



Good governance and the role of the public in Scotland's marine spatial planning system

Glen Smith

Norwegian College of Fishery Science, UiT The Arctic University of Norway, 31 Ambrose Avenue, Colchester CO34JY, UK

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ABSTRACT

Marine spatial planning (MSP) is designed partly to implement the ecosystem-based approach to the management of marine resources worldwide. This article focuses on the principles of good governance to which MSP is tied: principles of transparency and participation. With increasing efforts to analyse the impact of MSP, it is timely to explore its commitment to these principles of good governance. Guided by governance theory this paper explores the opportunities that exist in Scotland's MSP system for communities to voice their opinions in decision-making processes. Whilst authorities in Scotland are doing a good job of transferring the National Marine Plan to local planning regions, there are some issues relating to planning partnerships in these regions and the activities of the Crown Estate. Further analysis is offered by considering terrestrial planning in Scotland, where communities often feel excluded and are challenging the status quo in planning processes through alternative, informal governance arrangements. The roles and rights of communities have taken centre stage in land reform debates, which has not been the case in MSP. By looking outward (and inland) it might be possible to design a more adaptable and inclusive MSP system.

1. Introduction

Marine ecosystems are highly complex and humans are a part of them. By pursuing activities such as oil and gas extraction, fishing, marine renewable energy development, aquaculture, recreation, transport, etc. we become part of an intricate socio-ecological system. When attempting to manage marine resource access and use we have to take this into account [1]. Consequently there has been a shift from sector-based and species-based natural resource management towards ecosystem-based management (EBM) [2]. EBM “seeks to broaden the scope of traditional resource management so that it considers a wider range of ecological, environmental and human factors in the exploitation of resources” [3:821].

One relatively new tool developed as part of the EBM is marine spatial planning (MSP). MSP is intended as a move beyond the disjointed, sectoral planning approaches to marine resource management that struggle to fully take into account the interactions, synergies, and conflicts between resource users, as well as their cumulative impacts on the natural environment [4–7]. In its simplest form MSP is a map-based effort to collate wide-ranging data on marine and coastal socio-ecological systems with the aim of better informing the distribution of human activities. It is also intended to provide a more streamlined approach to licensing for marine developments [8,9]. This is occurring in an era of dramatic change for many coastal and marine environments

as they face ‘blue growth’ pressures. In Europe blue growth refers to the maritime contribution to the Europe 2020 strategy, which is aimed at achieving smart, sustainable and inclusive growth [10]. The targeted maritime industries are aquaculture, coastal tourism, marine biotechnology, ocean energy, and seabed mining. One challenge faced by MSP practitioners is to reconcile these emerging pressures with existing uses of marine space and resources, and with the preservation of vulnerable ecosystems. What is emerging is an increasingly complex marine management scenario.

MSP is, in theory, a participatory process: being based on the strong foundations of stakeholder and public engagement [11]. It has been described as “a public process of analysing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives that are usually specified through a political process” [12: 18]. If MSP is a ‘public process’ then it follows that the supporting governance system would allow ample opportunity for a wide range of actors to contribute in some way to the planning process. This ties MSP to principles of good governance, in particular those of participation and transparency [13]. These principles are rooted in classical ideas of democracy, most fundamental among which is that people have the right to be heard when the decisions being made concern them [14]. Nevertheless, some reports suggest that MSP does not always follow these principles in practice. For example, Jones, Lieberknecht and Qiu [15] have suggested that in

E-mail address: glen.smith.mi@gmail.com.

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many European MSP systems “[t]op-down processes tend to dominate, [with] more participative platforms tending to be ‘disconnected by design’ from executive decision-making” (p. 256). This raises questions over the roles played by the actors making the decisions (or those operating in close proximity to the decision-making process), the transparency of their activities, and where this arrangement leaves actors who hold no executive powers. In short, it raises questions over how ‘public’ MSP processes really are.

It seems that the act of planning marine and coastal areas – and indeed of planning more generally – often presents a dichotomy between democratic, broad participation – including the benefits of this for planning legitimacy [13,16] – on the one hand, and, on the other hand, the need to arrive quickly and efficiently at planning solutions and allow capable actors to seize, or facilitate, (sustainable) development opportunities. MSP promotes open debate but, as Ehler and Douvère (2009) point out, it also relies on strong leadership and clarity over which actors will carry decision-making authority [12]. This a fine balance to strike. By asking what opportunities members of the public have for making some form of contribution to the decision-making process, and what the barriers are to this, this paper focuses on the way MSP systems are governed; as it is through governing systems that that these opportunities and barriers will have been institutionalised. Discussions around this question can further attempts to analyse the performance of MSP systems in practice, or ‘MSP-ing’ [15].

