

MASPNOSE

**Preparatory Action on
Maritime Spatial Planning
in the North Sea**

MASPNOSE final report

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List of abbreviations

DBSG	Dogger Bank Steering Group
EC	European Committee
EEZ	Exclusive Economic Zone
EIA	Environmental Impact Assessment
EL&I	Dutch Ministry of Economic Affairs, Agriculture and Innovation
EU	European Union
FIMPAS	Fisheries Measures in Protected AreaS
ICES	International Council on Exploration of the Sea
ICZM	Integrated Coastal Zone Management
I&M	Dutch Ministry of Infrastructure and Environment
M&E	Monitoring and Evaluation
MASPNOSE	MAritime Spatial Planning in the NOrth SEa
MSP	Maritime Spatial Planning
NGO	Non Governmental Organisation
NSRAC	North Sea Regional Advisory Council
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
TOR	Terms of Reference
UK	United Kingdom
UNEP	United Nations Environment Programme

Executive Summary

MASPNOSE is a preparatory action on Maritime Spatial Planning (MSP) in the North Sea. MASPNOSE facilitated two concrete, cross-border MSP case studies on the North Sea: 1) the Belgian-Dutch collaboration on the **Thornton Bank** in the southern North Sea, and 2) the development of an international fisheries management plan for the **Dogger Bank** in the central North Sea. During the MASPNOSE project several lessons were learned on cross-border MSP that can be summarized in the following key messages:

Key message 1: MSP requires a clear process with identified steps, deliverables and quality assurance.

From the MASPNOSE case studies it became clear that MSP requires a clear process with identified procedural steps, deliverables and quality assurance. The procedural steps for a MSP process need to be clear to all participants and need to be linked to a legal framework, deliverables and a decision-making process. In a cross-border context, these requirements are even more pronounced than in a national context and special attention needs to be given to:

- i) the organisation of cross-border stakeholder involvement may prove challenging due to different national stakeholder related practices and procedures as well as legal and policy constraints;
- ii) quality assurance through scientific advisory boards and legal frameworks, and
- iii) coherent planning and permitting system in the respective member states.

Key message 2: Effective stakeholder involvement in MSP requires a strategic differentiation between front-stage and back-stage transparency.

The Dogger Bank case study showed that there is a need to distinguish between front-stage transparency (to the entire public) and back-stage transparency (to a selected group of stakeholders). It is important that trust is built between the selected group of stakeholders. Front-stage transparency refers to the general public on the objectives of the process, who are involved and what phase it is in. Back-stage transparency is limited to the directly involved stakeholder groups and is used to share information for building trust and joint learning and fact finding among stakeholders.

Key message 3: Geo-spatial analyses have an important role in MSP.

The Dogger Bank case study has shown that geo-spatial analyses have an important role in MSP. This refers to analysing current conditions, future scenarios and potential effects of measures (including cumulative effects). The use of interactive geo-spatial tools has proven very productive for stakeholder involvement and joint fact finding in MSP. Procedures for when and how geo-spatial tools will be used should be clear to all participants.

Key message 4: The EC 10 key principles on MSP are already being applied, but some principles are lacking.

Most of the EC 10 key principles on MSP have already been accounted for by those Member States involved in MASPNOSE, that have developed spatial plans (i.e. all except Denmark). The principles have been used in a rather general sense and not as a specific guideline. The principle on the connection between MSP and ICZM has not been explicitly implemented so far. Further challenges for cross-border MSP that are not addressed in the 10 key principles are: (1) establishing mandate and accountability; (2) financing of stakeholder involvement; and (3) adaptive management.

Key message 5: Monitoring and Evaluation of a MSP process needs to be defined at the beginning of the process as part of a Quality Assurance programme.

Monitoring and Evaluation of a MSP process needs to be defined at the beginning of the process as part of a Quality Assurance programme. Monitoring and Evaluation of a MSP process should ideally be carried out by experts who are not involved in the content of the MSP process. The MASPNOSE Initial Assessment has shown that Monitoring and Evaluation is currently not always an explicit part of MSP processes in the Member States involved in this preparatory action. Cross-border MSP processes pose specific challenges because of the potentially different phases in the policy cycle in different Member States.

Key message 6: MSP with cross-border implications has three potential levels of engagement; coordinating, consulting or informing.

The EC 10 key principles for MSP stipulate that "Cross-border cooperation and consultation" is one of the key principles. In the MASPNOSE project, we have found that there is often a misunderstanding about what is actually meant with the cross-border implications of MSP. Coordinating, consulting or informing are three different levels of engagement in cross-border situations.

1 Introduction

MASPNOSE is a Preparatory Action on Maritime Spatial Planning (MSP) in the North Sea, co-funded by the DG MARE under tender 2009/17. MASPNOSE aims to facilitate concrete, cross-border cooperation among European countries on ecosystem-based MSP. Building on previous and on-going initiatives, the project explores opportunities for collaboration among North Sea countries and for international strategies in the Southern North Sea, establishing elements for a common agenda for cooperation of countries in the region.

MASPNOSE gathered information and analysed the current conditions on MSP in the North Sea, including ecological and biological features as well human use and its impact. This information has been used to design a process for cross-border MSP and to develop a concept for monitoring and evaluation of these processes.

MASPNOSE focussed on two case studies:

- Thornton Bank. The case study comprises an area between Belgium and The Netherlands, partly on sand banks located on both sites of the border. Cross-border MSP could aid to address the issue of wind energy, shipping, fisheries management, aquaculture and nature conservation.
- Dogger Bank. The case study comprises an area between the United Kingdom, The Netherlands, Germany and Denmark. Cross-border MSP could aid to address the issue of fisheries management, nature conservation and sustainable energy production.

MASPNOSE started on 1 December 2010 and finished on 31 May 2012.

1.1 Approach

The MASPNOSE project followed a largely process-driven approach in which different elements of cross-border MSP could be tested in practice. In the process-driven approach, most of the focus was devoted to the decision-making aspects of MSP and relatively less on getting a full spatial analysis of the planning areas. Because the two case studies were very different in setup and properties, each of the case studies explored different aspects of MSP. The Thornton Bank case study focussed on pre-planning, mandate and objectives for cross-border collaboration. The Dogger Bank case study focussed on the stakeholder involvement process and techniques for resolving differences of opinion between a range of multinational stakeholders and multiple sectoral interests in developing a spatial plan for a cross-border area of several Member States. The combination of the two case studies allows us to draw meaningful conclusions on cross-border MSP.

1.2 Terminology

The concept "**stakeholder**" has been an important component in the MASPNOSE project and features prominently in this report. A general definition of stakeholder in MSP is: "*Any group*

or individual that can affect or is affected by a decision in the MSP process" (adapted from Freeman, 2001). This is a very broad definition of stakeholders, that includes government representatives and researchers as stakeholders. The more narrow interpretation of stakeholders refers only to industries and NGOs that have a link with the decision-making process and an interest in the outcome of that process. In the practice of carrying out the MASPNOSE project, most of the participants implicitly referred to the more narrow definition of stakeholders. We have tried to make the distinction more clear by referring to "government stakeholders" , "private stakeholders" and "researchers".

Another important concept we used is "**monitoring and evaluation**". Monitoring and Evaluation in the context of MSP has two distinct meanings: (1) monitoring and evaluation of the "system developments" after a maritime spatial plan and associated measures have been agreed and implemented; (2) monitoring and evaluation with regards to the quality control of the process of planning. The latter meaning of monitoring and evaluation has been used in this report.

1.3 Reading guide

This report is structured in the following sections:

Section 2 provides a description of the methodology and procedural steps used for the cross-border MSP process.

Section 3 provides the resulting vision and common objectives for MSP in cross-border areas.

Section 4 describes the experience gained in the development of MSP in a cross-border context.

Section 5 describes the general experiences gained in cross-border context.

Section 6 describes the specific needs and challenges of the MSP process in a cross-border context.

Section 7 describes elements for a suitable monitoring and evaluation process.

Section 8 provides recommendations for set-up of MSP in a cross-border area.

Section 9 provides general conclusions.

Section 10 provides general recommendations.

2 Methodology and procedural steps used for the cross-border MSP process.

2.1 Thornton Bank case study

In this case study several formal meetings and informal communications took place between the MASPNOSE partners and the governmental stakeholders from Belgium and The Netherlands.

- Kick off meeting in Rotterdam (03.04.2011);
- Workshop with Belgian stakeholders in Ghent (30.08.2011);
- Interviews with governmental stakeholders in Belgium and The Netherlands (August – September 2011);
- Stakeholder workshop 1 in The Hague (13.10.2011);
- Stakeholder workshop 2 in Ghent (07.02.2012);
- Stakeholder workshop 3 in Hamburg (29.03.2012).

During the kick off meeting and workshop 3, representatives of DG Mare and DG Environment were present.

Representatives of the governmental stakeholders varied from workshop to workshop, but at least all stakeholders were invited and equally informed. Governmental stakeholders representing fisheries from both countries were mostly absent during the workshops, although invited.

