



# MASPNOSE

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

### Review and assessment of the cross- border MSP processes in 2 case studies

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## Executive Summary

The MASPNOSE project has experimented with processes for cross-border Maritime Spatial Planning (MSP) in two case studies: 1) Thornton bank and 2) Dogger Bank. The aim was to encourage and facilitate concrete, cross-border cooperation. This was done through the exploration of the possibilities of cooperation among stakeholders and between countries and through establishing elements for a common agenda for the cross-border cooperation. In this report we present the results of the monitoring and evaluation of the MSP processes in both case studies.

### Monitoring and Evaluation of the Thornton Bank case study

The Thornton Bank at present is an area with intensive shipping, which is also used for fishing. Prior to the MASPNOSE involvement, cross-border cooperation was already taking place between some Belgium and Dutch Ministries. This was mainly to coordinate activities, and was arranged through existing rules/fora, such as Espoo, SEA regulations and consultation on shipping.

The case study focussed on possible cross-border cooperation between governments and stakeholders in the development of activities in the Thornton Bank area: e.g. the development of offshore wind farms in the Belgian zone and the development of new activities (such as renewable energy, sand extraction and aquaculture) in the Dutch zone.

The MASPNOSE team involved in this case study, aimed to encourage interaction between representatives from the Dutch and Belgium government to explore possibilities for cross-border cooperation. MASPNOSE invited a broad group of representatives from various Ministries that previously had not interacted. During the MASPNOSE activities governmental representatives from environment, economics and shipping interacted with each other. Fisheries government representatives were invited, but did not participate (but they were interviewed). Private stakeholders were not invited to participate, because the governmental stakeholders preferred to stimulate cross-border cooperation among the public stakeholders before involving private stakeholders.

During these activities the participants expressed that **information exchange** should be improved in relation to MSP in the Thornton Bank. Sometimes it was not clear whom to contact or where information could be found. This could be improved by identifying key persons within the governments that are responsible for MSP. They could also make use of existing consultation opportunities (SEA). Moreover the participants felt that informal contacts are often equally important than formal contacts for developing cross-border cooperation and trust among the involved stakeholders. Participants expressed that at present they were not in favour of binding instruments for MSP. There is however a willingness to cooperate and a willingness to look for common objectives.

Belgium and The Netherlands followed **different timelines** in their maritime spatial planning processes. Aligning the different timelines will be an important challenge for cross-border

MSP. Member States should preferably start at the same time, discuss the process set-up and how (and when) to involve stakeholders.

The case study was effectively a type of **pre-planning** of the potential for collaboration between public (governmental) stakeholders from both countries. There was a deliberate decision not to involve private stakeholders at this stage of the process. The decision on if and when to involve private stakeholders in cross-border MSP appears to be an important decision with which not much experience has been gained. Involving private stakeholders too late in the process, could potentially back-fire when the process is perceived as too closed or not legitimate.

During this pre-planning phase it is important to invest in the development of trust and a common language. For example, the concept 'monitoring' has a different meaning in Belgium and the Netherlands. In cross-border MSP it is important to spend time to develop trust and a **common language** and where possible a common knowledge base.

### **Monitoring and Evaluation of the Dogger Bank case study**

The Dogger Bank case study was selected in April 2011. The objectives were to facilitate and study the North Sea Regional Advisory Committee (NSRAC) stakeholder process and to evaluate the previous EMPAS (Germany) and FIMPAS (Dutch) processes on fisheries management plans for Natura2000 areas.

The intergovernmental steering group Dogger Bank (DBSG), which emerged out of the Dutch FIMPAS process, aims to come to an international management plan for nature and fisheries within a Natura 2000 framework. The DBSG invited the NSRAC to write a position paper with recommendations on a fisheries management plan for the combined Dogger Bank Natura 2000 sites. The NSRAC position paper was developed as a result of five meetings of its Dogger Bank focus group in 2011, including two workshops, and facilitated by the MASPNOSE project ([www.nsrac.org](http://www.nsrac.org)).

The Dogger Bank case study was carried out in a number of different phases. The initial involvement of MASPNOSE was through the facilitation of the North Sea stakeholders, who were united in the North Sea Regional Advisory Council and help them with the development of a management plan for international fisheries measures on the Dogger Bank. This was then be submitted to the Dogger Bank Steering Group (DBSG) consisting of the representatives of Member States and ICES. The case study has contributed and followed the interactions between the decision-making level (DBSG) and the stakeholder involvement (NSRAC). However, it has never been a joint process with DBSG and NSRAC.

MASPNOSE has facilitated the stakeholder process by hosting events, leading workshops and assisting in writing the position paper. Facilitation of the NSRAC process required expertise on content and process design. This was needed in order to build trust between stakeholders who had very different points of view and interests (i.e. fishermen and NGOs). Conflict resolution and mediation among stakeholders was an important part of the facilitation work.

Several participants in the case study argued for involving scientists "who knew what they were talking about". The stakeholders wanted "scientific facts" before they could discuss

potential solutions, for example "facts" on how much protection would be needed on the Dogger Bank. There is a challenge for stakeholder processes to deal with system uncertainty in which "facts" are not just facts but also conjectures, ideas or even opinions.

Public and private stakeholders have perceived the MASPNOSE project as a way to **finance** the private stakeholder process. The question that came up on that issue was: who will be responsible for facilitating public-private stakeholder processes in a cross-border situation? It is important to determine who feels responsible for and is paying the private stakeholder participation and who decides how the selection of these private stakeholders is taking place.

During the case study it became clear that there is difference 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 groups of stakeholders. Besides that information can be distributed to the wider public (front-stage transparency).

The Dogger Bank case showed that the issue of **mandate** is an important element of the organisation of a cross-border MSP process. It is important to clarify on what issues the stakeholders that are involved in the process can decide. Member States should be clear how they will use the results that come out of the stakeholder process.

Furthermore it is important to agree what **knowledge base** to use, and how the quality of the data is assured. It should be clear who is responsible for the collection of data, and who pays for this collection.

## Conclusions and recommendations on the 10 key principles

### 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). 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 wind mill 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 essentially cross-border, and which activities are mostly performed by national authorities, but might need interaction with the other states. This requires consultation with neighbouring countries beforehand on how this is arranged. It also requires stakeholder meetings in which activities are aligned. Finally it requires political decision making regarding the trade-offs (e.g. which activities are going to take place in the future?).



## **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).

Within the Thornton Bank the dilemma occurred that the involved Member States have national objectives that can possibly conflict with cross-border cooperation. In the Dogger Bank another situation occurred; public stakeholders were waiting for the private stakeholders to define objectives, and vice versa. The public stakeholders failed to come with detailed objectives, and arbitration was also not present.

Therefore, from the case studies it became clear that it is indeed important to have detailed objectives and share these among the relevant stakeholders, and the objectives should allow arbitration in the case of conflicting sectoral interests. However there are not only sectoral conflicting interests, but also conflicting interests between the different governmental bodies, and between public and private stakeholders.

## **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). 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 the diverse expectations.

In the Thornton Bank case study the participating public stakeholders from both countries preferred to come to agreements first before being transparent to the private stakeholders. Transparency also requires checks from legal departments, which is not always useful in their opinion and is time consuming. In the Dogger Bank case study the NSRAC private stakeholders expressed that they were more transparent about their process than the public stakeholders.

Related to the principle of transparency, there is the issue of trust. Trust played an important role in the cross-border cooperation, but also in the cooperation between national stakeholders with different interests. Transparency does not necessarily improve predictability and increase acceptance. Transparency can have a negative effect on the trust building process. In order to create trust, stakeholders can request that the information they are sharing is not published.

## **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).

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. Good stakeholder participation is a challenge that involves a lot of time and effort, and when expectations are not clear, and it is not clear what stakeholders are gaining, it is better not to involve stakeholders, otherwise trust is lost (leading to stakeholder-fatigue).

#### **5. Coordination within Member States - simplifying decision processes**

Coordinated and crosscutting 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.

#### **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.

#### **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. 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.

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

#### **8. Incorporating M&E in the planning process**

Monitoring and evaluation in the context of MSP has two distinct meanings. The first meaning refers to the monitoring and evaluation of the "system" developments after a maritime spatial plan and associated measures have been agreed and implemented. This involves the developments in e.g. the habitats, specific species, economic or social aspects. The second meaning refers to the quality control of the planning process. 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.

### **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 and maritime spatial planning has not been explicitly considered in the two MASPNOSE case studies.

