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# Review and evaluation of marine spatial planning in the Shetland Islands



Christina Kelly\*, Lorraine Gray<sup>1</sup>, Rachel Shucksmith, Jacqueline F. Tweddle<sup>2</sup>

NAFC Marine Centre, Port Arthur, Scalloway, Shetland ZE1 0UN, UK

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## ABSTRACT

Marine spatial planning (MSP) is a fast evolving discipline signified by the European Commission's proposed directive to create a common framework for MSP and integrated coastal management in EU waters and coastal areas. The Shetland Islands' Marine Spatial Plan (SMSP) first developed in 2006 is one of the most advanced in the UK. With seven years' experience of MSP and integrated coastal zone management (ICZM) in Shetland's waters, and the pending statutory implementation of the SMSP in 2014, Shetland represents an exemplar case study for the monitoring and evaluation of this discipline in practice. A review was carried out in 2012 to evaluate and monitor the effectiveness of the SMSP to date. This exercise highlighted achievements to date, future challenges and opportunities and helped to guide the development of the forthcoming edition of the SMSP. The sharing of knowledge and practical experiences of MSP and ICZM ensures an adaptive approach in addressing uncertainty over time. It is also imperative to understand that early 'pioneers' in this discipline may not get it exactly right on the first attempt but by developing initial precedents and processes, these can be built upon in the future.

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## 1. Introduction

MSP is recognised as an important tool in the sustainable management of marine ecosystems [1–6]. Within the EU MSP is being steered by a number of policy drivers including the EU Integrated Maritime Policy [7], Blue Growth [8], Water Framework Directive [9], Marine Strategy Framework Directive [10], Habitats Directive [11], Common Fisheries Policy,<sup>3</sup> Renewable Energy Directive [12] and the recently proposed directive to establish a framework for maritime spatial planning and integrated coastal management [13].

\* Corresponding author. Present address: School of Planning, Architecture and Civil Engineering, Queen's University Belfast, David Keir Building, Stranmillis Road, Belfast BT9 5AG, UK. Tel.: +44 28 9097 4254.

E-mail addresses: [ckelly16@qub.ac.uk](mailto:ckelly16@qub.ac.uk), [christinanicheallaigh@gmail.com](mailto:christinanicheallaigh@gmail.com) (C. Kelly), [lorraine@marineatlas.co.uk](mailto:lorraine@marineatlas.co.uk) (L. Gray), [rachel.shucksmith@uhi.ac.uk](mailto:rachel.shucksmith@uhi.ac.uk) (R. Shucksmith).

<sup>1</sup> Present address: Marine Atlas Consultants Ltd, 31 David Street, Inverbervie, Nr Montrose, DD10 0RR, UK. Tel.: +44 7751128420.

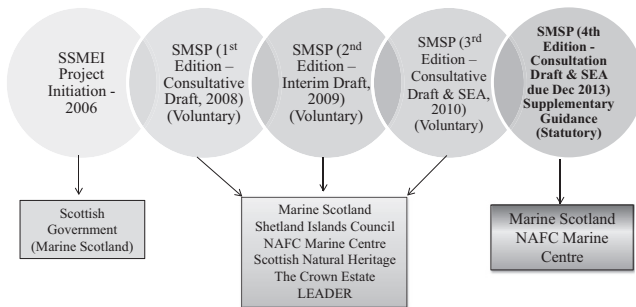
<sup>2</sup> Present address: School of Biological Sciences, Zoology Building, University of Aberdeen, Tillydrone Avenue, Aberdeen, AB24 2TZ, UK.

<sup>3</sup> The Common Fisheries Policy is currently undergoing reform. On 13 July 2011, the European Commission presented its proposals for the reform of the EU common fisheries policy and, on 2 December 2011, it proposed a new fund for the EU's maritime and fisheries policies for the period 2014–2020: the European maritime and fisheries fund (EMFF). More information available at: European Commission's Fisheries Reform website.

Marine spatial planning in the UK is currently being implemented under the Marine and Coastal Access Act, 2009, Marine (Scotland) Act, 2010 and Marine Act (Northern Ireland) 2013. As momentum gathers for a co-ordinated approach to MSP across Member States, it is prudent to reflect on pilot projects, case studies and past experiences where possible and use this knowledge to monitor and better inform new and emerging MSP initiatives around the world. This encourages collective learning and the dissemination of good practice [14]. Adaptive management will provide a basis for evolution of the concept and practice of MSP. With seven years' experience of MSP in the Shetland Islands, a review of the Shetland Marine Spatial Plan (SMSP) carried out in 2012 is a timely account of 'learning by doing'.