The (government) stakeholder process in the Thornton Bank case study consisted of several rounds of interactions (Figure 2-1).

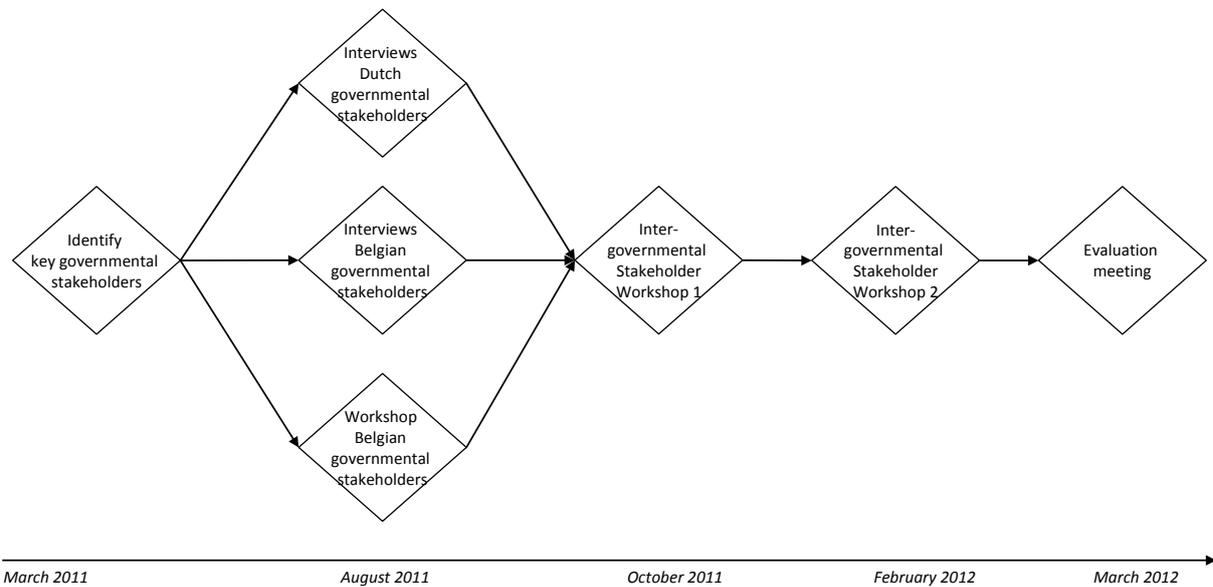


Figure 2-1 Stakeholder process Thornton Bank case study

A first step in the case study was to identify the key governmental stakeholders. These stakeholders were identified based on the activities that are on-going or planned in the area of the Thornton Bank. In the case study, there were governmental stakeholders involved representing departments of environment, economics, shipping and fisheries. Fisheries government representatives were invited, but did not participate in the workshops (they were only interviewed). One of the potential reasons for this absence seems to be the on-going negotiations towards a new EU Common Fisheries Policy, which is a core business for fisheries administrations.

After the identification of key stakeholders the case study started by conducting interviews with Belgian and Dutch authorities responsible for policy, management and administration of this marine area. A series of six interviews with contact persons from the Dutch administration and five interviews with contact persons from five different Belgian administrations were conducted. In addition, a workshop was held with five participants from the Belgian administration in Ghent on 30 August 2011. In this small workshop in Ghent it became clear that: 1. there were several sectoral contacts with Dutch colleagues at various levels of competences (shipping, nature, ...), mostly formal (EIA, SEA, EU, ...) and sometimes informal, often ad hoc; 2. existing contacts were *not* related to the MSP process; 3. there was an overall *lack of an integrated approach* on MSP relevant in a transboundary context for the case study area (data, plans, process, ...). These overall statements were affirmed in the interviews.

Besides explaining the MASPNOSE project and the importance of the project for DG Mare, the aim of the first intergovernmental workshop was to:

1. validate interview results;
2. discuss the initial assessment of the 10 key principles for MSP;
3. compare the status of MSP in Belgium and The Netherlands in the area of the Thornton Bank and brainstorm on future visions for the area, from a cross-border perspective.

The aim of the second intergovernmental workshop was to develop common objectives and to explore and visualize different opportunities and constraints for transboundary cooperation. The methods used were thematic maps, scenario's and decision rules to prioritize common activities in the area and to drawing on maps.

The last workshop (March 2012) had two goals:

1. Evaluation: To share and discuss the outcome of the two case studies
2. Draw preliminary conclusions on what this outcome means for the EU 10 key principles on MSP

During this stakeholder process on the Thornton Bank, governmental stakeholders preferred not to involve private stakeholders (offshore wind energy, fishermen, shipping, etc.). The reason for this was that they themselves were not familiar with each other and they feared that private stakeholder interaction would prevent them to freely express and exchange ideas.

2.2 Dogger Bank Case study

In 2009, the first objectives were set for the management of fisheries within Dutch Natura 2000 areas including the Dutch part of the Dogger Bank. The Dutch project Fisheries Measures in Protected Areas (FIMPAS) aimed at the introduction of fisheries measures in marine protected areas in the Exclusive Economic Zone of the Dutch North Sea by the end of 2011. The environmental NGO's and the fishing industry cooperated within this project to develop the necessary fisheries measures and thus achieve the conservation objectives in the Dutch marine protected areas of the North Sea.

Germany, UK and The Netherlands have all designated Natura 2000 Special Areas of Conservation (SAC) in their respective parts of the Dogger Bank, mainly to protect the habitat type 1110 of the Habitats Directive. This habitat type refers to *Sandbanks which are slightly covered by sea water all the time*. The Dogger Bank is an important fishing ground for fishers of several Member States (e.g. Denmark). Therefore, an intergovernmental Dogger Bank Steering Group (DBSG) emerged out of the Dutch FIMPAS process, with the objective to develop an international management plan for nature and fisheries within the Natura 2000 framework. The DBSG consisted of government representatives from the UK, Germany, Netherlands and Denmark and representatives from ICES. The DBSG invited the North Sea Regional Advisory Council (NSRAC) to write a position paper with recommendations for a fisheries management plan for these combined Dogger Bank Natura 2000 sites. MASPNOSE was invited to facilitate this private stakeholder process (Figure 2-2).

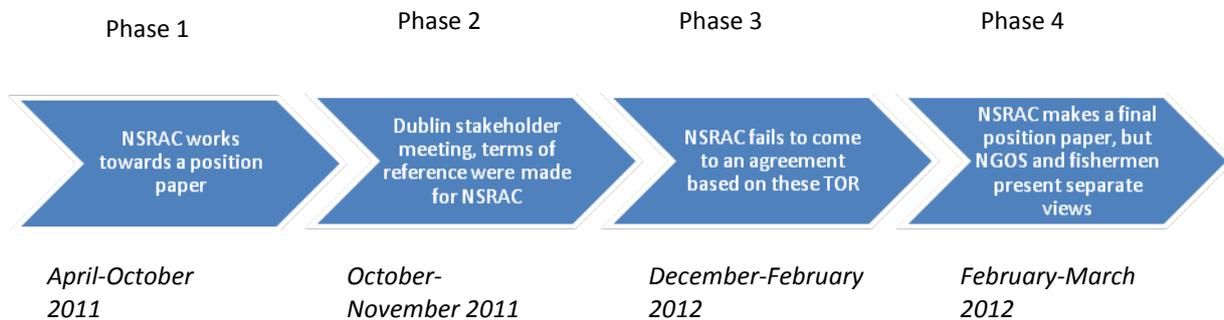


Figure 2-2 Dogger Bank: schematic layout of MSP process Dogger Bank (for NSRAC involvement)

First phase (March-October 2011)

MASPNOSE facilitated several meetings and workshops in which members of the established NSRAC focus group (and sometimes additional experts) worked towards a position paper. In these meetings the main issue was to build trust between the environmental NGOs and the fishermen that together make up the NSRAC. The outcome of this first phase was a position paper (October 2011) with three management scenarios, based on an agreement by the fishermen and the NGOs and approved by the Executive Committee of the NSRAC.

The Dogger Bank Steering Group provided Terms of Reference (TOR) to which the NSRAC could adhere in the development of their position paper. MASPNOSE provided facilitation, GIS support (through so-called map-table sessions) and budget for the workshops. The objective of this phase was "to develop a position paper on fisheries management in relation to nature conservation, including a zoning proposal, for the combined area covered by the three national Natura 2000 sites (SACs) of the Dogger Bank.