### **10. Strong data and knowledge base**

MSP has to be based on sound information and scientific knowledge. Planning processes need to evolve with the development of the knowledge base (adaptive management). It is important to agree what knowledge base to use. Quality assurance on data and knowledge is of crucial importance (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. However, one may wonder if scientific data is sufficient 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 and interpretations. Furthermore there is always a risk that there is never enough information. However, under adaptive management you can still take decisions.

### **Applicability of the 10 key principles on MSP**

Following the conclusions on the 10 key principles on MSP, we can argue that they are useful principles for cross-border MSP processes. 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. The principles are not prescribing how to run a (cross-border) MSP process, which would require a set of procedures (based on principles) and project planning with deliverables and milestones.

### **Recommendations on monitoring and evaluation in cross-border MSP processes**

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 be writing 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 take on a role as “process advisors” who provide feedback to the chair or facilitator on what they have observed.

## 1 Introduction

The MASPNOSE project has experimented with the implementation of cross-border Maritime Spatial Planning (MSP) in two case studies: 1) Thornton bank and 2) Dogger Bank. The aim was to encourage and facilitate concrete, cross-border cooperation. This was done through the exploration of the possibilities of cooperation among stakeholders and between countries and through establishing elements for a common agenda for the cross-border cooperation. In this report we will evaluate the MSP processes that took place in both case studies.

Effective monitoring and evaluation is widely recognised as a fundamental component of maritime spatial planning and needs to concentrate on the most important issues potentially affecting a maritime area. MASPNOSE therefore developed a framework for Monitoring and Evaluation (M &E) in Deliverable 1.3.1. Within this M&E framework we combined the management cycle of Hocking et al with the ten 10 key principles for MSP in practice, identified by the EU Roadmap on MSP (EC, 2008). With these 10 key principles the EC wants to develop a framework at EU level with more coherence and guidance. The emphasis is on cross-border cooperation (ibid).

In this document we evaluate the two MASPNOSE case studies with the following aims in mind:

1. to evaluate the specific role of MASPNOSE in encouraging MSP processes in the two case study areas
2. to analyse the broader policy contexts in which these activities have taken place
3. to test the applicability of the 10 key principles for MSP in practice, identified by the EU Roadmap on MSP, focusing on the cross-border context and identifying possible gaps or lessons to be learned.
4. to test the MASPNOSE M&E framework and answer the question if this framework is sufficient and how it should be adapted to analyse cross-border maritime spatial planning processes in the future.
5. to make recommendations for future M&E in cross-border maritime spatial planning processes.

For the Dogger Bank the timeline for evaluation is set from the third FIMPAS meeting (January 2011) until the NSRAC meeting in February 2012. For the Thornton Bank the timeline for evaluation is set from the MASPNOSE kick-off workshop (March 2011) until the February 2012 MASPNOSE workshop.

### *Outline of the report*

In chapter two we will present the M&E framework. In chapters three this framework is applied to analyse the Thornton bank case study. In chapter four this framework is applied to analyse the Dogger Bank case study. In chapter five we draw conclusions and make recommendations. First, we discuss the applicability of the EU 10 key principles on MSP and second we discuss M&E in cross-border maritime spatial planning processes.

## 2 Monitoring and Evaluation approach in MASPNOSE case studies: Towards an adaptive M&E tool.

### 2.1 Monitoring and evaluation framework

The Monitoring & Evaluation framework (see MASPNOSE D1.3.1) that we developed to evaluate the MASPNOSE case studies is based on the management cycle of Hocking et al (2000) and combined with the questions that need to be addressed within the 10 key principles (see box 2-1).

The ten key principles as defined in the Roadmap for Maritime Spatial Planning (Commission, 2008)

1. Using MSP according to area and type of activity
2. Defining objectives to guide MSP
3. Developing MSP in a transparent manner
4. Stakeholder participation
5. Coordination within Member States — Simplifying decision processes
6. Ensuring the legal effect of national MSP
7. Cross-border cooperation and consultation
8. Incorporating monitoring and evaluation in the planning process
9. Achieving coherence between terrestrial and maritime spatial planning
10. A strong data and knowledge base

Box 2-1 Ten key principles as defined in the Roadmap for Maritime Spatial Planning (Commission, 2008)

Hockings et al (2000) developed a management cycle that identifies six important elements in this process that should, ideally, all be assessed if effectiveness of management is to be fully understood: 1) Context (baseline information); 2) Planning; 3) Inputs; 4) Process; 5) Outputs and 6) Outcomes.

Evaluation that assesses each of the elements of Figure 2-1 (and the links between them) should provide a relatively comprehensive picture of management effectiveness.

Furthermore, Hockings et al (2000) developed a set of questions that should be addressed in each of these 6 elements for good protected area management (figure 2-1).



33Figure 2-1 Management Circle according to Hockings et al (2000)

Based on Hockings' management cycle, the related questions per element and the ten key principles a framework was developed for monitoring and evaluation (M&E) in cross-border MSP processes. This M& E framework is extensively described in D 1.3.1 (De Vos et al., 2012).

## 2.2 Adjustment of the M&E framework

When the M&E framework was used to evaluate the MASPNOSE case studies it became clear that the framework as described in 1.3.1 was not sufficient. The questions appeared to be either very quantitative (i.e. making use of scales and tables) or too closed. For example: what does it mean when a system for cross-border planning exist, or that an adequate legislation exist that enables the implementation of MSP interventions?

We came to the conclusion that after having answered all the valuation questions, we were still lacking a clear insight into how the MSP process was brought about (why was the process going the way it was going?). We needed additional, clarifying questions. Moreover, the questions focused too much on national MSP processes, while we were dealing with cross-border MSP processes.

Therefore, the M& E framework and the relationship with the ten key principles were discussed in a joint workshop (March 19<sup>th</sup>, 2012) with all MASPNOSE project members. All principles were dealt with in relation to the case studies. They were made more concrete for the participants, in order to arrive at a common understanding of the key principles. Based on this workshop, the M&E framework was adjusted. The new framework is presented in table 2-1. The first element of the policy cycle (*context* with baseline information) is presented in the case study reports of D1.2 and contains descriptions of the legal, political

and system properties. In this M&E report we focus on the following five elements of the policy cycle: 1) *planning*, 2) *inputs*, 3) *process*, 4) *output*, and 5) *outcome*.

The M&E questions as posed in table 2-1 are foremost but not exclusively related to the key principles (box 2-1). There are questions that fit well within one principle but there are also questions that relate to more than one key principle, which indicates that there is overlap between key principles. It also becomes clear that 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?). This is an interesting point that we will analyse further in this report, as this might mean that apart from questions that are derived from the ten key principles, also other relevant questions need to be addressed and should be included. Hence, the M&E questions within our framework can be seen as a further operationalization of the ten key principles. They address issues that are not addressed in the Roadmap on maritime spatial planning, but are very important when evaluating the cross-border MSP-process.

**Table 2-1 Adjusted framework for the M&E of the MASPNOSE cross-border MSP case studies**

Policy phase	M&E questions	Key Principle	Principle text
1. Planning	How has the area been defined?	1	Using MSP according to area and type of activity
	By who, and	1 (4)	Using MSP according to area and type of activity
	When? (during the MSP process or beforehand)	1	Using MSP according to area and type of activity
	What are the values and what is the significance of the area for each country?	1	Using MSP according to area and type of activity
	Did a maritime spatial plan already exist?		
	What are the objectives for the MSP process	2	Defining objectives to guide MSP
	By who were they defined? When? And How?	2 (4)	Defining objectives to guide MSP
	Are these objectives agreed on by all parties involved? If not, by who?	2 (4)	Defining objectives to guide MSP
	Have objectives been communicated to the public?	2 (3)	Defining objectives to guide MSP
	Which reference points do we take for M&E in this case? (beginning and end, and why?)	8	Incorporating monitoring and evaluation in the planning process
	Which activities are taking place?		
	Which means are allocated to the process?		
2. Inputs	Is an M&E plan available?	8	Incorporating M&E in the planning process
	If yes: Made by whom? What is the focus? What is it used for? Is it communicated to the stakeholders? And at which stages of the policy cycle does M & E take place?	8 (3, 4)	Incorporating M&E in the planning process
	If no: why not?	8	Incorporating M&E in the planning process
	Which data was used? (scientific, local knowledge etc.)	10	A strong data and knowledge base



