England's evolving marine and coastal governance framework

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ARTICLE INFO

ABSTRACT

This paper reviews the principal marine and coastal policy changes in England since 1999. The key changes identified are the establishment of a strategic national marine and coastal policy direction, new marine legislation and institutions, the emergence of a marine planning framework, the consolidation of Integrated Coastal Zone Management approaches to coastal governance, the establishment of a Marine Protected Area network, and the decline of coastal partnerships. The European Union, UK National Government, and devolved administrations are identified as key influences on the governance evolution and their relative contributions are discussed. It is concluded that the English marine and coastal governance context has evolved significantly since 1999 and that the new framework, if implemented successfully, represents a genuine step towards an integrated governance framework for England's coasts and seas.

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1. Introduction

This paper identifies and discusses key changes to the marine and coastal governance arrangements in England since 1999. This datum point was selected as it was when the last special issue of Marine Policy focused on the United Kingdom (UK) was published. The papers in the 1999 special issue collectively form a commentary on the marine and coastal governance arrangements in the UK at that time. Of particular note was an article within the special issue authored by Rhoda Ballinger entitled "The evolving organisational framework for Integrated Coastal Management (ICM) in England and Wales", which presented a review of the main components of the then prevailing coastal (and to a lesser extent marine) governance framework [1]. The article examined factors promoting and constraining coastal integration and articulated a prognosis for integrated coastal and marine governance in England and Wales. It concluded that the 1999 coastal governance framework was unlikely to deliver an integrated approach due to: complex national-level coastal governance arrangements; piecemeal development of legislation; a lack of coordination between land and marine governance; weak horizontal integration at the local level; and limited European influence. However, the author expressed ambitions for local-level partnerships to engender greater integration and improvements in governance amongst coastal practitioners and stakeholders more widely [1].

The English marine and coastal policy landscape has evolved considerably since 1999, as evidenced by the enactment of the Marine and Coastal Access Act (2009), the publication of the UK

Marine Policy Statement and the English national Integrated Coastal Zone Management (ICZM) Strategy, the establishment of a marine spatial planning[1] system, and an evolving Marine Protected Area (MPA) network. The influence of the European Union on marine and coastal governance in England has strengthened to become a dominant driver, particularly in relation to ICZM, marine spatial planning, marine conservation, and environmental standards, including through the Water Framework Directive (2000/60/EC), Habitats Directive (92/43/EEC), the Marine Strategy Framework Directive (2008/56/EC), ICZM Recommendation, and European Maritime Spatial Planning Roadmap. The Common Fisheries Policy has remained the dominant influence on fisheries management since 1999 and despite past reforms, its efficacy continues to prompt contentious debate [2,3]. Whilst acknowledging that the views of Ballinger (and other authors) on the status of marine and coastal governance in England have changed since 1999 [4–9], this date remains a useful baseline against which to consider marine and coastal governance evolution in England.

The selection of marine and coastal governance changes included in this paper initially reflected topics discussed at the Marine and Coastal Policy Forum held in Plymouth in 2011, but evolved through subsequent discussion between the authors, practitioners, and policy-makers. In the final selection, there is an emphasis towards governance changes that are cross-sectoral rather than those that affect a single sector. There is also a degree of consistency between the governance changes presented in this paper with the key research questions identified for marine and coastal policy in the

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[1] Marine Spatial Planning is referred to as 'marine planning' in the UK and shall be referred to as such in this article.

UK in a recent paper by Rees et.al. [10]. The key governance changes considered in this paper are:

- The development and implementation of new strategic marine and coastal governance legislation and policy.
- The emergence of a marine planning framework.
- The consolidation of ICZM.
- The emergence of a Marine Protected Areas (MPA) network.
- The decline of coastal partnerships.

Although this paper is focused on England, discussion of governance evolution at other spatial scales is selectively included, as it is impossible to examine English marine and coastal governance without considering the policy framework and political priorities at the UK, European and global scales. Moreover, the need to take an ecosystem-based approach necessitates wider spatial considerations of the shared management and governance challenges facing UK seas. It should also be noted that since 1999, the UK government has gradually devolved a range of powers to new democratic bodies in Scotland, Wales and Northern Ireland. Each country has subsequently developed a customised approach to marine and coastal governance that reflects the specific circumstances and priorities that apply to its marine and coastal area. This presents additional governance complexity where these jurisdictions meet. It should therefore not be assumed that any observations in this paper related to England can be applied equally to Wales, Scotland or Northern Ireland.