March 23 rd 2011, Brussels	NSRAC Spatial Planning Working Group was invited by Ton IJlstra (DBSG) to develop a management proposal for the Dogger Bank. Martin Pastoors presented the possibility for MASPNOSE to facilitate this process.
May 4 th 2011 London, NSRAC SPWG meeting	A NSRAC focus group was chosen that would focus on developing the fisheries management proposal for the Dogger Bank. MASPNOSE explained their facilitation role.
June 6 th 2011 London, NSRAC Focus Group	MASPNOSE facilitated a scoping meeting for the NSRAC Focus Group (NSRAC FG) to define and agree on the terms of reference (TOR) for developing a fisheries management proposal for the Dogger Bank.
June 14 th 2011, WWF Zeist	Preparation meeting for NGO partners of the NSRAC focus group. David Goldsborough explained the MASPNOSE approach.
June 21 st & 22 nd 2011 Schiphol, NSRAC Dogger Bank workshop 1	The emphasis of this workshop was defining the required building blocks for the management proposal. A key issue was discussing available and required knowledge and data for such an exercise. The table of contents for the management proposal was defined and agreed upon.
August 30 th & 31 st 2011 Schiphol, NSRAC Dogger Bank workshop 2	The main objective of this workshop was to define the ingredients for a NSRAC management proposal, including a zoning plan, for the Dogger Bank. Twenty invited stakeholders carried out four assignments: Examination of the data, first classification of the Dogger Bank, zoning proposals and detailing the position

	paper.
September 2011	Working towards final position paper.
October 3 rd 2011 Amsterdam, NSRAC Focus Group meeting	MASPNOSE facilitated the writing of the final position paper.

Relevant documents for phase 1:

- NSRAC May 2011. Terms of Reference NSRAC spatial planning focus group’s Management position paper for the Dogger Bank.
- NSRAC May 2011. Script NSRAC Dogger Bank Management Plan.
- NSRAC, October 2011. Position paper on fisheries management in relation to nature conservation for the combined area of 3 national Natura 2000 sites (SACs) on the Dogger Bank.
- Van Moorsel, G., 2011. Species and habitat of the international Dogger Bank, assignment of WWF.

Second phase (October-November 2011)

In this phase, MASPNOSE was mainly observing the process. During a focused stakeholder meeting facilitated by ICES in Dublin the DBSG presented a modification to the NSRAC proposal. The NSRAC was not satisfied with this proposal and the united position of NGOs and fishermen of the NSRAC Focus Group became more divided after this presentation. MASPNOSE actively attempted to bring together these members of the NSRAC Focus Group during intermissions.

The main outcome of this second phase was that the DBSG requested the NSRAC to develop a new spatial plan (phase 3) based on the new terms of reference that were developed after the Dublin meeting. The new terms of reference stipulated that the zoning allocation for nature conservation should be between 25 and 55% of the total area. The wide range of 25-55% reflected the divided positions of the Member States on the issue (e.g. Germany wanted a minimum of 50% strict protection while the UK wanted less).

The objective of this phase was "to reflect on a proposal including three scenarios, developed with the assistance of ICES, drawing on some of the NSRAC’s elements but also including new elements, and –if required- provide input for a scenario four"

Relevant documents for phase 2:

- Invitation to Stakeholders Workshop 7 – 8 November 2011 in Dublin, Ireland, October 2011.
- Agenda, Stakeholder Meeting Dublin, 7-8 November 2011.
- Hans Lassen- ICES Secretariat, 2011. Dogger Bank Fisheries Regime. DBSG-Stakeholder Meeting Dublin, 7-8 November 2011, Paper 2.
- Minutes of the DBSG-Stakeholder Meeting Dublin, 7-8 November 2011.
- The chairs summary of the DBSG-Stakeholder Meeting Dublin, 7-8 November 2011.

Third phase (December 2011-February 2012)

In this phase, MASPNOSE was an observer of the process¹. The NSRAC decided to work on a new proposal based on the terms of reference provided by the DBSG. Observers from the DBSG were present at these meetings. However, the RAC did not come to an agreement on the location and the percentage of strict nature conservation zones, and they returned the assignment to the DBSG based on the position that the NSRAC would only submit a proposal if there was internal agreement on all points.

The costs for the process were covered by the DBSG Member States and fishing sector (50:50). The objective of this phase was "to develop a draft proposal, including a joint zoning proposal, for a fisheries management regime for the Dogger Bank".

December 9 th 2011 Scoping meeting NSRAC Focus Group, Amsterdam	To develop a draft proposal, including a joint zoning proposal, for a fisheries management regime for the Dogger Bank
January 9 th 2012 Workshop 1, Amsterdam	To develop a draft proposal, including a joint zoning proposal, for a fisheries management regime for the Dogger Bank
January 23 rd 2012 Workshop 2, Amsterdam	The result was that the NSRAC could not agree on joint zoning proposal

Relevant documents for phase 3:

- NSRAC FG December 2012. Script NSRAC FG+ Dogger Bank Management proposal.
- Hans Lassen & Jacob S. Hansen- ICES Secretariat December 8th 2011. Size of Zones: Dogger Bank SAC. Note.
- Hans Lassen-ICES Secretariat December 21st 2011. Benthic Habitats on the Dogger Bank, Note.
- NSRAC SPWG, 2012. NSRAC Report of the Spatial Planning Working Group by the Chair. NSRAC ExCom, London, 7 Feb 2012.

Fourth phase (February-March 2012)

The fourth phase was once again facilitated by MASPNOSE. The DBSG had again asked the NSRAC to make their proposal and submit it by March 2012. The NSRAC had several meetings, this time without the presence of the DBSG observers. Participants were the NSRAC Focus Group members and the chair of NSRAC. Ultimately, the stakeholders of the NSRAC decided "to agree to disagree" and delivered a report with two different points of view.

¹ Facilitation of this third phase was provided by David Goldsborough (Centre for Marine Policy, Wageningen UR) including GIS support from GeoDan. This was not facilitated though the MASPNOSE project.

The Terms of Reference were set by the DBSG plus additional requirements (see references). Facilitation and budget were provided by MASPNOSE. The objective was again "to develop a draft proposal for a fisheries management regime for the Dogger Bank."

March 12 th 2012 Scoping meeting NSRAC Focus Group, Amsterdam	To develop a draft proposal for a fisheries management regime for the Dogger Bank. This was a continuation of the objective of the third process.
March 22 nd 2012 Workshop NSRAC Focus Group, Amsterdam	Writing a final position paper on fisheries management in relation to nature conservation in the Dogger Bank, including two annexes explaining the rationale behind the NGO and industry zoning proposals.
March 29 th 2012 MASPNOSE stakeholder workshop, Hamburg	This workshop had two goals: <ol style="list-style-type: none"> 1. Evaluation: To share and discuss the outcome of the two case studies 2. Draw preliminary conclusions on what this outcome means for the EU 10 key principles on MSP

Relevant documents for phase 4:

- Letter chair DBSG to NSRAC FG and NSRAC chair detailing terms and requirements of continuation, March 5 2012.
- NSRAC 2012 Final position paper on fisheries management in relation to nature conservation for the combined area of 3 national Natura 2000 sites (SACs) on the Dogger Bank. April 2012

3 Vision and common objectives for MSP in cross-border areas

3.1 Thornton Bank case study

The MASPNOSE project created a basis for a better common understanding between Dutch and Belgian governmental stakeholders.

Due to potential interference with some major shipping routes, adjustments have been made to the boundary of the Belgian offshore wind farm concession zone. One can conclude that the MASPNOSE project contributed to the consultation to resolve potential interferences between wind mills in the concession zone and shipping. The Belgian offshore wind energy concession zones has been adapted mainly based on a shipping risk assessment in the environmental permit procedure for the Northern concession zone, and an assessment for the other offshore wind concessions (MARIN 2011). Dutch governmental stakeholders have informed the Belgian governmental stakeholders of their concern through MASPNOSE. Comparing the Belgian MSP 2004 with the MSP 2012, the concession zone has been reduced in the north and adapted in the south for safety of shipping reasons (Figure 3-1 and arrows). Part of the east zone was compensated west of the concession zone. However, this new southwest border of the Belgian concession zone caused shipping concerns for the Dutch stakeholders. This was indicated during the second MASPNOSE workshop (February 2012).