	What role does data play in the process?	10	A strong data and knowledge base
	Which data was important but not available?	10	A strong data and knowledge base
3. Process	Which actors/institutions (from which countries) are involved in the MSP process?	4	Stakeholder participation
	Are these public/private stakeholders?	4	Stakeholder participation
	Do these actors have authority/decision making power?	4	Stakeholder participation
	At which stage during the process were these stakeholders involved?	4	Stakeholder participation
	How are the stakeholders involved?	4	Stakeholder participation
	Are stakeholders satisfied with the degree of participation?	4	Stakeholder participation
	Is the MSP process transparent?	3	Developing MSP in a transparent manner
	At which stage of the MSP process is transparency implemented? Why is that?	3	Developing MSP in a transparent manner
	Who is leading the cross-border process, and what mandate do they have?	7	Cross-border cooperation and consultation
	Did interactions between the countries take place at the start of the process?	7	Cross-border cooperation and consultation
	Between which countries and which actors? On which themes? And formal/informal?	7	Cross-border cooperation and consultation
	Did this change throughout the process? Why?	7	Cross-border cooperation and consultation
	Is a coordinating administrative body established for MSP within the Member States and does this body have a legal and formal mandate and authority?	5	Coordination within Member States - simplifying decision processes
	Does a lack or presence of internal coordination affect the MSP process? In what way?	5	Coordination within Member States - simplifying decision processes
4. Output	Is national MSP regulated by law?	6	Ensuring the legal effect of national MSP
	Are there are opportunities for linking activities at sea with coastal activities?	9	Achieving coherence between terrestrial and maritime spatial planning - relation with ICZM
5. Outcome	What products and services have been delivered? (actual versus planned)		Incorporating M&E in the planning process
	Are they available to the public? In which language?	3	Developing MSP in a transparent manner
	What did come out of the process? (e.g. spatial plan, agreements between countries)		Incorporating M&E in the planning process
	What are opportunities and bottlenecks for cross-border MSP? Why?	7	Cross-border cooperation and consultation
	Are stakeholders satisfied with the outcome? Why/why not?	4	Stakeholder participation

## 2.3 Methodological design

The MASPNOSE project has followed a case study approach. Such an approach is appropriate when studying contemporary phenomena in a real-life context, and when ‘how’ and ‘why’ questions are asked (Yin, 2009). Empirical data is collected through participant observation during case study meetings, semi-structured interviews, and action research. The

MASPNOSE project analysed cross-border MSP processes, but at the same time facilitated these processes. Action research aims to contribute both to the practical concerns of people in an immediate problematic situation and to further the goals of social science simultaneously. Thus, there is a dual commitment in action research to study a system and concurrently to collaborate with members of the system in changing it in what is together regarded as a desirable direction<sup>1</sup>.

The MASPNOSE project mainly aims to gain insight into cross-border cooperation, therefore this also has the focus when analysing the case studies. The case studies should help us to analyse cross-border cooperation in maritime spatial planning processes, and to make recommendations for future processes that are characterised by cross-border cooperation.

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<sup>1</sup> <http://www.web.ca/robrien/papers/arfinal.html>

### 3 Monitoring and evaluation of the Thornton Bank case study

In this chapter we will answer the M&E questions for the Thornton bank case study. This chapter consists of five sections and a sixth section on lessons learned. In the first five sections the steps as described in the M&E framework are addressed:

- 1) Planning (which focuses on principles 1 and 2)
- 2) Inputs (which focuses on principles 8 and 10)
- 3) Process (which focuses on principles 3,4,5,6,7, and 9)
- 4) Output (which is less related to the principles)
- 5) Outcome (which is less related to the principles)

#### 3.1 Planning

##### *Reference points for M&E*

The MASPNOSE evaluation of the Thornton bank starts at March 2011 when the MASPNOSE kick-off meeting took place. At the kick-off meeting several representatives from both Dutch and Belgium Ministries were present. The M&E ends after the final workshop in Ghent (February 2012).

##### *Area definition*

The Thornton Bank (and the surrounding area) lies partly in the Belgian and partly in the Dutch EEZ. Both countries have economic and nature protection stakes in the area of the Thornton Bank (see table 3-1).

The area was selected as part of the MASPNOSE process. The area that was defined by the Dutch and Belgium governmental stakeholders was the wider Thornton bank and Borssele zone. The Belgium government has clear views on the area. The Thornton Bank is for Belgium mainly a concession zone for wind farming/renewable energy. Also shipping is an important activity in the area.

For the Netherlands, the Thornton bank is not one of the most important areas in the North Sea. Some ministries were not aware that this area was situated in the Dutch EEZ (personal communication with policy maker, 2011). However the potential impact of Belgium plans is important for the Netherlands. Moreover, for the Netherlands the accessibility of the Rotterdam harbour is of great importance. For Belgium this is the harbour of Antwerp, and they want to keep the Western Scheldt open.

**Table 3-1 Thornton Bank: relative importance of main functions and future plans in the Thornton bank area (Assessment based on MASPNOSE 2nd workshop 2012).**

Function <sup>2</sup>	The Netherlands		Belgium	
	Present function	Future plans	Present function	Future plans
Renewable energy	-	3-5 <sup>3</sup>	-	5 <sup>4</sup>
Shipping	5		5	
Fisheries	3		3	
Aquaculture	-	3	-	1
Nature conservation	1		1	
Sand extraction	3		1	
Military exercises	1		1	

### *Spatial plan*

There is not yet a spatial plan for the area. The area has not been designated as a Natura 2000 area, and it is not mentioned under the Marine Strategy Framework Directive either. However, cross-border consultation is required. The Espoo convention (Convention on Environmental Impact Assessment in a Trans-boundary Context) lays down the obligation to notify and consult each other at an early stage of planning on cross-border projects that are likely to have significant effects across boundaries (personal communication with Dutch policy maker, 2011). Belgium and Dutch Ministries therefore phone each other about upcoming decisions. All governmental stakeholders agree that cross-border consultation in the future is needed. One reason is that decisions, such as designating areas for wind farming or the decision not to dredge shipping routes can have an effect on the activities of neighbouring countries.

### *Objectives for the MSP process*

At the beginning of the MASPNOSE case study, the Netherlands and Belgium had different objectives for this area. Belgium has clear objectives; the area has been designated as an area for renewable energy. The objectives for the Netherlands have not yet been precisely defined; they prefer to keep options open for future activities. That is why the Dutch plan is not a zoning plan ('bestemmingsplan'), but a structural vision ("structuurvisie", I&M 2012). The Dutch want to prevent that when an area is reserved for a certain activity it does not exclude other activities in that area (Thornton bank 2<sup>nd</sup> workshop, February 2012 see figure 3.1). The Netherlands see opportunities for wind farming, aquaculture, and sand extraction. At present fisheries and shipping are taking place. One dilemma that therefore occurred is that the involved Member States can have objectives for the future that can possibly conflict with cross-border cooperation.

<sup>2</sup> Relative importance scale: 1= low importance; 3 = medium; 5 = high importance.

<sup>3</sup> Search area for renewable energy

<sup>4</sup> Seven concession zones delimited; Six concessions granted; Three concessions with environmental permit after EIA

An important objective for both countries is to protect the stakes they have in the Thornton bank area (see table 3-1). Present stakes are shipping and fisheries. Future stakes are renewable energy and aquaculture (see table 3.1).

As part of the MASPNOSE process, common objectives (potential areas for coordination) have been formulated. These will be elaborated upon in section five of this chapter.

### Activities

Since January 2011 several activities were carried out by the MASPNOSE Thornton bank case study team. In the following table the data, method and aims of each event is described (table 3-2).

**Table 3-2 Thornton Bank: date, location, methods and aims of the events**

Date/location	Method	Aim
March 2011, Rotterdam	Facilitation of MASPNOSE kick-off meeting	To facilitate stakeholders in making cross-border maritime spatial plans
March 2011	Interviews	Identify key governmental stakeholders. Partners were selected based on previously established relationship in scope of MASPNOSE or other national/international projects.
Aug.-Sep. 2011	Interviews	Identify issues that should be addressed in the first workshop (preparation)
October 13 <sup>th</sup> 2011 The Hague	1 <sup>st</sup> Workshop	The workshop had 4 goals: 1. Explain the MASPNOSE project and the interest of DG Mare; 2. Make a comparison of the current MSP status in both Belgium and the Netherlands; 3. Identify future options for the area from a cross-border perspective; 4. Discuss the 10 key principles from the EU Roadmap and the Thornton bank.
February 7 <sup>th</sup> 2011, Ghent	2 <sup>nd</sup> Workshop	This workshop had 4 goals: 1. Make a trans-boundary spatial map that combines activities and uses on the Belgian and Dutch side of the Thornton bank area 2. Identify possible future scenario's for the Thornton bank 3. Identify priorities of activities in the area 4. Identify options for cross-border cooperation in the area
March 29 <sup>th</sup> 2012, Hamburg	MASPNOSE stakeholder workshop	This workshop had 2 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

### 3.2 Inputs

Inputs are the means allocated for implementation of the activities either financial, personnel facilities (technical assistance volunteers), equipment and supplies.