A useful case for exploring these issues is that of MSP in Scotland’s inshore waters: an area defined as extending to 12 nautical miles from the Mean High Water Springs (MHWS). This area is under considerable blue growth pressures, such as from the aquaculture industry, but most notably from marine renewable energy generation. It is hoped that generating energy from wind, tidal and wave devices can help contribute to the Scottish Government’s pioneering ambition to supply the equivalent of 50% of Scotland’s heat, transport and electricity consumption from renewable sources by 2030 [17]. These uses compete for space with a range of other marine activities, including fishing, recreational pursuits, oil and gas infrastructures, tourism, shipping, etc. Blue growth pressures must be reconciled with these existing industries and also with efforts to conserve inshore marine habitats and achieve ‘Good Environmental Status’ under the EU Marine Framework Strategy Directive.

Given the momentum building behind MSP in Scotland it is important to scrutinise the supporting governance system and the way it facilitates public participation in decision making. This paper examines the channels through which the public is invited to participate in marine planning activities in Scotland. It considers factors such as when this participation takes place and which barriers exist. Participatory processes are viewed in the context of the role played by key players in a centralised marine planning system in Scotland, such as the Crown Estate, which is described in more detail below. The paper mobilises theories on modern forms of governance and the re-politicisation of society, which both demand greater public input into decision making, as well as a description of the levels of citizen participation. The central question is, with MSP processes in Scotland purporting to encourage public participation, what are the practical barriers or limits to this? The analysis is extended by re-visiting the relationship between marine and terrestrial planning. Despite being a well-established practice, land use planning in Scotland often faces criticism for excluding the public in key decision-making processes. Consequently, there are pressures to reform the system and the role of communities within it is regularly scrutinised. The paper concludes with a suggestion for how more public debate on marine management issues might be integrated in Scotland’s MSP system.

2. Methods

This research is based on a combination of document analysis, interviews, and participant observation and builds on previous work

[13,18,19]. The first task was to gain a good understanding of stakeholder engagement in MSP from the existing literature [for example: 4, 6, 7, 9, 11, 12, 15]. It became clear from the reading that stakeholder engagement is a vital element of MSP but that in practice it is being conducted to varying degrees. This observation formed the basis of this research but the aim was not to prove or disprove a general theory or hypothesis of stakeholder engagement in MSP, but instead to conduct an inductive study whereby this practice would be observed, interpreted and re-interpreted [20] to uncover “the meaning for several individuals of their lived experiences of a concept or phenomenon” [21:58].

A case study approach was chosen to make the observations. A case study is appropriate for asking ‘how’ or ‘why’ questions about a “contemporary set of events over which the researcher has little or no control” [22:13]. It enables the study of a phenomenon “within its real-life context and addresses a situation in which the boundaries between phenomenon and context are not clearly evident.” [23:59]. Key policy documents for MSP in Scotland were analysed but not subjected to a full content analysis, which involves a compression of the text based on explicit rules of coding [24]. Instead main themes were identified to build up a greater understanding of if and how the governance system for MSP in Scotland is tailored to include the views of stakeholders and the public when making decisions on the use and non-use of marine and coastal space through MSP. Document analysis was a cost-effective and efficient way to further develop the case study [25].

The research was supplemented by extensive fieldwork in Scotland. This provided a thicker narrative and more nuanced view of reality [26]. The fieldwork was conducted in three clusters in 2013, 2014 and 2015, and comprised 21 formal, semi-structured interviews. A limited number of questions were prepared for each interview [27]. Some of these questions sought to uncover how and when stakeholders would be engaged in MSP, and others were more general and intended to provide further understanding of the roles of various actors in MSP, and how the governance system was structured. On occasions not all of the prepared questions were posed as they were either anticipated or more relevant lines of investigation emerged in situ. This is a strength of the semi-structured interview method [28]. All interviews were recorded and followed up where necessary via phone or email to clarify any outstanding points. Interviewees came from a broad range of organisations and bodies including The Crown Estate, The Highland Council, The Orkney Islands Council, the Orkney Fishermen’s Society, the European Marine Energy Centre, Marine Scotland, the Marine Scotland Licensing and Operations Team, the Moray Firth Coastal Partnership, Community Land Scotland, The Development Trust Association, The University of Edinburgh, Heriot Watt University, The Cairngorms National Park Authority, The East Neuk Estates, the Community of Arran Seabed Trust, the Knoydart Foundation, and the Scottish Parliament. One interviewee extended an invitation to two consultation events for on the *Planning Issues and Options* for the Pentland Firth and Orkney Waters (PFOW) ‘Pilot Plan’. These were held in Kirkwall, Orkney and in Thurso in July 2014 and provided an excellent opportunity to witness stakeholder and public engagement at first hand. As a non-stakeholder the care was taken to vary the level of participation between passive, to moderate, or active depending on the topic and context, so as not to influence proceedings too strongly [29]. Mostly the events were an opportunity for passive observation and to conduct impromptu, informal interviews with participants during the coffee breaks and at the end of formal proceedings.

3. Theoretical basis

Public participation requires a redistribution of power in a governance system [30]. Without this redistribution of power citizens cannot help mould decision outcomes, and participatory practices can amount to little more than ‘therapy’ or even ‘manipulation’ [30]. Arnstein conceptualises levels of citizen participation – and the powers

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