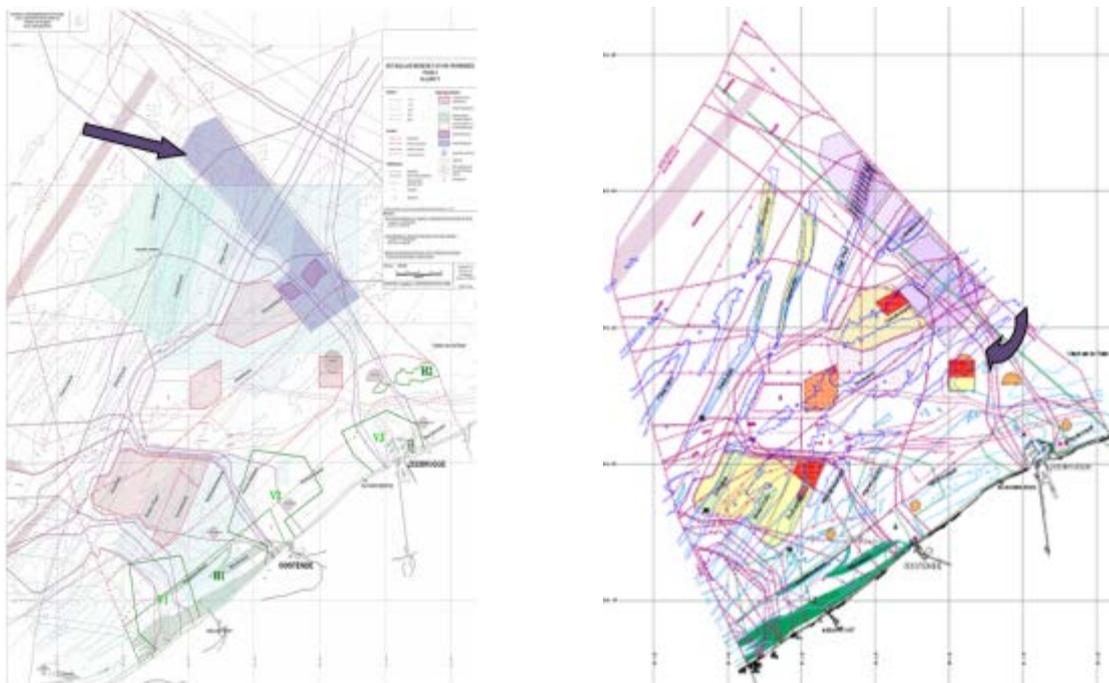


Figure 3-1 Belgium Marine Spatial Plan. (Ministry of Economics). Left: 2004. Right: 2012

Initially the offshore wind concession zone was indicated as a potential aquaculture area in the Belgian marine spatial plan. This is not the case anymore in recent marine spatial plans (e.g. Figure 3-1 right). At the second MASPNOSE workshop (February 2012), governmental

stakeholders from Belgium and The Netherlands indicated that the Thornton Bank area could be an area for a particular form of nature conservation, but not as a Habitat Directive area nor as a Natura 2000 area. This designation of the area could jeopardise the economic development, while it was not clear if the area would be better protected if it would be a Natura 2000 area.

The following common objectives for the Thornton Bank were formulated by governmental participants involved:

1. Economic scenario with environmental benefits: renewable energy – wind farms in combination with indirect nature protection. Priorities are:
 - a. Other forms of renewable energy
 - b. Communal offshore electricity connections
 - c. Refuge area for fish stocks, but no nature protection in sense of Natura 2000
2. Due regard to safety of shipping: shared interests
3. Make full use of already existing formal ways of information exchange and consultations on project level (EIA) and plan/program level (SEA)
4. Besides existing formal consultations, preference at this time in the MSP policy cycle is given to less formal ways of consultation to avoid restricting national authorities in setting up their MSP process
5. In order to improve cooperation, both countries could at least start their planning process at the same time, discuss the process and how to involve stakeholders in a cross-border context. This can include a formal cross-border information and consultation process.

3.2 Dogger Bank case study

The Dogger Bank spatial planning process aims for an international management plan that is submitted by the DBSG to the European Commission (DG MARE). The final position paper by the NSRAC provided input into that joint international management plan.

The NSRAC achieved consensus on a number of issues:

- the need for a zoning approach to management of the Dogger Bank(NSRAC 2012).
- that a management plan should actively stimulate gear innovation because "development and use of less bottom-impacting gears leads to less impact and also reduced costs (lower fuel consumption) for fishermen".
- that the zoning measures applied could result in potentially harmful displacement of effort (but the different stakeholders had divergent views on how this could be mitigated)
- that the development of windfarms on the Dogger Bank should be taken into account. Due to differing timeframes, this was not feasible during the NSRAC Dogger Bank process.
- that current knowledge concerning the conservation status of the Dogger Bank is limited and requires adaptive management

- that the Dogger Bank fisheries zoning plan should be subject to co-management. Co-management is a process in which Member States share information and decision-making with resource users and other key stakeholders, with each given specific rights and responsibilities.

During the NSRAC Dogger Bank process, the stakeholders worked jointly during several mapping sessions. In the third phase of this Dogger Bank stakeholder process, the stakeholders were explicitly asked to translate their considerations into a zoning map, showing specifics on locations and sizes of areas. The stakeholder groups did not achieve a joint final map. The gap between the visions of the fishing sector and the NGOs was too large: not only on size of areas but also on locations. The NSRAC Focus Group decided to present two separate stakeholder papers to inform the DBSG in their decision-making process on the zoning of the Dogger Bank. Figure 3.2 and figure 3.3 are the latest versions of the maps made by the NGOs and by the fishing industry.

The final position paper by the NSRAC provided input into that joint international management plan. As of June 2012, it is not yet clear how the DBSG and the Member States plan to use the NSRAC position paper and what will be the final outcome regarding the zoning of the Dogger Bank area.

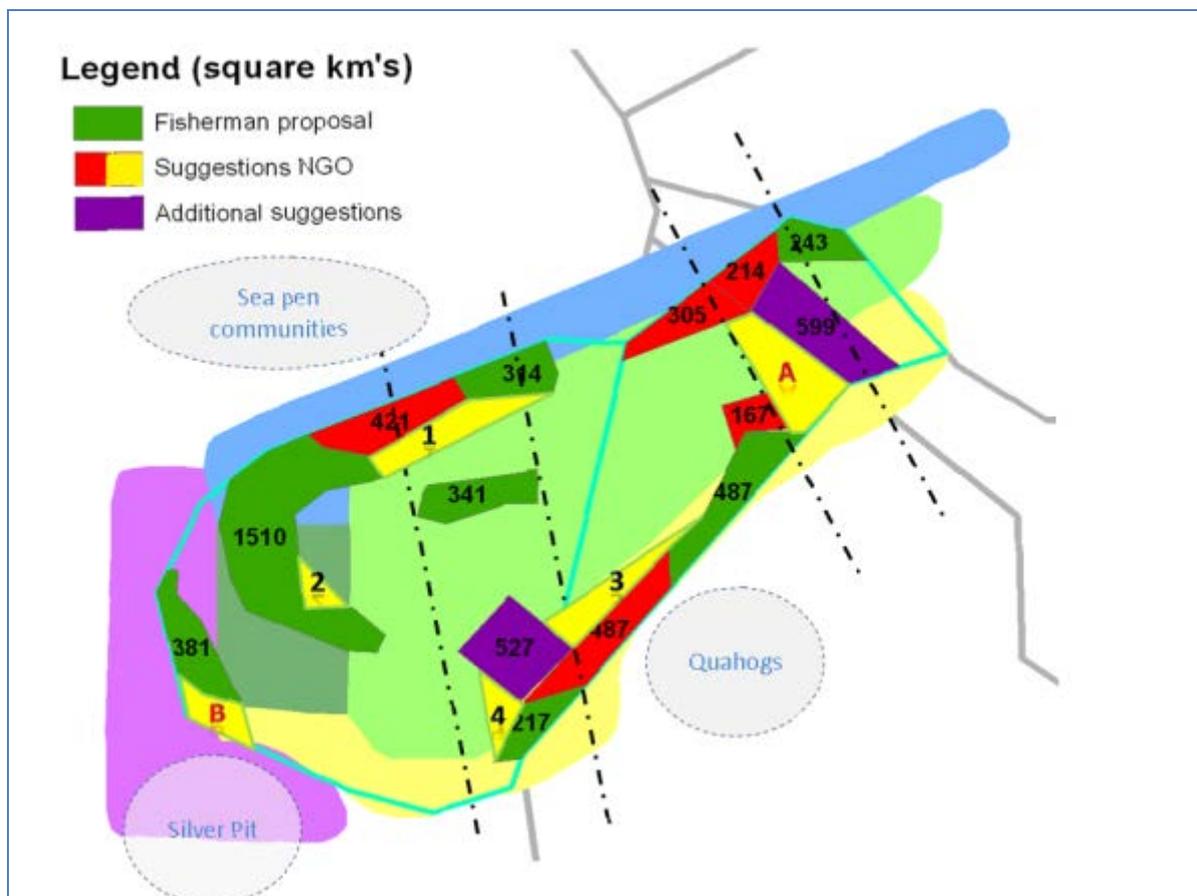


Figure 3-2 Dogger Bank: NGO proposed additional areas, January 23rd 2012. The map includes the suggestions by the fisheries (green) and the Member States (purple). The numbers and letters are only used as identifiers of different areas.