#### *Allocated means*

The MASPNOSE input for the activities of the Thornton bank consisted of:

- Presentation on the outcome of the interviews with public stakeholders
- A set of trans-boundary spatial maps with current use in the Thornton bank
- Presentation of future scenarios for the Thornton bank
- Three workshops where public stakeholders from Belgium and the Netherlands were invited, and were able to meet and talk in an informal setting on spatial planning in the Thornton bank

#### *Monitoring and evaluation*

In Belgium there was and still is not a process for M&E of maritime spatial plans. There is of course (based on regulation) a monitoring plan for the continuous assessment and evaluation of the environmental effects of the offshore wind farms. In the Dutch 'Structuurvisie' monitoring and evaluation is scheduled every two years (I&M, 2012). This focuses on the realisation of national ambitions against the ambitions (Ministerie van Infrastructuur en Milieu, 2012).

#### *Data and information*

Several data were used in the process:

- Data on responsible authorities for MSP in Belgium and the Netherlands
- Data on national processes for MSP
- Data on past and actual of cooperation relevant for MSP
- Data on the development of policies and plans by both authorities regarding MSP
- Data on the 10 principles on MSP
- Data on offshore wind energy plans and shipping.

### 3.3 Process

This section deals with the cross-border MSP process in the Thornton bank. We will deal with the principles on stakeholder participation (principle 4), transparency (principle 3), coordination within Member States (principle 5) and cross-border cooperation (principle 7).

### Stakeholder participation

In this report we define the concept stakeholder as follows: A stakeholder is any group or individual that can affect or is affected by decision in the maritime spatial planning process (adapted from Freeman, 2001).

In the Thornton bank MSP process only *public stakeholders* were involved (i.e. government representatives). Prior to the MASPNOSE project some initial contact between the Dutch Ministry of Infrastructure and Environment and the Belgium Ministry of Environment existed. The MASPNOSE case study team then suggested involving the Ministry of Maritime Transport and The Ministries of Economy. The involvement of other stakeholders than the government was also suggested, but not considered desirable by the Dutch and Belgian government representatives. Private stakeholders did not participate, because the governmental stakeholders preferred to stimulate cross-border cooperation before involving other stakeholders. On the Belgium side there was also the fear that the involvement of private stakeholders would interfere with the national MSP process that was scheduled for 2012 and also includes stakeholder participation (see: the minutes of MASPNOSE workshop March 19<sup>th</sup>, 2012). The plans discussed for the Belgian part of the Thornton bank area are very concrete and already at the level of implementation. On the Dutch side there are no concrete plans, except for activities that are actually taking place and are not part of a MSP (sand extraction and fisheries).

The involved governmental stakeholders do not perceive themselves as stakeholders. They only see private stakeholders as 'real' stakeholders.

**Table 3-3 Thornton Bank: stakeholder involvement during case study events**

Name	Affiliation	Country	MASPNOSE Kick off meeting	Workshop 1	Workshop 2	MASPNOSE stakeholder workshop
Lodewijk Abspoel	Ministry of Infrastructure & the Environment, DG Water	NL	X	X	X	X
Marian Botman	Ministry of Economic Affairs, Agriculture and Innovation	NL			X	
Klaas Groen	Waterdienst	NL		X		
Xander Keijser	Waterdienst	NL		X		
Steven Vandenborre	Ministry of the Environment, DG Marine Environment	B	X	X	X	(X) <sup>5</sup>
Nadège Dewalque	Flemish Gov. Environment & Infrastructure	B		X		
Charlotte Herman	Ministry of the Environment, DG Marine Environment	B		X	X	
Ludovic Mouffe	FOD Economy, DG Electricity	B		X	X	
Frans van Rompuy	DG Maritime Transport	B		X	X	

<sup>5</sup> Only through email.



The Belgian governmental stakeholders are not the final decision-makers since this is left to politicians. However, they are the key persons at the level of policy development advising the final decision-makers. They have a very substantial influence on the further development of MSP in Belgium and are in that sense the right actors for MASPNOSE.

#### *Transparency of the MSP process*

The public stakeholders present at workshop 2 expressed that they first want to set their objectives and to coordinate with other public stakeholders (both nationally and internationally) before being transparent about it to other (private) stakeholders.

#### *Coordination for MSP within the Member States and legal aspects*

In Belgium, coordination of MSP is under the responsibility of the Minister for the North Sea who was also responsible for the Belgian Master Plan on MSP (2003-2005). However, within the Belgium government there is some tension between the federal and the Flemish governments. For example the designation of the Belgian wind farm area has been done by the federal government not taking into account the Flemish shipping responsibility.

In the Netherlands, MSP is coordinated by the Ministry of Infrastructure and the Environment. This ministry is supported in this task by the IDON, an Inter-ministerial consultation body for the management of the North Sea. Marine Spatial Management in the Netherlands is embedded in the National Water Plan (NWP 22.12.2009), which, according to the Dutch Water Law has to be formulated every six years. The NWP 2009-2015 contains, among others, a paragraph on the management of the North Sea, in which the Spatial Management Plan for the North Sea is explained, accompanied by a map. Attached to the NWP is the Policy Document on the North Sea 2009-2015 (IMPNS 2015), which offers a more detailed and specific illustration of this Spatial Management Plan. The IMPNS 2015 was formulated in 2005 and is thus based on the old legislation before the National Water Law was in place. The NWP states that an update of the MPNS was planned for 2010. However a new version has yet to be published.

The responsible body for the execution of Marine Spatial Management Plan is Rijkswaterstaat, the executive branch of the Ministry of Infrastructure and Environment. Rijkswaterstaat administers all major infrastructures in the country and is responsible for its design and construction, as well as its management and maintenance.

#### *Cross-border cooperation*

Prior to the MASPNOSE involvement, cross-border cooperation was already taking place between some Belgium and Dutch Ministries. This cooperation mainly took place on the level of coordinating cross-border activities (see table 3-6). Coordination was arranged through existing rules/forums, such as the Convention on Environmental Impact Assessment in a Trans-boundary Context (Espoo), Strategic Environmental Assessment (SEA) regulation

and consultation on shipping. The MASPNOSE process stimulated the cooperation between both countries to integrate their activities and make them more efficient. For instance: during the first MASPNOSE workshop the idea came up to develop economic scenarios with environmental benefits.

A difficulty in the cross-border cooperation between Belgium and The Netherlands is that they followed different timelines in their maritime spatial planning processes. In 2010, The Netherlands had just adopted a MSP for the Dutch EEZ, including maps. Belgium did not have the political mandate to develop MSP at the start of MASPNOSE.

Another aspect that requires attention in cross-border cooperation concerns language differences. For example, the concept 'monitoring' has a completely different meaning in Belgium and the Netherlands.

*Did interactions between the countries take place at the start of the process?*

Yes, there were already pre-existing contacts between Belgium and The Netherlands on a number of issues.

*Between which countries and which actors? On which themes? And formal/informal?*

Prior to the MASPNOSE involvement, cross-border cooperation was already taking place between some Belgium and Dutch Ministries. This cooperation mainly took place on the level of coordinating cross-border activities. Coordination was arranged through existing rules/forums, such as the Convention on Environmental Impact Assessment in a Trans-boundary Context (Espoo), Strategic Environmental Assessment (SEA) regulation and consultation on shipping. The coordination was a mix of formal and informal contacts.

*Did this change throughout the process? Why?*

Throughout the MASPNOSE project the informal contacts between Belgium and The Netherlands government stakeholders have improved.