2. Marine and coastal governance evolution in England since 1999

2.1. New legislation and strategic policy direction

The most notable change in England's marine and coastal governance framework since 1999 has been the enactment of the Marine and Coastal Access Act, 2009. The key drivers for the Act were rooted in the increasing density and diversity of marine activities, including increased demands for recreation, extractive industries and renewable energy generation, alongside new European and internationally driven conservation requirements. These drivers were set within a wider context of government reviews and discourse concerning the need to improve and strengthen marine management in the UK. Legislative development also reflected considerable effort by a range of sectoral stakeholders, particularly environmental non-governmental organisations, to publicly campaign and lobby government for an improved framework to support marine conservation and the rational planning of marine space [11,12]. Particular emphasis was placed on the need to establish an MPA network to deliver marine conservation benefits and the introduction of a system to facilitate the development of the offshore renewable energy industry. More broadly, the Marine and Coastal Access Act responded to recognition that England required an updated marine and coastal governance framework better suited to the challenges of the 21st century and able to facilitate the sustainable development of the UK seas. The aspiration to enhance marine-oriented socio-economic activity accords strongly with the European Integrated Maritime Strategy which identified the development of the 'Blue Economy' as a priority for European member states [13].

The Marine and Coastal Access Act, 2009 sets out the statutory basis for a new ecosystem-based plan-led system for marine activities intended to achieve sustainable development in the UK marine area. As part of this new governance agenda the Marine Management Organisation (MMO) was established and instituted changes including the development of a marine planning framework, a streamlined marine licensing system, the requirement for a network of MPAs, the replacement of Sea Fisheries Committees with more environmentally

focused Inshore Fisheries and Conservation Authorities (IFCAs), enhanced standards of coastal access, greater provision of and access to marine environmental data and information, and support for coastal and estuary management. The Act has been described unfavourably as a "missed opportunity" with respect to its marine conservation measures [14] and a "hornet's nest" with respect to the role of IFCAs, loopholes in the implementation of marine planning, and a lack of concrete targets for highly protected marine reserves [15]. However, despite these criticisms, its enactment represents an important milestone in the evolution of coastal and marine governance in England as it is the UK's first piece of comprehensive legislation focused on the governance of the marine and coastal environment.

Also in 2009, the UK government and the three devolved administrations (Northern Ireland Executive, Welsh Assembly Government and the Scottish Government) adopted a set of high level marine objectives to steer their efforts and ensure consistency in approach towards the UK government vision for "clean, healthy, safe, productive and biologically diverse oceans and seas" [16]. This clear government charter was reinforced and supplemented with greater policy articulation in the form of the UK-wide Marine Policy Statement, which was adopted by all four administrations in March 2011 [16]. The policies within the UK Marine Policy Statement are to be applied through primary legislation including the Marine and Coastal Access Act (2009) for England and Wales, the Marine Act (Scotland) (2010) and the Northern Ireland Draft Marine Bill. Marine planning has emerged as the dominant approach for the governance of marine space and the resources therein. Adoption of the UK Marine Policy Statement places a statutory obligation to develop marine plans, with each devolved administration developing its own marine planning arrangements and delivery mechanisms. Although the approaches of marine planning authorities, such as the Welsh Government and Marine Scotland, may vary to reflect the specificities of their seas and local approaches to marine governance, all marine plans within the UK must be consistent with the Marine Policy Statement.

2.2. Emergence of a marine planning framework

Marine planning is a framework that aims to assist "public authorities and stakeholders to coordinate their action and optimise the use of marine space to benefit economic development and the marine environment" [17]. The Marine Policy Statement notes that in the UK, the process of marine planning will "contribute to the achievement and integration of sectoral/activity-specific policy objectives within a framework of economic, social and environmental considerations in order to deliver the high level marine objectives" [16]. Furthermore, marine plans will have an important role in informing marine licensing decisions, in particular generating clarity for developers in relation to where new activities can be located and to ensure consenting decisions contribute towards sustainable development in the marine area and the wider context.

The European Union has published guidance and advice on maritime spatial planning, including the European Roadmap for Maritime Spatial Planning [17], presented a summary of its progress towards Marine Spatial Planning [18], and has recently consulted on a joint Maritime Spatial Planning and ICZM Directive. UNESCO has also promoted improved marine governance and published the influential step-by-step guide to Marine Spatial Planning [19].

The current status of marine planning in a number of countries was reported in a special issue of this journal in 2008 [20]. Since then, the ongoing sharing of global experience of marine planning has indicated that a range of models of marine planning exist and that each marine planning system has adapted to the specific needs and context of each country [21–23] and that "one size won't fit all" [24]. Many of the existing marine plans address intensively-used but relatively small geographic areas (e.g. Belgium [25]) or large areas