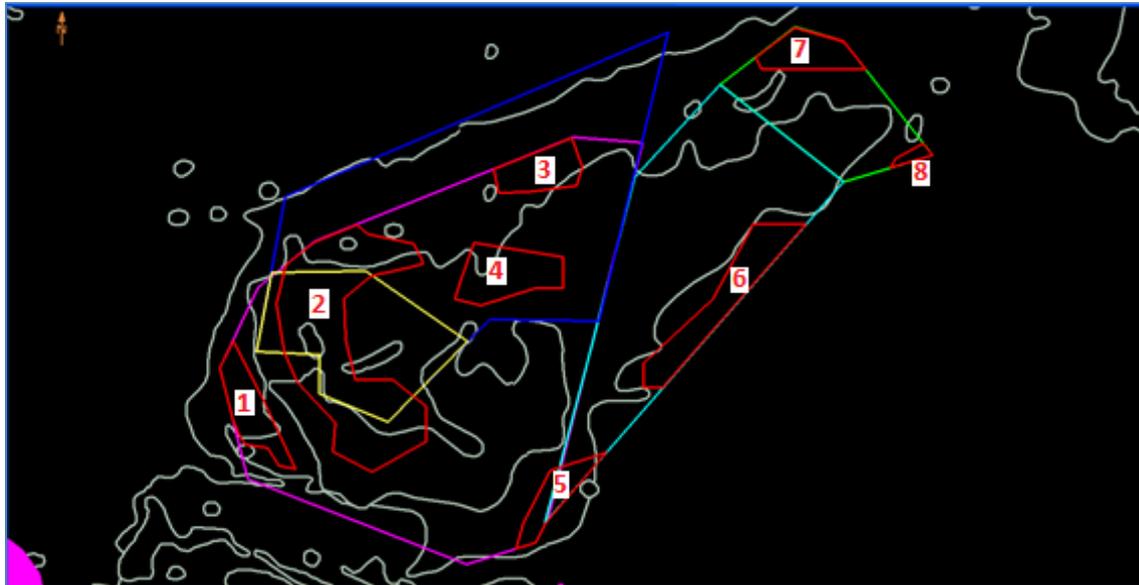


Figure 3-3 Dogger Bank: Fishing Industry Zonation Proposal. Boundary key: red = fisheries management zones; pink = SAC UK sector; turquoise = SAC Dutch sector; Green = SAC German Sector; Blue/yellow = Dogger Bank Round 3 planning zone and tranche 1 projects area

MASPNOSE played a key role in the marine spatial planning process on the Dogger Bank. The provided facilitation, support and financial means enabled this elaborate stakeholder process to take place. While working on this case study it became evident to the involved NSRAC Focus Group stakeholders that they were tasked with resolving several issues that were internally disputed within the intergovernmental Dogger Bank Steering Group. This insight helped the NSRAC in formulating a joint vision and identifying common ground. The NSRAC was granted observer status in the DBSG which created a platform for a dialogue between DBSG members (Member States, ICES, and the EC) and NSRAC stakeholders. With their two position papers (October 2011 and April 2012) the NSRAC has clearly stated their vision on fisheries management in relation to nature conservation for the Dogger Bank SAC areas. These NSRAC viewpoints, e.g. adaptive management, gear adaptation, future involvement and co-management, have been taken into consideration by the DBSG.

4 Experience gained in the development of cross-border MSP

4.1 Thornton Bank case study

The most important successes of the case study were:

- There is a willingness and need to share information: scientific information and information on national MSP policy
- Agreement on common priorities: renewable energy, shipping, nature conservation
- MASPNOSE : successful as a facilitator and platform for parties to establish contacts for future cooperation and to resolve potential conflicts

The most important constraints:

- MSP was not a top political priority during the project time
- Time constraints participants
- No fisheries representatives, although invited. Fisheries are not fully taken into account
- No private stakeholder participation in the process

General conclusions:

- The MASPNOSE Thornton Bank process resulted in a common view: an economic scenario for renewable energy with environmental benefits;
- There is a need to setup a coordinating body for MSP at national level;
- Cross-border consultation requires the synchronizing of planning cycles in the different Member States;
- Existing consultation opportunities between Member States (e.g. Strategic Environmental Assessment, SEA) can be used as part of a MSP process;
- Informal communication in a pre-planning phase is more effective than formal structures;
- Stakeholders should be invited at the appropriate time, i.e. when a "stake" will be potentially affected;
- The development of a common language is of critical importance in cross-border MSP. Especially the meaning of specific terms needs to be made explicit. For example, the concept 'monitoring' has a very different meaning in Belgium ("surveillance") and The Netherlands ("surveying").

4.2 Dogger Bank case study

The Dogger Bank case study has provided us with detailed insight into a complex stakeholder participation process in maritime spatial planning.

The Dogger Bank case study is essentially a situation where three different EU Member States are faced with the task of selecting sites for several large-scale, representative protection zones within a shared feature in their respective EEZ's. The zoning can be contested by multiple stakeholders from various different sectors and countries, including neighbouring Member States with substantial economic interests located within the area. In this case the fishing sector and the environmental NGOs are certainly two very central stakeholders due to the ubiquitous nature of these sectors. Given that the NGOs and fishermen are represented within the North Sea Regional Advisory Council, the analysis of the three Member States' strategy for handling the trans-boundary planning process combined with the facilitation and analysis of the NSRAC development of a zoning proposal is highly representative of many future challenges that trans-boundary MSP processes would face, regardless of the particular focus.

Many observations were made during the course of the processes and these observations were shared and discussed with involved stakeholders. MASPNOSE draws seven important lessons from this case study.

1. Process guidelines and mandate

Before a marine spatial process is initiated formal, and if possible legal, documents should be available detailing the entire process. These documents should detail for example who takes decisions, when decisions are taken (deadlines), what the outcome of a process will be (milestones and deliverables), who can be involved in the process (stakeholders) and what will happen with the outcome of the process. In the Dogger Bank case study these documents were not available for evaluation by all involved stakeholders and this led to several communications from the NSRAC requesting clarification of the process and linked procedures. Without these process guidelines it is difficult to operationalize a planning process in a clear way.

2. Stakeholder involvement

The first NSRAC process clearly illustrated that all involved stakeholders were willing and able to claim ownership of the process they were involved in. This concept of ownership is closely linked to the issue of taking responsibility. Furthermore for a MSP process to be effective, it is important that all key stakeholders are involved from the start of the process. In the Dogger Bank case study this was clearly not the case. Initially the FIMPAS process was an open process that lacked a clear agenda. With the Dogger Bank Steering Group the process on the Dogger Bank received more focus but a clear agenda and timeline was still missing. The DBSG opted to consult the NSRAC regarding their views on a fisheries management plan in relation to nature conservation for the Dogger Bank instead of involving the NSRAC directly in their member state driven process. In their own process the NSRAC involved the Forewind renewable energy (wind) consortium even though the development

of a wind farm in the UK EEZ was still in the planning phase; the NSRAC recognized the need for early involvement of this important stakeholder. Based on these findings it is clear that those responsible for a spatial planning process should be involved in all steps of the process and that a stand-alone stakeholder driven process is undesirable. In the Dogger Bank case study debated issues such as displacement, capping of fisheries effort, a preferred method for socio-economic impact assessment, and gear innovation should not have been handed down to the NSRAC to discuss alone but should have been discussed jointly (DBSG and NSRAC). In this respect it is important to also note that there are different views on who qualify as stakeholders. Stakeholders are often seen as those who only have a social or an economic interest (e.g. the fishing sector or NGOs) but applying a broader definitions means that research and authorities are also labelled as stakeholders.

3. Transparency and trust

Transparency and trust are important for an effective stakeholder processes. However, a distinction should be made between front-stage and back-stage transparency.

Front-stage transparency refers to communicating the contours of the process to everyone who would like to know (interested parties and general public). From the Dogger Bank process, we learned that sharing the contours of the process with external parties is essential.

Back-stage transparency refers to all stakeholders who are actively involved in the maritime spatial planning process. All available process and content information should be available to all participants in the process. The back-stage transparency diminished during the later stages of the NSRAC process and as a consequence the quality of the process deteriorated.

For back-stage and front-stage transparency to work it is important that those involved in the back-stage process have a mandate to discuss and negotiate issues with other stakeholders.

4. Terms of reference and scripts

The quality of the NSRAC processes can to a large extent also be attributed to having clear roles, responsibilities, timelines, and rules of the game. These were formulated in Terms of Reference (TORs) and agreed on by all involved stakeholders in the initial phase of the first NSRAC process. Additionally a script was produced for this process detailing roles, responsibilities and deadlines. In the later stages of the NSRAC process the Terms of Reference were set by the Dogger Bank Steering Group (DBSG). These prescribed TORs were initially not accepted by the NSRAC and only after negotiation were they accepted.

5. Required preconditions

An essential precondition is knowing who is responsible for taking a decision and when this decision will be taken. The required preconditions should be covered by the Terms of Reference and the script. To ensure that a maritime spatial process can be carried out it is important that a number of practical issues are guaranteed, such as sufficient budget, sufficient time (participants) and access to data. In the first NSRAC stakeholder participation process, budget (covered by MASPNOSE) and time were not an issue, but access to data was problematic. In the later stages of the process the budget was known but individual roles

were not clearly established. This led to long discussions that shortened the time available for content discussions. During that stage it also became apparent that participants had difficulties finding the required time and resources to properly engage in the process. Regarding the required data for a planning process it is not essential that all obtainable data is available; essential is that the selected data is accepted and agreed on by all stakeholders.