### 3.4 Outputs

Outputs are the products and services that have been delivered in the process. The outputs of this case study are described in table 3-4:

**Table 3-4 Thornton Bank: output of the case study**

Output	Product	Planned	Language
1	An action plan. This action plan discusses the objectives, actions, participants and planning of the case study in the cross-border area between Belgium and the Netherlands.	Yes	English
2	Interview reports. These interviews were done with the purpose to prepare for the first workshop. It was also an opportunity to get the points of view from public stakeholders that were not involved in the Thornton bank case study.	Yes	Dutch

Output	Product	Planned	Language
3	First stakeholder workshop. In the first workshop the action plan was discussed and adjusted by the public stakeholders.	Yes	Dutch
4	Second stakeholder workshop. In the second workshop spatial claims, future claims, and options for cross-border cooperation were discussed.	Yes	Dutch
5	Evaluation meeting, where the outcomes of the MASPNOSE case studies were discussed with the stakeholders	Yes	English
6	A trans-boundary spatial map with the activities/claims in the area made by the MASPNOSE researchers. This map showed all the activities. Several comments were made by the public stakeholders. For example: The activities as shown in the trans-boundary map only concerned activities that are subjected to licenses. Another comment was that a map that shows all the spatial claims does not leave a lot of room to think about multiple use in spatial planning.	Yes	Dutch
7	Minutes of the workshops	Yes	Dutch with English summary
8	Two spatial maps with future activities/plans for the Thornton bank. One of the maps showed the perspective of the Belgium public stakeholders, and the other the perspective of the Dutch public stakeholders. The maps show the national vision, but also options for cross-border cooperation. These maps are published in the case study report (D 1.2).	No	English

Table 3-4: Output of the Thornton bank case study

### 3.5 Outcome

Outcomes refers to what has been achieved in the case study and what the opportunities and bottlenecks are for a cross-border MSP in the Thornton bank. The Thornton Bank case study has focussed on the challenges and opportunity for cross-border MSP in the case-study area. This resulted in the development of common objectives in the new and expanding cross-border network. Writing an action plan, which was used and reflected upon, was an important aspect of a public stakeholder process (Stelzenmüller et al, 2011).

#### *Opportunities and bottlenecks for a cross-border MSP process in the Thornton bank*

Based on the interviews and the workshops (see table 3-2) several opportunities and bottlenecks for cross-border cooperation were derived.

The stakeholders saw the following opportunities for cross-border cooperation:

- Opportunities for cooperation between the Dutch and Belgians lie mainly in the creation of communal offshore electricity connections which can be used by both countries, and in the determination of where shipping routes should lie.
- The cooperation should not be regulated in a formal way, because that would restrict national authorities too much. It is more important to know who to contact for which issues. The current way in which information is shared is through informal channels and personal relations. This can be stabilised and improved.

- In order to improve cooperation, it is suggested that both countries could at least start their planning process at the same time, and discuss the process and how to involve stakeholders together.
- The tension between participation of stakeholders and transparency of the process could be helped by a shared database/information tool.

When the stakeholders were thinking about these opportunities, several bottlenecks also came up in the plenary discussion:

- A bottleneck in the mutual development of wind farms and electricity connections is that each country has to reach its energy goals and that renewable energy is “charged” on national level. This is for example the case when UK wind farm companies want to build turbines on the Dutch part of the Thornton bank. The question is how this renewable energy will count for each country. Furthermore: countries want to optimise sand extraction, nature conservation etc., but how are the costs and benefits going to be divided? These (unresolved) issues can hamper cross-border cooperation.
- Stakeholders have difficulties finding out which departments or which persons are responsible for certain topics in the neighbouring country. In 2010, The Netherlands had just adopted a MSP for the Dutch EEZ. Belgium did not have the political mandate to develop MSP at the start of MASPNOSE.

#### *(Public) stakeholders’ perceptions regarding the outcome*

The involved public stakeholders that were involved from both the Netherlands and Belgium were satisfied with the fact that the MASPNOSE process enabled them to meet and discuss with public stakeholders from their neighbouring country. They indicated that it is good that they know where to find each other when they need each other. Moreover, they are more up to date with the plans of their neighbours regarding the Thornton bank and the potential effects these plans can have on their own part of the Thornton bank. The stakeholders also discussed opportunities for collaboration in the area.

However, they also expressed issues that are not resolved, such as:

- How and when to involve stakeholders, and how to prevent the focus on negotiating?
- (European) regulations can slow down processes, and decrease flexibility, as everything need to be double checked by juridical departments.
- Internal communication between national ministries remains difficult.

### **3.6 Main lessons from the Thornton Bank**

The Thornton Bank at present is an area with intensive shipping, which is also used for fishing. Prior to the MASPNOSE involvement, cross-border cooperation was already taken place between some Belgium and Dutch Ministries. This was mainly to coordinate activities. This coordination was arranged through existing rules/forums, such as Espoo, SEA regulations, and consultation on shipping.

The case study focussed on possible cross-border cooperation between governments and stakeholders in the development of activities in the Thornton Bank area: e.g. the

development of offshore wind farms in the Belgian zone and the development of new activities (such as renewable energy, sand extraction and aquaculture) in the Dutch zone.

The MASPNOSE team involved in this case study, aimed to encourage interaction between representatives from the Dutch and Belgium government to explore possibilities for cross-border cooperation. MASPNOSE invited a broad group of representatives from various Ministries that previously did not interact. During the MASPNOSE activities governmental representatives from environment, economics and shipping interacted with each other. Fisheries government representatives were invited, but did not participate (but they were interviewed). Private stakeholders were not invited to participate, because the governmental stakeholders preferred to stimulate cross-border cooperation among the public stakeholders before involving private stakeholders.

The participants agreed that information exchange should be improved in relation to MSP in the Thornton Bank. Sometimes it was not clear whom to contact or where information could be found. This could be improved by identifying key persons within the governments that are responsible for MSP. They could also make use of existing consultation opportunities (SEA). Moreover the participants felt that informal contacts are often equally important than formal contacts for developing cross-border cooperation and trust among the involved stakeholders. Participants expressed that at present they were not in favour of binding instruments for MSP. There is however a willingness to cooperate and a willingness to look for common objectives.

Belgium and The Netherlands followed different timelines in their maritime spatial planning processes. Aligning the different timelines will be an important challenge for cross-border MSP. Member States should preferably align their timelines, start at the same time, discuss the process set-up and how (and when) to involve stakeholders.

The case study was effectively a type of pre-planning of the potential for collaboration between public (governmental) stakeholders from both countries. There was a deliberate decision not to involve private stakeholders at this stage of the process. The decision on if and when to involve private stakeholders in cross-border MSP appears to be an important decision with which not much experience has been gained. Involving private stakeholders too late in the process, could potentially back-fire when the process is perceived as too closed or not legitimate.

During this pre-planning phase it is important to invest in the development of trust and a common language. For example, the concept 'monitoring' has a completely different meaning in Belgium and the Netherlands. In cross-border MSP it is important to spend time to develop a common language and where possible a common knowledge base.

## 4 Monitoring and evaluation of the Dogger Bank case study

In this chapter we will answer the M&E questions for the Dogger Bank case study. This chapter consists of five sections and a sixth section on lessons learned. In the first five sections the steps as described in the M&E framework are addressed:

- 1) Planning (which focuses on principles 1 and 2)
- 2) Inputs (which focuses on principles 8 and 10)
- 3) Process (which focuses on principles 3,4,5,6,7, and 9)
- 4) Output (which is less related to the principles)
- 5) Outcome (which is less related to the principles)

### 4.1 Planning

#### *Reference points for M&E*

The reference points for this M&E study is set when MASPNOSE was asked (in January 2011) to facilitate the North Sea Regional Advisory Council (NSRAC) with writing a spatial plan of the Dogger bank. The Dogger Bank was suggested during the MASPNOSE kick-off meeting by the chairman, Ton Ijlstra of the Dogger Bank Steering Group (DBSG) as an interesting case study for the MASPNOSE project. MASPNOSE was asked to facilitate the stakeholder (NSRAC) process in writing a position paper. The MASPNOSE monitoring and evaluation ends when the NSRAC submitted their final position paper in March 2012.

#### *Area definition*

The North Sea's Dogger Bank has historically been - and continues to be - a major trans-boundary fishing ground, particularly for flatfish and sand eels. It also has other assets such as nature conservation (addressed by Natura 2000 designations) and potential for renewable energy (addressed by wind farm development)<sup>6</sup>. Dogger Bank is a Natura 2000 complex, comprised of adjoining Special Areas of Conservation (SAC) designations. The current status is Site of Conservation Importance (SCI) for the Netherlands and Germany. It is candidate SAC for the UK. Denmark has no Natura 2000 ambitions for its part of the Dogger Bank but has major commercial fishing interests in the region ([www.noordzeenatura2000.nl](http://www.noordzeenatura2000.nl)).

#### *Spatial plan*

Since January 2011 the Dogger bank Steering group (DBSG) is responsible for making a spatial plan on nature and fisheries. This steering committee is made up of representatives from the four Dogger Bank Member States (NL, UK, DE, and DK), the European Commission and ICES. The governments of the countries that have nominated their part of the Dogger

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<sup>6</sup> NSRAC, 2012

Bank as a SAC (NL, UK, DE), have the intention to submit an international management plan for the whole SAC complex to the European Commission in October 2012.

