

MARINE PLANNING :
APPLYING THE UK TRADITION
OF DISCRETIONARY PLANNING TO THE SEAS

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GROWING DIVERSITY IN MARITIME SPATIAL PLANNING

Maritime / marine spatial planning (MSP) has largely been conceptualised by marine science and management communities, drawing on notions of rationalistic resource management. This emphasises, for example, the efficient use of marine space for maritime activities, based on scientific knowledge and the demands of environmental protection¹. However, links are now being made to more socially- and policy- oriented spatial planning concepts, which emphasise the need to achieve policy priorities as determined by wider governance frameworks, reflecting a range of maritime interests².

This reflects the much more established practice of spatial planning in terrestrial contexts, where planning has long been recognised as a politically and socially-driven process, by which economic development goals can be facilitated³. This is especially the case as MSP is being implemented not just through scientific and pilot projects, but at official levels. As statutory systems of MSP are now being put in place, it is being invested with wider political purposes, as coastal nations seek, for example, to benefit economically from their marine resources⁴. Moreover, in some contexts, MSP is being formally connected with terrestrial planning frameworks. As a consequence, MSP is beginning to reflect the diversity of terrestrial planning systems and practices as seen in different

¹ S. JAY «Built at Sea : Marine management and the construction of marine spatial planning», *Town Planning Review*, 81, 2010, 173-191.

² I.C. PLASMAN «Implementing marine spatial planning : A policy perspective», *Marine Policy* 32 (5), 2008, 811-815.

³ P. HEALEY, *Collaborative Planning : Shaping Places in Fragmented Societies*, Macmillan, Basingstoke, 2006, 2nd edition.

⁴ S. JAY and F. FLANNERY «International Progress in Marine Spatial Planning», in A. CHIRCOP *Ocean Yearbook*, 27, 171-212, 2013, Martinus Nijhoff, Leiden.

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jurisdictions⁵. This in turn reflects the jurisdictional variety of political, legal and administrative systems into which planning systems are integrated⁶.

CHARACTERISTICS OF PLANNING IN THE UNITED KINGDOM

One nation where the influence of the wider governance and planning context on the shape of MSP is particularly evident is the United Kingdom. The UK's terrestrial spatial planning has long been recognised as having distinct aspects compared to many other planning systems around the world⁷. These characteristics are now becoming apparent in the UK's approach to MSP, setting it apart, in certain respects, from other forms of MSP.

The British planning system is generally characterised as 'discretionary', in that plans do not prescribe the exact details of development, but set out preferred terms through policy statements and spatial options⁸. Development proposals will be considered with reference to plans, but also by taking other 'material considerations' into account⁹. Planners thus have the discretion to take into account issues that may not have been apparent when drawing up the plan, and actual development may deviate considerably from a plan's provisions¹⁰.

This is in contrast to other planning systems which are generally characterised as being more 'regulatory' in nature, with plans setting out conditions of development in much more spatially prescriptive terms; various zoning instruments may be used, for example, in which classes and forms of development as stated in the plan must be adhered to in given areas¹¹. This has arguably led to different physical outcomes for urban areas, such as more organic and ad hoc patterns of development in the UK, compared to the more evenly-structured forms which tend to be found in some other European nations.

THE STATUTORY FRAMEWORK FOR MSP IN THE UK

The UK has actively developed policy on MSP (referred to simply as 'marine planning' in the UK) since 2000¹².

⁵ G. LARSSON, *Spatial Planning Systems in Western Europe : An Overview*, 2006, IOS Press, Amsterdam.

⁶ P. BOOTH *Controlling Development : Certainty and Discretion in Europe, the USA and Hong Kong*, 1996, Routledge, London.

⁷ B. CULLINGWORTH and V. NADIN, *Town and Country Planning in the UK*, 2015, 15th edition, Routledge, London.

⁸ P. BOOTH «Discretion in planning versus zoning», in B. CULLINGWORTH (ed) *British Planning : 50 Years of Urban and Regional Policy*, 1999, 31-44.

⁹ A. PRIOR «UK Planning Reform : a Regulationist Interpretation», *Planning Theory and Practice* 6 (4), 2005, 465-484.

¹⁰ P. BOOTH «Zoning or discretionary action : certainty and responsiveness in implementing planning policy», *Journal of Planning Education and Research*, 14 (2), 1995, 103-112.

¹¹ P. BOOTH «How effective is zoning in the control of development? *Environment and Planning B*», 16, 1989, 401-415 ; P. HEALEY and R. WILLIAMS «European urban planning systems : diversity and convergence», *Urban Studies*, 30 (4/5), 1993, 701-720.

¹² DEFRA «Safeguarding Our Seas : A Strategy for the Conservation and Sustainable Development of our Marine Environment», 2002, Defra, London ; DEFRA «A Sea Change : A Marine Bill