6. Dialogue versus negotiation

If the relationship between stakeholders is dominated by negotiation instead of dialogue this can frustrate a joint process. In the case the Dogger Bank it was essential that the involved stakeholders established a relationship based on discussing the content of the case study. In the later stages of the process a transition took place from contents and dialogue towards negotiation. This was not very constructive in identifying a joint agenda.

7. Geo-spatial support

During the process of facilitating and supporting this marine spatial planning process on the Dogger Bank the added value of geo-spatial support became evident. In a two day workshop in August of 2011 two digital mapping tables were used to discuss available and new data. These large digital tables enabled participants to view, combine and add data. Comments that were made during these sessions were documented in mind maps enabling later evaluation and review. By reviewing and discussing available data in a spatial context, but also identifying missing data, the participants were able to focus on content discussions on nature conservation, fisheries and renewable energy on the Dogger Bank. Maps highlighting areas of interest were used for further discussions and MASPNOSE concludes that this two day session was essential in getting all stakeholders on the same page regarding available and missing spatial data. In addition, the digital mapping tables enabled both stakeholder groups to clearly illustrate their vision on fisheries and nature conservation of the Dogger Bank. Working with these tables reviewing spatial data, and discussing fishermen knowledge enhanced mutual learning and understanding. In the later stages of this marine spatial planning process only limited geo-spatial support was available. This was restricted to having real time geo-spatial support during two workshops where maps were projected on a screen. This was a minimum level of geo-spatial support and it enabled the participants to discuss specific areas and to keep track of the surface area of proposed areas. Based on our experience we are convinced that geo-spatial support is a prerequisite for marine spatial processes and that it should be incorporated in the project design. Geo-spatial support plays a key role in understanding the current spatial values and uses of an area, and in the predicting and examining future impacts of human activities. In the processes that we facilitated the latter two elements were identified (e.g. effects of displacement of fisheries and the use of less impacting gears) but no spatial analyses was carried out.

5 General experiences gained in cross-border context

There are no general experiences gained in cross-border context that have not already been described in the previous section.

6 Specific needs and challenges for cross-border MSP

In this section we draw conclusions in what way the ten key principles played a role in the two case studies, i.e. which principles were more important than others and why. Furthermore we will make recommendations on how to apply the ten key principles in future cross-border MSP processes.

Principle 1: Using MSP according to area and type of activity

Principle 1 stresses that it is important to operate within four dimensions, addressing activities (a) on the sea bed; (b) in the water column; (c) on the surface; and 4) the time dimension (EC, 2008).

In the Thornton Bank the stakeholders involved were still defining the area and its activities based on the exchange of ideas regarding current and future economic activities. The area of the Dogger Bank is already defined for a longer time and involves many actors who have interests and activities in the area.

From our evaluation of the two case studies, it becomes clear that two other important issues play a role in principle 1:

- 1) The boundaries of the area are not always easy to define clearly. For instance, current and future activities can have an effect on nature conservation within the boundaries of the defined area, but can also have effects outside these boundaries. Moreover, whatever takes place outside the area can have an impact on what happens in the area, for instance shipping and renewable energy activities outside the Thornton Bank have an effect on the Thornton Bank. This means that the area has a wider context of activities that is of influence.
- 2) It is important to make clear which activities are cross-border, and which activities are done by national authorities who might need the cooperation of other states. This requires consultation with neighbouring countries beforehand on how is this arranged. It also requires stakeholder meetings in which activities are aligned. Finally it requires political decision making regarding the trade-offs (which activities are going to take place in the future?).

Principle 2: Clear objectives to guide MSP

A strategic plan for the overall management of a given sea area should include detailed objectives. These objectives should allow arbitration in the case of conflicting sectoral interests (EC, 2008).

In the two MASPNOSE case studies, the involved Member States already had their own national objectives for the chosen sea areas. These national objectives were sometimes conflicting in the cross-border area. In the Dogger Bank case study, the stakeholders in the NSRAC were first waiting for the government representatives in the Dogger Bank Steering Group to define the overall objectives of the process. The government representatives could not deliver detailed objectives because there were different objectives in the different Member States.

Therefore, from the case studies it became clear that it is indeed important to have detailed objectives and share these with the relevant stakeholders. The objectives should allow for arbitration in the case of conflicting sectoral interests. It is important that the conflicting interests and objectives between the different governmental bodies and Member States are resolved when involving stakeholders in the process.

Principle 3: Developing MSP in a transparent manner

Transparency is needed for all documents and procedures related to MSP. Its different steps need to be easily understandable to the general public. This will allow full information to all parties concerned and therefore improve predictability and increase acceptance (EC, 2008).

It is important to distinguish between front-stage transparency (to the entire public) and back-stage transparency (to a selected group of stakeholders). Trust played an important role in the cross-border cooperation, but also in the cooperation between national stakeholders with different interests. Too little back-stage transparency can have a negative effect on the trust building process. When trust is built between the selected group of stakeholders and a shared understanding is agreed, then the information can be distributed to the wider public (front-stage transparency). This way of working needs to be communicated to the public in order to be transparent about the process and to manage the diverse expectations.

In the Thornton Bank case study the government representatives from the two countries preferred to come to agreement before being transparent to the stakeholders. This was considered important in the stage of pre-planning.

In the Dogger Bank case study, the NSRAC stakeholders process had a high front-stage transparency and initially also a high back-stage transparency. expressed that they were more transparent about their process than the public stakeholders.

Principle 4: Stakeholder participation

In order to achieve broad acceptance, ownership and support for implementation, it is equally important to involve all stakeholders at the earliest possible stage in the planning process. Stakeholder participation is also a source of knowledge that can significantly raise the quality of MSP (EC, 2008).

In the Thornton Bank public stakeholders wanted to wait with the participation of private stakeholders. There was a fear that in this stage of the process they would influence the process not in an effective way as the discussions between the public stakeholders were still in an early stage. There was no point to involve all stakeholders yet as the objectives or expectations between the Member States were not clear yet. Involving stakeholders in this stage was also perceived as being very time consuming. Moreover, what was interesting in the discussion with public stakeholders is that they do not perceive themselves as stakeholders. They only see private stakeholders as stakeholders. This should be analysed further: Do public stakeholders perceive themselves as objective, and presenting a single point of view? It must be clear that public stakeholders represent different governmental bodies at different policy levels. Therefore we argue that they should all be seen as different stakeholders.

In the Dogger Bank, private stakeholders were involved, and were also able to provide local knowledge. However there were no agreements on the involvement and the implementation of this knowledge, and advice. It was not clear in the Dogger Bank case who was in charge of the process. A lack of accountability created confusion and insecurity for the involved stakeholders (NSRAC).

So, it becomes clear that stakeholder participation in cross-border MSP is important, but Member States do not always necessarily want and should involve all stakeholders in all stages of the process. However, one issue to consider is that the involvement of private stakeholders can be critical for the creation of a legitimate policy. When involving stakeholders, it is important to make clear what is expected from the stakeholders and what they can expect from their participation. Sometimes there is no point to involve stakeholders, especially when objectives or expectations are not clear. Good stakeholder participation is a process that involves a lot of time and effort. When expectations are not clear and it is not clear what stakeholders are gaining, it is better not to involve stakeholders because trust can be lost (leading to stakeholder-fatigue).

In order to provide an equitable platform for stakeholder participation, funding should be provided to avoid situations where only well-to-do organisations and sectors are represented in MSP processes.

Government representatives can also be viewed as stakeholders, with their own objectives and interests. Moreover, the government cannot be viewed as one stakeholder, but different governmental bodies need to be seen as different stakeholder groups. Private stakeholder participation means that public stakeholders are giving away some part of the power they have. The question is whether they are willing to do that. Therefore it is important to focus on: What is the added value of participants to participate, and what are the expectations?

Principle 5 Coordination within Member States - simplifying decision processes

Coordinated and cross-cutting plans need a single or streamlined application process and cumulative effects should be taken into account (EC, 2008).

This principle has not been explicitly addressed in the MASPNOSE project.

Principle 6: Ensuring the legal effect of national MSP

MSP should be legally binding if it is to be effective (EC, 2008).

This principle has not been explicitly addressed in the MASPNOSE project.

Principle 7: Cross-border cooperation and consultation

Cooperation across-borders is necessary. It will lead to the development of common standards and processes and raise the overall quality of MSP (EC, 2008)

Several issues were raised in the case studies regarding cross-border cooperation and consultation. First of all, it appeared difficult to know where to find the right people in the other countries. The second issue is that MSP processes follow a different timeline in the various countries which makes cross-border cooperation difficult. So there is a request for

aligning these processes. And finally, Member States have national objectives they need to achieve, which does not give them an incentive to cooperate with their neighbours.

In the Thornton Bank, the issue of a cross-border coordinating body came up. Who should in the end decide on the cross-border cooperation? It must be clear who is organising the process, what are the rules of the game and what is the mandate. There is a need for a process/planning design.

An added activity is "cross-border information"; the activity of informing neighbours. The sequence could be: informing, consulting, cooperating.