The DBSG delegated the task of delivering a stakeholder-led spatial plan to the NSRAC. The Spatial Planning Working Group (SPWG) of the North Sea Regional Advisory Council (NSRAC) therefore set up a targeted Focus Group comprised of industry representatives (Danish Fishermen's Association, VisNed, National Federation of Fishermen's Organisations, and Deutscher Fischerei Verband), NGO representatives (WWF, North Sea Foundation) and an environmental advisor to ForeWind (NSRAC, 2012).

### *Objectives for the MSP process*

During the project Fisheries Measures in Protected Areas (FIMPAS) in 2009 the first objectives were set. 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.

The intergovernmental steering group Dogger Bank (DBSG), which emerged out of the Dutch FIMPAS process, had as an objective to come to an international management plan for nature and fisheries within a Natura 2000 framework. The DBSG invited the NSRAC to write a position paper with recommendations for a fisheries management plan for the combined Dogger Bank Natura 2000 sites. MASPNOSE was asked to facilitate this private stakeholder process.

### *Activities*

MASPNOSE conducted several activities between January 2011 and March 2012 that coincided with the Dogger Bank process (see figure 4-1, and table 4-2). NSRAC differentiated their activities in four phases (see figure 4-1, and table 4-2). During the first phase several meetings were organised in which MASPNOSE had a central role. There were frequent contacts between the MASPNOSE team and the NSRAC in between the meetings (email, phone, Skype) as shown in table 4-2 (NSRAC, 2012; Pastoors et al, 2012).

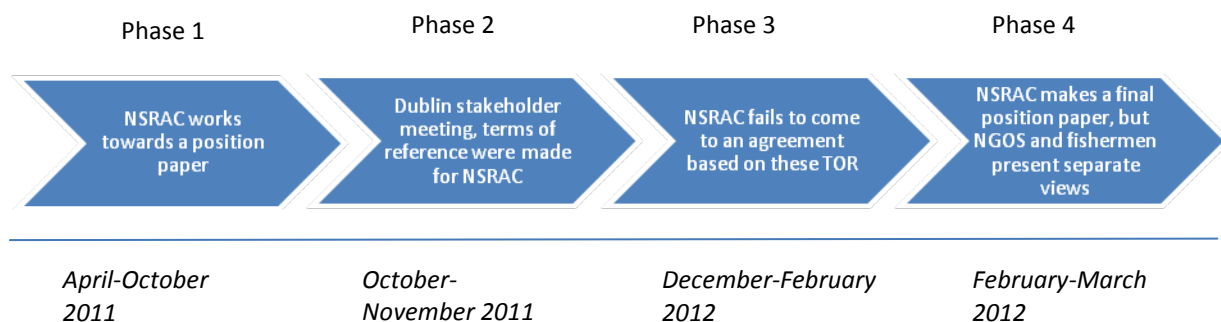


Figure 4-1 Dogger Bank: schematic layout of MSP process Dogger Bank according to the NSRAC



Table 4-1 Dogger Bank: date, location, methods and aims of the events

Date/Location	Method	Aims
January 2011	Observation	To observe the 3rd FIMPAS meeting
March 2011, Rotterdam	Facilitation of MASPNOSE kick-off meeting	To facilitate stakeholders in making cross-border maritime spatial plans
<b>First phase (March-October 2011)</b>		
March 23 <sup>rd</sup> 2011, Brussels	Facilitation	NSRAC Spatial Planning Working Group was invited by Ton Ilstra (DBSG) to develop a management proposal for the Dogger Bank. Martin Pastoors presented the possibility for MASPNOSE to facilitate this process.
May 4 <sup>th</sup> 2011 London, NSRAC SPWG meeting	Facilitation	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 <sup>th</sup> 2011 London, NSRAC Focus Group meeting	Facilitation	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 <sup>th</sup> 2011 WWF Zeist	Facilitation	Preparation meeting for NGO partners of the NSRAC focus group. David Goldsborough explained the MASPNOSE approach.
June 21 <sup>st</sup> & 22 <sup>nd</sup> 2011 Schiphol, NSRAC Dogger Bank workshop 1	Facilitation	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 <sup>th</sup> & 31 <sup>st</sup> 2011 Schiphol, NSRAC Dogger Bank workshop 2	Facilitation	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 12 <sup>th</sup> 2011	Skype meeting	Working towards final position paper.
September 19 <sup>th</sup> 2011	Skype meeting	Working towards final position paper.
September 28 <sup>th</sup> 2011	Skype meeting	Working towards final position paper.
October 3 <sup>rd</sup> 2011 Amsterdam, NSRAC Focus Group meeting	Facilitation	MASPNOSE facilitated the writing of the position paper.
<b>Second phase (October-November 2011)</b>		
November 7 <sup>th</sup> -8 <sup>th</sup> 2011. Dublin, DBSG Stakeholder meeting	Observations	To reflect on a proposal made by the DBSG, drawing on some of the NSRAC's elements but also including new elements.

<b>Third phase (December 2011-February 2012)</b>		
December 9 <sup>th</sup> 2011 Scoping meeting NSRAC Focus Group, Amsterdam	Observations	To develop a draft proposal, including a joint zoning proposal, for a fisheries management regime for the Dogger Bank
January 9 <sup>th</sup> 2012 Workshop 1, Amsterdam	Observations	To develop a draft proposal, including a joint zoning proposal, for a fisheries management regime for the Dogger Bank
January 23 <sup>rd</sup> 2012 Workshop 2, Amsterdam	Observations	The result was that the NSRAC could not agree on joint zoning proposal
<b>Fourth phase (February-March 2012)</b>		
March 12 <sup>th</sup> 2012 Scoping meeting NSRAC Focus Group, Amsterdam	Facilitation	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 <sup>nd</sup> 2012 Workshop NSRAC Focus Group, Amsterdam	Facilitation	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 <sup>th</sup> 2012 MASPNOSE stakeholder workshop, Hamburg	Facilitation of workshop/ observations	This workshop had 2 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

### *First phase (March-October 2011)*

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

### *Second phase (October-November 2011)*

In this phase, MASPNOSE was mainly observing the process. In Dublin, the DBSG held a stakeholder meeting that was facilitated by ICES. At that meeting the DBSG presented a modification to the NSRAC proposal. The NSRAC was not happy with it, and the NGOs and fishermen got divided after this presentation. MASPNOSE (David Goldsborough) tried to bring together the members of the NSRAC Focus Group during the breaks.

The outcome of this second phase was that the DBSG asked the NSRAC to come with a new spatial plan based on the terms of reference that there should be a zoning of 25-55% of the total areas for nature conservation. This was a very broad range, developed by the Member States who were internally divided what the zoning should be (e.g. Germany wanted a

minimum of 50%, but the UK wanted less). Thus in a sense the NSRAC was asked to solve the differences in opinion that existed between the Member States.

#### *Third phase (December-February 2012)*

In this phase MASPNOSE also observed the process. The NSRAC decided to work on a new proposal based on the terms of reference. 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 nature conservation, and they returned the assignment back to the DBSG. They wanted to agree on everything, and if that was not possible, they preferred not to have an outcome at all.

#### *Fourth phase (February-March 2012)*

The fourth phase was facilitated again by MASPNOSE. The DBSG asked the RAC again to make a plan, which was due in March 2012. They had several meetings, this time without the presence of the DBSG observers. The stakeholders decided "to agree to disagree" and delivered a report with two different points of view (presented in two annexes).

## **4.2 Inputs**

Inputs are the means allocated for implementation of the activities either financial, personnel facilities (technical assistance volunteers), equipment and supplies.

#### *Allocated means*

The Dogger Bank MSP process consists of four phases (see figure 4-1). MASPNOSE was involved as facilitator in the first and the fourth phase. In the other two phases they were present as observers (although one of the MASPNOSE team members did facilitate the third phase, but not as a researcher of the MASPNOSE project). Besides facilitation, MASPNOSE also provided the venue, food, and accommodation of the first phase. The second phase was paid by the participants themselves. During the third phase, the Member States paid for the venues. In the fourth phase the venue and the travel expenses were paid for by MASPNOSE.

#### *M&E plan*

There is no M&E plan available for the entire MSP process in the Dogger Bank. M&E however does take place when new activities such as wind energy are planned. This is obligatory because of the Environmental Impact Assessment (EIA) requirement.

