cross-border marine planning, relating to both the process of coastal and marine planning and the potential outcomes of such initiatives. The ongoing nature of work to fully embed a system of marine planning for both English and Scottish waters means that in some cases, conclusions are based on what is known about proposals for defining marine region boundaries and the possible structure of Marine Planning Partnerships, which are subject to change, and how they might affect the way integrated marine planning for the Solway could be achieved in future.

One key lesson that has emerged from the development of marine planning on both sides of the Solway is the need for high level agreement on arrangements for cross border planning to be followed through at the regional and local levels. Whilst the Solway Firth has been successful in obtaining ministerial agreement on joint working, divergence in legislation, organisational structure and political interests on either sides of the Solway could create further barriers to developing a common approach for planning the Solway.

A second lesson relates to the boundaries of marine plan areas. The arbitrary nature of delimiting territorial, inshore and offshore waters fails to reflect the dynamic nature of the marine environment and respect ecosystem integrity, and the division of waters within the Solway Firth into separate marine plan areas could have implications for ecosystem functions that are as yet unknown. In the case of Scotland's offshore wind consultation, one of the criticisms made by Solway Firth Partnership of the process was that "Many of the proposals in the Draft Plan would have significant impacts on the south side of the Solway yet local communities and key stakeholders in England have not been consulted" (Solway Firth Partnership, 2010b). Whilst some environmental effects can be anticipated and mitigated for by way of strategic environmental assessment (SEA), a clearer understanding of the relationship between human uses of the sea and their impacts on the coastal and marine ecosystem as a whole should provide the baseline for planning decisions.

### **Conclusions**

This case study demonstrates that whilst individual nations are beginning to understand the importance of coastal and marine environments and act accordingly to implement marine planning, there are a great number of issues still to be resolved. In the first instance, the definition of plan boundaries that prevent a holistic, ecosystem-centred approach to planning for marine areas needs to be addressed. In the case of the Solway, there is popular support for a Firth-wide approach to marine planning, but differing legislation and political interests are and may continue to be a barrier to achieving integrated planning that respects ecosystem integrity. In addition, the progress of



implementation in different nations is uneven, and the preparation of marine plans along different time scales could hamper efforts towards integrated management.

At this time, many uncertainties remain about how marine planning for the Solway Firth will be implemented. However the continuing work of the Solway Firth Partnership provides a valuable resource for bringing together key stakeholders and ensuring that a cross-border perspective on marine planning is maintained.

## References

Commission of the European Communities (CEC) (2000) Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy, Brussels: European Commission

Commission of the European Communities (CEC) (2002) Recommendation of the European Parliament and of the Council 2002/413/EC on the Implementation of Integrated Coastal Zone Management, Brussels: European Commission

Commission of the European Communities (CEC) (2008) Communication from the Commission - Roadmap for Maritime Spatial Planning: Achieving Common Principles in the EU, COM(2008) 791, Brussels: European Commission

The Crown Estate (2011) Memorandum of Understanding Between the Marine Management Organisation (MMO) and the Crown Estate Commissioners (the Crown Estate) dated 8th February 2011 [http://www.thecrownestate.co.uk/mmo\\_mou.pdf](http://www.thecrownestate.co.uk/mmo_mou.pdf) [last accessed 29/08/2011]

Department of Communities and Local Government (2010) Planning Policy Statement 25: Development and Flood Risk London: TSO

Department of the Environment (1992) Planning Policy Guidance (PPG) Note 20: the Coast, London: HMSO

DEFRA (2009) a Strategy for Promoting and Integrated Approach to the Management of Coastal Areas in England, London: DEFRA

HM Government (2010) UK Marine Policy Statement: a draft for Consultation, London:TSO

Marine Scotland (2010) Draft Plan for Offshore Wind Energy in Scottish Territorial Waters, Edinburgh: the Scottish Government

McKenna, J., Cooper, A., and O'Hagan, A.M. (2008) "Managing by Principle: a Critical Analysis of the European Principles of Integrated Coastal Zone Management (ICZM)" in *Marine Policy*, 32:941-955

Morris, R. (2008) "English Nature's Estuaries Initiative: A review of its contribution to ICZM", in *Coastal Management* 51(1):25-42

Poseidon Aquatic Resource Management Ltd. (2006) Solway Firth Aquaculture Strategy <http://www.consult-poseidon.com/asp/publicproject.asp?valueid=279> [last accessed 29/08/2011]

Scottish Executive (2005) *Seas the Opportunity: a Strategy for the Long Term Sustainability of Scotland's Coasts and Seas*, Edinburgh: the Scottish Executive

Scottish Natural Heritage (1997) *Scotland's Living Landscapes: Firths*, Perth: SNH

Scottish Natural Heritage (2011) Ramsar Sites <http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/international-designations/ramsar-sites/> [last accessed 29/08/2011]

Shipman, B. And Stojanovic, T. (2007) "Facts, Fictions and Failures of Integrated Coastal Zone Management in Europe", in Coastal Management 35(2-3):375-398

Solway Energy Gateway (2011) Solway Energy Gateway Ltd.  
<http://www.solwayenergygateway.co.uk/solway-energy-home.asp> [last accessed 29/08/2011]

Solway Firth Partnership (1996) The Solway Firth Review, Dumfries: Solway Firth Partnership

Solway Firth Partnership (2009) Across the Waters - Implementation of the UK Marine and Coastal Access Act and Devolved Marine Legislation: Cross Border Case Studies, London: Wildlife and Countryside LINK

Solway Firth Partnership (2010a) Business Plan 2010-11, Dumfries: Solway Firth Partnership

Solway Firth Partnership (2010b) Solway Firth Partnership response to the Scottish Government Draft Plan for Offshore Wind Energy in Scottish Territorial Waters and SEA Consultation, letter to Marine Scotland, dated 27th September 2010

Solway Firth Partnership (2011) Company Structure,  
<http://www.solwayfirthpartnership.co.uk/structure.asp> [last accessed 29/08/2011]

Solway Firth Partnership (undated) Luce Bay and Sands SAC leaflet, Dumfries: Solway Firth Partnership

The Scottish Government (2009) National Planning Policy for Scotland 2 Edinburgh: the Scottish Executive