## 2. The Shetland Islands' Marine Spatial Plan

The SMSP commenced in 2006 under the auspices of the Scottish Sustainable Marine Environment Initiative (SSMEI), which was established by the Scottish Government via Marine Scotland and guided by a national and local steering group. The overarching aim of SSMEI was to develop and test the effectiveness of differing management approaches to deliver sustainable development in Scotland's coastal and marine environment [15]. As well as Shetland, three other pilot study areas selected: Firth of Clyde, the Sound of Mull and the Berwickshire coast. Shetland however,



**Fig. 1.** Key stages in the development of the SMSP (2006–present), illustrating the adoption of editions on a voluntary or statutory basis. Funders for each edition are also shown.

is at the most advanced stage of all of the four pilot areas with the pending publication of the fourth iteration of the SMSP, Fig. 1. The SMSP has been constructive in helping the Scottish Government to develop a national planning framework for Scotland [16].

Whilst funding for the SSMEI project ended in 2010, the SMSP with support from the Scottish Government through Marine Scotland, continues to be developed as part of the core work of the NAFC Marine Centre, Shetland Islands. The Marine Spatial Planning team at the NAFC Marine Centre engage regularly with key stakeholders, supported by a Local Advisory Group. The Local Advisory Group comprises decision-makers, regulators, non-Governmental Organisations (NGOs), local industry and community representatives. Currently there are 21 active members representing the Shetland Islands Council (planning, coastal zone management, natural heritage, ports and harbours, elective representatives); NAFC Marine Centre marine spatial planning section staff; Marine Science (compliance); Shetland Community Councils; Scottish Environmental Protection Agency (SEPA); Scottish Natural Heritage (SNH); Fair Isle Marine Environment & Tourism Initiative (FIMETI); Shetland Amenity Trust (Biological Records & Archaeology); Royal Society for the Protection of Birds (RSPB); and marine industries including oil and gas, aquaculture, fishing (shellfish and finfish) and renewable energy.

The SMSP provides a policy framework and baseline spatial data to guide the placement of marine developments. The policies and spatial data encompass socio-economic, cultural and environmental uses and features. The SMSP was voluntarily adopted by the local advisory group in 2008, including the Shetland Islands Council, government agencies (SNH, SEPA) and industry representatives; and since then has been consulted when assessing marine developments.

Shetland Islands Council intends to adopt the SMSP on a statutory basis as 'Supplementary Guidance' to its Local Development Plan in 2014. Shetland Islands Council is in a unique position to adopt a marine spatial plan due to the consenting power afforded to it under the Zetland County Council Act 1974, as amended, (the ZCC Act).

Following the emergence of the oil industry in Shetland in the 1960s new powers were conferred on the Shetland Islands Council under the ZCC Act, whereby the Shetland Islands Council has a duty to promote the conservancy of, and control of development in, the coastal area of Shetland, with the exception of those areas under the jurisdiction of Lerwick Port Authority or Broonies Taing Pier Trust.<sup>4</sup> In this context, the placing of any works as defined by the ZCC Act, in the sea, on the seabed or on the foreshore below Mean High Water Springs (MHWS) and out to 12 nautical miles will require consent in the form of a works licence from the



**Fig. 2.** Location map of the Shetland Islands. The spatial extent of Shetland Islands' Marine Spatial Plan area is shaded in grey representing the 12 nautical mile limit from Mean High Water Spring. Contains UKHO data © Crown copyright and/or database rights. © NAFC Marine Centre.

Shetland Islands Council. 'Works' means developments of all types, excluding those for the purposes of marine fish farming which requires a separate consent from the Shetland Islands Council under the Town and Country Planning (Scotland) Act 1997 (as amended).

Whilst all councils in Scotland have produced plans to manage the placement of marine aquaculture developments, the unique consenting powers under the ZCC Act gives the Shetland Islands Council an opportunity to test a holistic local policy framework to guide the placement of all development within marine waters around the Shetland coast through the development of the SMSP.

The policies and maps in the SMSP will be material considerations in decision-making on individual marine planning applications and works licences within Shetland's coastal and marine waters out to 12 nautical miles (NM) as illustrated in Fig. 2. The SMSP aims to streamline the development application process by enabling developers to identify suitable areas for development and potential constraints at the feasibility and pre-application stage. This should lead to a reduction of conflicts and provide greater certainty for long term investment decisions by decreasing commercial risk and remaining regulatory burden [17].

### 3. Review methodology

The review of the SMSP was carried out in 2012 by the Marine Spatial Planning team based at the NAFC Marine Centre to help

<sup>4</sup> Zetland County Council Act, 1974.

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