#### *The role of data*

In the Dogger Bank MSP process, data played an important role, especially fisheries data and ecological data. The fisheries data was provided by ICES and aggregated by IMARES during one of the workshops. Also fishermen brought in local knowledge. The ecological knowledge was mainly provided by the NGOs based on several internal workshops.

However, most stakeholders felt that important data was lacking. This viewpoint becomes clear from a statement made by the NSRAC in her position paper (NSRAC, 2012):

“Although the fishing sector provided a number of data sets it was only a few days before the second NSRAC Focus Group Workshop (30-31 Aug 2011) that ICES was able to provide us with a data from the most recent Member State data call on the Dogger Bank.”

“Lack of ecological data and detailed information on the conservation objectives: only after the second Focus Group Workshop were we informed that detailed information was available that was compiled in May by ICES<sup>1</sup> for the inter-governmental Dogger Bank Steering Group (DBSG).”

The stakeholders preferred to have clear scientific data regarding the percentage of the Dogger Bank area that needed to be protected. The DBSG had given them a very broad range (between 25-55%), which led to disagreements between NGOs and fishermen.

### 4.3 Process

This section deals with the cross-border MSP process in the Dogger Bank. Here we will deal with the principles on stakeholder participation (principle 4), transparency (principle 3), coordination within Member States (principle 5) and cross-border cooperation (principle 7).

#### *Stakeholder participation*

A wide and diverse group of stakeholders participated in this Dogger Bank MSP process:

- NSRAC Focus Group members, consisting of: 3 representatives from the fishing sector (UK, NL and DK), 3 representatives from NGOs, 1 liaison of FOREWIND, and 1 MASPNOSE Dogger Bank case study researcher who facilitated and observed the process.
- DBSG. This steering group consists of representatives from the four Dogger Bank Member States (NL, UK, DE, and DK) and ICES. The DBSG was chaired by Ton IJlstra (NL).
- ICES was invited by FIMPAS to lead the Dogger Bank process and is also scheduled to provide the final scientific advice on the outputs of the process.
- Scientists from IMARES who helped with the aggregation of fisheries data.
- Member States governments who have the final decision regarding the zoning proposal.
- The European Commission.

#### *Stakeholders' perception regarding the degree of participation*

The NSRAC focus group had clear expectations regarding the level of participation. They mention their view in the position paper (NSRAC, 2012):

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

The final decision regarding the Dogger Bank has not yet been made, so it is not clear yet if co-management is in place in this process.

### *Transparency*

The NSRAC perceived the DBSG as not transparent. The NSRAC did not find it clear what the terms of reference were, who had the mandate, and when they were able to participate in meetings of the DBSG. They had requested several times to participate in DBSG meetings, but they were only invited once (that is: to the stakeholder meeting in Dublin). The NSRAC put minutes of their meetings and their position paper (NSRAC 2012) on the internet. The involvement of the DBSG was not transparent to the public. It is not clear who participated in the DBSG, and no minutes have been published online. A SharePoint was made, but access was given to the DBSG members and on invitation. The NSRAC had a bit more insight into the DBSG than the public, but they perceived it to be on an ad hoc basis.

### *Coordination within Member States*

There is not a single competent authority over the area; competences regarding the Dogger Bank are divided between the involved Member States and, with regard to fisheries between the Member States and the EC (van der Kooij, 2011). Hence, there are no clear procedures yet regarding cross-border planning. The Dogger Bank Steering Group is working on these procedures.

### *Cross-border cooperation*

The Dogger Bank is located in the sub region of the MSFD ‘the Greater North Sea’. According to Article 5 of the Marine Strategy Framework Directive, Member States sharing such a sub region have to cooperate to ensure that the marine strategies of all involved states are coherent and coordinated across the marine sub region concerned, in order to achieve or maintain a good environmental status (MSFD).

Until 2011, the cooperation practice mainly included a trilateral cooperation process between the UK, Germany and the Netherlands. The Danish authorities are of the opinion that the westernmost part of the Danish North Sea cannot be regarded as an area that qualifies for designation as a Natura 2000 site and as a result, they did not participate in the cooperation process. With regard to the designation of the Dogger Bank, the trilateral cooperation was aimed at streamlining boundaries and harmonizing the approach on conservation objectives (van der Kooij, 2011).

Cooperation is also taking place regarding the management of the area. This mainly relates to designing fisheries measures for the Dogger Bank in the context of the CFP framework.

The Dogger Bank is considered as one ecological unit for which international management measures will have to be established. The aim is to submit a joint proposal by the involved Member States to the European Commission for fisheries measures in the Dutch, British and German parts of the Dogger Bank. Because of the Danish fishing interest in the area, Denmark is also involved in this process even though it does not designate their part of the Dogger Bank. The joint proposal for fishing measures is considered within the FIMPAS-project; a project started by the Netherlands to come up with fisheries measures in the Dutch North Sea that fit within the CFP. This project is subject to broader cooperation; also other flag states are involved in the FIMPAS-project. Besides the trilateral cooperation process and the FIMPAS-project the Dogger Bank is subject to bilateral cooperation between the respective states and communication between the involved states and the EC.72 (van der Kooij, 2011).

The DBSG coordinates the spatial planning process for the Dogger Bank. They delegated the stakeholder participation to the NSRAC. However, final decision making power lies in the hands of the Member States. So, when the NSRAC submitted their position paper to the DBSG, the latter had to consult this with the representatives of the Member States. They did not agree on the zoning proposal made by the NSRAC and added additional terms of reference for the NSRAC.

## 4.4 Outputs

The products and services that have been delivered throughout the Dogger Bank MSP process are described in table 4-3 below. The products and services that have been delivered during phase one were foreseen. The involvement of MASPNOSE officially ended at the end of phase one. However, the process continued when the DBSG asked the NSRAC to come with a new proposal based on the new Terms of Reference (phase 4).

Table 4-2 Dogger Bank: Products and services (actual versus planned)

Phase	Products	Planned	Language
1	Five meetings to come to a NSRAC position paper	Yes	English
1	NSRAC position paper	Yes	English
2	Dublin DBSG Stakeholder meeting	No	English
3	Three meetings to come to a joint zoning proposal (NSRAC and DBSG observers)	No	English
4	Two NSRAC meetings to come to a final decision paper	No	English

## 4.5 Outcome

The outcome of the Dogger Bank spatial planning process should be a joint international management plan that is submitted by the DBSG to the European Commission (DG MARE).

The final position paper by the NSRAC could provide input into that joint international management plan. It is not yet clear how the DBSG and the Member States are going to use the NSRAC position paper and what will be the end result regarding the zoning of the Dogger Bank area.

#### *What are opportunities and bottlenecks for cross-border MSP?*

The process dynamics in the NSRAC Dogger Bank process have been high. Due to the political pressure on the NSRAC to develop an international management plan for the Dogger Bank area, there has been a high commitment from the NSRAC to participate in the process and to make it a success. This has led to an intense collaboration between different stakeholder groups within the NSRAC.

The (private) stakeholder involvement in the overall international management plan development has been defined rather loosely. The NSRAC spatial planning working group was invited to participate on an oral invitation (23 march 2011). They worked without clear guidelines and constraints from the governmental stakeholders (DBSG) that were in charge of the overall planning process.

However, within the stakeholder process itself, the case study shows that investment in trust between stakeholders and providing a method to increase the transparency of the process can help to overcome differences of position. Having clearly defined and agreed terms of reference and a collaboration protocol has helped to keep all stakeholders involved and focussed.

#### *Are stakeholders satisfied with the outcome?*

The (private) stakeholders have expressed satisfaction on the stakeholder process. They have expressed dissatisfaction about the unpredictable role of the governmental stakeholders (DBSG) in setting guidance for the stakeholder process. It was unclear who had the mandate to effectively undertake the MSP process and how the input of stakeholders was going to be used. The private stakeholders also expressed dissatisfaction about the data basis for decision making.

## **4.6 Main lessons from the Dogger Bank**

The Dogger Bank case study was selected in April 2011. The objectives were to facilitate and study the North Sea Regional Advisory Committee (NSRAC) stakeholder process and to evaluate the previous EMPAS (Germany) and FIMPAS (Dutch) processes on fisheries management plans for Natura2000 areas.

The intergovernmental steering group Dogger Bank (DBSG), which emerged out of the Dutch FIMPAS process, aims to come to an international management plan for nature and fisheries within a Natura 2000 framework. The DBSG invited the NSRAC to write a position paper with recommendations on a fisheries management plan for the combined Dogger Bank Natura 2000 sites. The NSRAC position paper was developed as a result of five meetings of its



Dogger Bank focus group in 2011, including two workshops, and facilitated by the MASPNOSE project ([www.nsrac.org](http://www.nsrac.org)).