Principle 8: Incorporating Monitoring and Evaluation in the planning process

Monitoring and evaluation in the context of MSP has two distinct meanings. In one meaning this refers to the monitoring and evaluation of the "system" developments after an maritime spatial plan and associated measures have been agreed and implemented. So this trying to keep an eye to the developments in e.g. the habitats, specific species, economic or social aspects. In the second meaning, monitoring and evaluation refers to the quality control of the process of planning. In this meaning the key focus is on the different steps in the planning process and how they have been completed: e.g. has the legal basis been established, have stakeholders been involved in the initial planning phase etc.

The MASPNOSE initial assessment has shown that monitoring and evaluation is not necessarily a part of the MSP process in the different member states. In cross-border MSP processes, monitoring and evaluation is further complicated by the potentially different phases in the policy cycle in different Member States.

Principle 9: Achieving coherence between terrestrial and maritime spatial planning

Terrestrial spatial planning should be coordinated with MSP (EC, 2008).

In the Thornton Bank, there is a link with terrestrial planning, especially in the coastal areas and the connection with the harbours of Antwerp and Rotterdam. Also the connection points from renewable energy at sea needs a coastal connection point. This also applies to the Dogger Bank. However, the coherence between terrestrial planning and MSP has not been explicitly considered in the two MASPNOSE case studies.

The initial assessment has shown that most of the national spatial plans do not explicitly address the link between terrestrial and maritime spatial planning.

Principle 10: Strong data and knowledge base

MSP has to be based on sound information and scientific knowledge. Planning needs to evolve with knowledge (adaptive management). Agree what knowledge base to use. Quality assurance on data and knowledge (EC 2008).

In the Dogger Bank, the stakeholders preferred to have clear scientific data regarding the percentage of the Dogger Bank area that needed to be protected. One may wonder if scientific data is needed to give answer to this question and whether scientists could provide that type of data. In the Thornton Bank it became clear that a strong data and knowledge base is important, however more important is who is going to make the trade-off that needs to take place based on the data. It is also important to agree on which knowledge is going to

be used. Not just making long wish lists for new data and knowledge but also agree on what can be done with the current knowledge.

According to adaptive management, collective learning is a process, not a collection of facts and data gathered. Therefore in MSP processes it is important to make a distinction between: facts, opinions, interpretations. Furthermore there is always a risk, there is never enough information. Under adaptive management you can still take decisions.

Applicability of the 10 key principles in the two case studies

From the case studies we can argue that a number of principles for cross-border MSP were most important in the two respective case studies.

For the Dogger Bank principle 3, 4, 7 and 10 were most important. Principle 3 is all about developing MSP in a transparent manner and intimately connected with principle 4 on stakeholder participation. It is important to distinguish between front stage transparency (to the entire public) and back-stage transparency (to a selected group of stakeholders). When trust is built between the selected group of stakeholders, information can be distributed to the wider public (front stage transparency). This way of working needs to be communicated to the public in order to be at least transparent about the process, and to manage expectations.

What became clear is that the mandate in MSP processes should be better organised. The Dogger Bank case showed that when there is not a clear assignment (with room for manoeuvring) from the Member States the process gets mystified. So it is important to clarify what the mandate is that the stakeholders get, what the issues are they should speak of and the ways the Member States will use the results.

Concerning principle 7, the issue of a "cross-border coordinating body" came up. Who should in the end decide on the cross-border cooperation or planning? The terminology "coordinating body" however needs more reflection because it is not clear whether this is arguing for a new institution or for the establishing mandate in cross-border situations.

Finally, concerning principle 10, it becomes clear that it is important to agree what knowledge base to use, and how the quality of the data is assured. Furthermore it should be clear who is responsible for the collection of data, and who pays for this collection.

Within the Thornton Bank case principles 1, 2, 4, 7 and 10 were most important. Concerning principles 1 and 2, we argue to be aware that activities are already taking place, and that the area has a wider context. It is also important to make clear which activities are cross-border by all, and which activities are done by national authorities, who might need the other Member States. Concerning principle 4, one needs to be clear on the added value for participants to participate, and what they can expect from it and when. Managing of expectations is very important otherwise stakeholders will get stakeholders' fatigue. Concerning principle 7, there is a strong need to have clear definitions. Our suggestion coming from experiences in the Thornton Bank is to have a pre-planning phase in which participants can have formal and informal contacts to look at the prerequisites for an effective MSP process. Concerning principle 10, the Thornton Bank case made clear it also

includes learning and opinions. One could even argue for an extra principle to invest in trust and a common language.

7 Proposal for a suitable Monitoring and Evaluation process

The Monitoring and Evaluation (M&E) study focussed on learning from the two case studies by observing the activities and evaluating the outcomes. The M&E was based on a policy cycle approach (Hockings et al., 2000, Figure 7-1) where specific questions were developed that were then related to the 10 key principles on MSP.

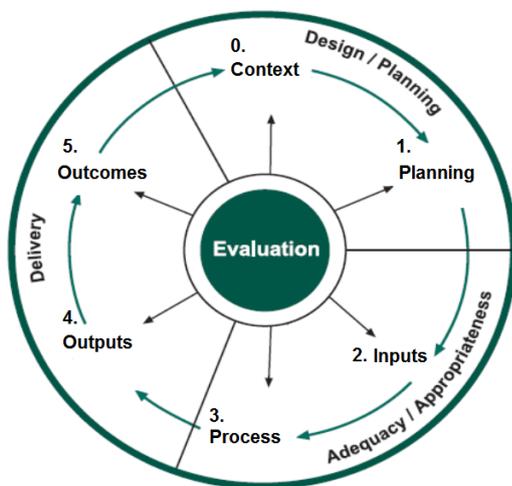


Figure 7-1 Policy cycle approach, adapted from Hockings et al (2000)

The M&E questions in our framework are foremost but not exclusively related to the key principles. Not all M&E questions coming from Hockings et al (2000) can be related to one specific EU key principle. For example, one of the questions related to the planning phase (which activities have taken place?), one of the questions related to the output phase (what products and services have been delivered?), and one of the questions related to the outcome phase (what did come out of the process?). Hence, the M&E questions within our framework can be seen as a further operationalization of the ten key principles.

The Monitoring and Evaluation (M&E) study focussed on learning from the two case studies by observing the activities and evaluating the outcomes. We performed an ex post evaluation based on interviews with participants, and observations during meetings. The policy cycle approach (Hockings et al, 2000) was found to be a useful instrument to evaluate a MSP process. The different steps in the policy cycle were translated into evaluation framework with specific questions on specific parts of the policy cycle. In this way we also addressed issues that are not covered in the EC Roadmap on maritime spatial planning. It should be noted that the MASPNOSE project did not evaluate entire policy processes because they extended beyond the lifetime of the MASPNOSE project. Therefore, the evaluation focussed on those aspects of the policy cycle that were applicable in the two case studies.

The evaluators who carry out a monitoring and evaluation of a MSP process, should preferable not be involved in the execution of the planning process. They should write the M&E plan, they should observe meetings and carry interview or conduct surveys with the participants in the process. However, we recommend that the observers do take on a role as “process advisors” who provide feedback to the chair or facilitator on what they have observed.

8 Recommendations for set-up of MSP in a cross-border area

The main conclusions from the MASPNOSE project on the 10 key principles for MSP have been presented in section 6. From the case studies we can also conclude that some elements are lacking from the list of 10 key principles:

1. To agree on the authority and mandate (who has the power to decide).
2. To include fairness as an important aspect concerning the participation of stakeholders. Questions that are important is this respects are: who feels responsible for and is paying the private stakeholder participation and how is the selection of these private stakeholders taking place?
3. Adaptive management

Following the applicability of the key principles in the both case studies we can argue that they are useful principles for cross-border MSP processes. Moreover, many stakeholders already applied these principles because they are logical and common sense. However, the key principles are not very sharply defined. They can be seen as guidelines for quality of the process, but do not organise the MSP process as such. This creates interpretative flexibility in which stakeholders will simply interpret them to their needs. Within the case studies, the public stakeholders see this is an advantage, and they would like to keep this flexibility.

Principles do not dictate how to run a spatial planning process. It should be a series of procedures (based on principles). And you need project planning using deliverables and steps. One example comes for UNEP (2011) "Taking steps toward marine and coastal ecosystem-based management". For maritime planning the same criteria hold as for terrestrial planning: of course there is the need for a clear decision-making process (transparent and accountable).

There is a general willingness to cooperate and a willingness to look for common objectives. An important outcome of the MASPNOSE project is that key persons for MSP in the different Member States have been connected to each other. In the stage of pre-planning, informal contacts were considered more important than formal contacts.

9 General conclusions

Key message 1: MSP requires a clear process with identified steps, deliverables and quality assurance.

The procedural steps needs to be clear to all participants and need to be linked to a legal framework and a decision-making process. In a cross-border context, these requirements are even more pronounced than in a national context and require special attention.

Specific challenges that were identified:

- I. the organisation of cross-border stakeholder involvement due to a different stakeholder practice, legal constraints and policy constraints;**
- II. quality assurance through scientific advisory boards and legal frameworks, and**
- III. the requirement of a coherent planning and permitting system in the respective member states.**

In the Thornton Bank case study, governmental stakeholders came together for the first time and entered into a pre-planning mode where confidence between government participants was developed and an outline of a potential cross-border planning activity was discussed. MASPNOSE contributed to the improved informal and formal contacts between key policy developers

The Dogger Bank case study was largely built on the involvement of private stakeholders (fisheries organizations, NGOs) but within a setting of international decision-making by Member States. The decision-making process did not involve a clear process with steps, deliverables and quality assurance. The informal phase between representatives of Members States appeared to have remained important during the course of the decision-making process. However, the case study is also an example of how an effective stakeholder involvement process could be organized by working with a process script that specifies the objectives, roles and responsibilities.

Quality assurance of the MSP process through scientific advisory boards (to quality-check the scientific basis) and the process steps (e.g. legal frameworks) are important.

A practical cross-border issue that could directly be addressed and that could facilitate the development of cross-border MSP, is the development of a coherent planning and permitting system in the member states where this does not already exist.

Key message 2: Effective stakeholder involvement in MSP requires a differentiation between front-stage and back-stage transparency.

Front-stage transparency to the general public on the objectives of the process, who are involved and what stage it is in. Back-stage transparency is limited to the directly involved stakeholder groups and is used to share information for building trust and joint learning among stakeholders.

Transparency is needed for all documents and procedures related to MSP. The different steps need to be easily understandable to the general public. This will allow full information to all parties concerned and therefore improve predictability and increase acceptance.

In the Thornton Bank case study, member states' policy makers preferred to come to agreement on a pre-planning phase without involving (private) stakeholders. Thus the overall (front-stage) transparency of the process was low. However, the internal (back-stage) transparency was much higher.

In the Dogger Bank case study, the NSRAC stakeholders were fully transparent over the process (front-stage) and internally transparent between the participants (back-stage) in developing alternative scenarios.

Trust plays an important role in the cross-border cooperation and in the cooperation between national stakeholders with different interests. Transparency can have a negative effect on the trust-building process when information is shared that should not have been shared. Therefore it is important to distinguish between front-stage transparency (to the entire public) and back-stage transparency (to a selected group of stakeholders).

Key message 3: Geo-spatial analyses have an important role in MSP.

The Dogger Bank case study has shown that geo-spatial analyses have an important role in MSP. This refers to analysing current conditions, future scenarios and the analysis of potential effects of measures (including cumulative effects). The use of interactive geo-spatial tools has proved very productive for stakeholder involvement in MSP (joint fact finding). Procedures for when and how geo-spatial tools will be used should be clear to all participants.

The MASPNOSE facilitators of the NSRAC stakeholder process have used geo-spatial tools to develop a common understanding of the current situation and the potential future directions. The use of "map-tables" that allow for interactive sharing and developing of information has been very instrumental in reaching common positions and highlighting the key areas of agreement and disagreement. By focussing on the geo-spatial tools, the discussions between stakeholders were largely confined to data and knowledge issues instead of value and interest issues.



Figure 9-1 MASPNOSE map-table session at Schiphol airport, 30 August 2011

Key message 4: The EU 10 key principles on MSP are already being applied, but some principles are lacking.

Most of the EC 10 key principles on MSP have already been included in the spatial plans of those Member States involved in MASPNOSE that have MSP in place. The principles have been used in a rather general sense and not as a specific guideline. The principle on the connection between MSP and ICZM has not been used so far. Further challenges for cross-border MSP that are not addressed in the 10 key principles are:

- I. establishing mandate and accountability**
- II. financing of stakeholder involvement, and**
- III. adaptive management.**

The EC 10 key principles for MSP have been developed in 2008 and have been useful for generating debate about the needs and opportunities for MSP in Europe. In practice, experts in MSP use the principles in a rather general sense and where needed make specific reinterpretations of the principles. The 10 key principles are more like common-sense guidelines for MSP than specific procedures that can be followed.

Not all principles were found equally important and some are already part of the binding instruments (e.g. stakeholder consultation in Strategic Environmental Assessment, SEA). Participants in MASPNOSE were not in favour of binding instruments for MSP and considered it counterproductive to translate some of the key principles into legislation.

Establishing mandate and accountability for the (cross-border) MSP process is currently lacking from the EU principles. The Dogger Bank case study has shown the importance of establishing mandate and accountability for the spatial planning process. An absence of a clear mandate could lead to a non-transparent planning process.

The stakeholder involvement in the Dogger Bank case study has been facilitated (also financially) by the MASPNOSE project. In cross-border processes it is important to agree how to facilitate the stakeholder process (national or international).

Adaptive management is not mentioned as a principle in the EU 10 key principles but it is an important element for an iterative spatial planning process.

Key message 5: Monitoring and Evaluation of a MSP process needs to be defined at the beginning of the process as part of a Quality Assurance programme.

The monitoring should ideally be carried out by experts who are not involved in the content of the MSP process. The MASPNOSE Initial Assessment has shown that Monitoring and Evaluation is currently not always an explicit part of MSP processes in the Member States involved in this preparatory action. Cross-border MSP processes poses specific challenges because of the potentially different phases in the policy cycle in different Member States.

Monitoring and evaluation in the context of MSP has two distinct meanings. In one meaning this refers to the monitoring and evaluation of the "system" developments after a maritime spatial plan and associated measures have been agreed and implemented. So this means

trying to keep an eye to the developments in e.g. the habitats, specific species, economic or social aspects. In the second meaning, monitoring and evaluation refers to the quality control of the process of planning. In this meaning the key focus is on the different steps in the planning process and how they have been completed: e.g. has the legal basis been established, have stakeholders been involved in the initial planning phase etc.

The MASPNOSE initial assessment has shown that monitoring and evaluation is not necessarily a part of the MSP process in the different Member States. In cross-border MSP processes, monitoring and evaluation is further complicated by the potentially different phases in the policy cycle in different Member States.

Key message 6: MSP with cross-border implications has three potential levels of engagement: coordinating, consulting or informing.

The EC 10 key principles for MSP stipulate that "Cross-border cooperation and consultation" is one of the key principles. We have found in the MASPNOSE project that there is often a misunderstanding about what is actually meant with the cross-border implications of MSP. The highest level of engagement is when multiple Member States **coordinate** an international maritime spatial plan (e.g. as the attempts in the MASPNOSE Dogger Bank case study). A medium level of engagement is when neighbouring Member States **consult** each other on the development of their national maritime spatial plans and where possible adapt these national plans to the concerns of the neighbouring states. The lowest level of engagement is when neighbouring Member States **inform** each other of spatial plans that have been developed without the possibility to change plans.

10 General recommendations

What we found is that there is a general willingness to cooperate and a willingness to look for common objectives. A useful consequence of the MASPNOSE project has been that key persons for MSP in the different Member States have been connected to each other. In the stage of pre-planning for MSP, informal contacts were considered more important than formal contacts.

There have been many discussions in the MASPNOSE project about the need, opportunities and threats of developing binding EU instruments for Maritime Spatial Planning. Participants had different opinions on the appropriateness of binding EU instruments for MSP. Some considered it counter-productive to translate the key principles on MSP into legislation. Others thought that it would enhance the clarity on responsibility.

The key messages from the MASPNOSE project on cross-border MSP are:

- Define a clear MSP process
- Distinguish between front-stage and back-stage transparency
- Include geo-spatial analysis in a MSP process
- Additions to 10 key principles on MSP
 - Establishing of mandate
 - Financing of stakeholder involvement
 - Adaptive management

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12 About MASPNOSE

MASPNOSE is a Preparatory Action on Maritime Spatial Planning (MSP) in the North Sea, co-funded by the DG MARE under tender 2009/17. MASPNOSE aims to facilitate concrete, cross-border cooperation among European countries on ecosystem-based MSP. Building on previous and ongoing initiatives, the project explores opportunities for collaboration among North Sea countries and for an international strategy for the Southern North Sea, establishing elements for a common agenda for cooperation of countries in the region.

MASPNOSE gathers information and analyse the current conditions, including ecological and biological features as well human use and its impact. This information will be used to design a process for cross-border MSP and to develop a concept for monitoring and evaluation of these processes. MASPNOSE acknowledges the overarching importance of national authorities in MSP development and the very important role of other stakeholders.

MASPNOSE focusses on two case studies:

1. Thornton Bank. The case study comprises an area between Belgium and The Netherlands, partly on sand banks located on both sites of the border. Cross-border MSP could aid to address the issue of wind energy, shipping, fisheries management, aquaculture and nature conservation.
2. Dogger Bank. The case study comprises an area between the United Kingdom, The Netherlands, Germany and Denmark. Cross-border MSP could aid to address the issue of fisheries management, nature conservation and sustainable energy production.

MASPNOSE started on 1 December 2010 and will finish on 31 May 2011.

www.cmp.wur.nl/maspnose