The Dogger Bank case study was carried out in a number of different phases. The initial involvement of MASPNOSE was through the facilitation of the North Sea stakeholders, who were united in the North Sea Regional Advisory Council and help them with the development of a management plan for international fisheries measures on the Dogger Bank. This was then be submitted to the Dogger Bank Steering Group (DBSG) consisting of the representatives of Member States and ICES. The case study has contributed and followed the interactions between the decision-making level (DBSG) and the stakeholder involvement (NSRAC). However, it has never been a joint process with DBSG and NSRAC.

MASPNOSE has facilitated the stakeholder process by hosting events, leading workshops and assisting in writing the position paper. Facilitation of the NSRAC process required expertise on content and process design. This was needed in order to build trust between stakeholders who had very different points of view and interests (i.e. fishermen and NGOs). Conflict resolution and mediation among stakeholders was an important part of the facilitation work.

Several participants in the case study argued for involving scientists "who knew what they were talking about". The stakeholders wanted "scientific facts" before they could discuss potential solutions, for example "facts" on how much protection would be needed on the Dogger Bank. There is a challenge for stakeholder processes to deal with system uncertainty in which "facts" are not just facts but also conjectures, ideas or even opinions.

Public and private stakeholders have perceived the MASPNOSE project as a way to finance the private stakeholder process. The question that came up on that issue was: who will be responsible for facilitating public-private stakeholder processes in a cross-border situation?

It is important to determine who feels responsible for and is paying the private stakeholder participation and who decides how the selection of these private stakeholders is taking place.

During the case study it became clear that there is difference between front-stage transparency (to the entire public) and backstage transparency (to a selected group of stakeholders). It is important that trust is built between the selected groups of stakeholders. Besides that information can be distributed to the wider public (front-stage transparency).

The Dogger Bank case showed that the issue of mandate is an important element of the organisation of the MSP process. It is important to clarify on what issues the stakeholders that are involved in the process can decide. Members States should be clear how they will use the results that come out of the stakeholder process.

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

The need for a cross-border coordinating body came up. Who should in the end decide and facilitate the cross-border cooperation. The terminology "coordinating body" however needs better reflection.

## 5 Conclusions and recommendations

In this final chapter we will draw conclusions and make recommendations based on the application of our M&E framework on the two MASPNOSE case studies. Section 5.1 will focus on conclusions and recommendations on the ten key principles for cross-border MSP. Section 5.2 will focus on the general applicability of the 10 key principles. In section 5.3 we will draw conclusions on the Monitoring and Evaluation framework for cross-border MSP processes.

### 5.1 Conclusions and recommendations on the 10 key principles

In this section we draw conclusions about the ways the ten key principles played a role in the two case studies, i.e. which principles were more important than others and why. We will present the insights for every principle. Furthermore we will make recommendations on how to apply the principles (see box 2-1) in future cross-border MSP processes.

#### 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 in the process of defining the area and its activities. They did this through the exchange of ideas regarding current and future economic activities. The area of the Dogger Bank has already been 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:

- 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 wind mill 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.
- It is important to make clear which activities are essentially cross-border, and which activities are mostly performed by national authorities, but might need interaction with the 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 (e.g. which activities are going to take place in the future?).

## **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).

Within the Thornton Bank the dilemma occurred that the involved Member States have national objectives that can possibly conflict with cross-border cooperation. In the Dogger Bank another situation occurred, namely that public stakeholders were waiting for the private stakeholders to define objectives, and vice versa. The public stakeholders failed to come with detailed objectives, and arbitration was also not present.

Therefore, from the case studies it became clear that it is indeed important to have detailed objectives and share these among the relevant stakeholders, and the objectives should allow arbitration in the case of conflicting sectoral interests. However there are not only sectoral conflicting interests, but also conflicting interests between the different governmental bodies, and between public and private stakeholders.

## **3. Developing MSP in a transparent manner**

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

In the Thornton Bank case study the participating public stakeholders from both countries preferred to come to agreements first before being transparent to the private stakeholders. Transparency also requires checks from legal departments, which is not always useful in their opinion and is time consuming. In the Dogger Bank case study the NSRAC private stakeholders expressed that they were more transparent about their process than the public stakeholders.

Related to the principle of transparency, there is the issue of trust. Trust played an important role in the cross-border cooperation, but also in the cooperation between national stakeholders with different interests. Transparency does not necessarily improve predictability and increase acceptance. Transparency can have a negative effect on the trust building process. In order to create trust, stakeholders can request that the information they are sharing is not published.

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 the diverse expectations.

## **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 case study, 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 what actors were in charge of the process. A lack of accountability created a lot of confusion and insecurity for the stakeholders.

So it becomes clear that stakeholder participation in cross-border MSP is important. However, Member States do not always 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 challenge that involves a lot of time and effort, and when expectations are not clear, and it is not clear what stakeholders are gaining, it is better not to involve stakeholders, otherwise trust is lost (leading to stakeholder-fatigue).

It is important to note that the government is also a stakeholder, with its 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?

## **5. Coordination within Member States - simplifying decision processes**

Coordinated and crosscutting 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.

## **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.

## **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. 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, and cooperating.

## **8. Incorporating M&E in the planning process**

Monitoring and evaluation in the context of MSP has two distinct meanings. The first refers to the monitoring and evaluation of the "system" developments after a maritime spatial plan and associated measures have been agreed and implemented. This includes the developments in e.g. the habitats, specific species, economic or social aspects. The second refers to the quality control of the planning process. 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 of the policy cycle in different Member States.

## **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 connection points for renewable energy at sea need a coastal connection point. This also applies to the Dogger Bank. However, the coherence between terrestrial and maritime spatial planning has not been explicitly considered in the two MASPNOSE case studies.

## **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. However, one may wonder if scientific data is sufficient to give a clear 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 and interpretations. Furthermore there is always a risk that there is never enough information. However, under adaptive management you can still take decisions.

## **5.2 The applicability of the 10 key principles in the two case studies**

The case studies showed that the applicability of the 10 key principles differed per case study. In this section the principles for cross-border MSP that were most important in the two respective case studies will be clarified.

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 backstage 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 cross-border MSP processes should be better organised. The Dogger Bank case showed that when there is not a clear assignment with room for manoeuvre from the Member States the process gets mystified. It is important to clarify what the mandate of the stakeholders is, e.g. what the issues are they should speak of and in what 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? The terminology "coordinating body" however needs better reflection. 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 study, principles 1, 2, 4, 7 and 10 were most important. Concerning principles 1 and 2, it is important 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 for all stakeholders, 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 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.

From the case studies we can conclude that some elements should be integrated and added to 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 in this respect 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 while building trust, collective learning and a common language.

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 are not telling how to run your process. It should be a series of procedures (based on principles). And you need project planning using deliverables and steps. One example comes from 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).

### **5.3 Conclusions and recommendations on M&E in cross-border MSP processes**

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 where specific questions were developed that were then related to the 10 key principles on MSP.

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.

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 MASPNOSE project, the project members sometimes had a dual role: they were facilitating or participating in the planning process and at the same time making observations on what was happening. This combination proved to be difficult to handle. We recommend that the evaluators who carry out a monitoring and evaluation of a MSP process, should preferably 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 take on a role as “process advisors” who provide feedback to the chair or facilitator on what they have observed.



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## List of abbreviations and concepts

DBSG	Dogger Bank Steering Group. The steering group consists of representatives from the four Dogger Bank Member States (NL, UK, DE, DK) and ICES
EMPAS	The project "Environmentally Sound Fisheries Management in Marine Protected Areas" was undertaken by ICES 2006-2008. The main aim of the project was to develop fisheries management plans for each of ten German NATURA 2000 sites. <a href="http://www.ices.dk/projects/empas.asp">http://www.ices.dk/projects/empas.asp</a>
FIMPAS	The project "Fisheries in Marine Protected Areas" started early 2009. It aimed at the introduction of fisheries measures in marine protected areas in the Dutch Exclusive Economic Zone in the North Sea.
M&E	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.
MSP	Maritime Spatial Planning
NSRAC	North Sea Regional Advisory Council, <a href="http://www.nsrac.org">www.nsrac.org</a>
Stakeholder	Any group or individual that can affect or is affected by a decision in the maritime spatial planning process (adapted from Freeman, 2001). This is a very broad definition of stakeholders that includes government representatives and researchers as stakeholders as well.  The more narrow interpretation of stakeholders refers to industries and NGOs that have a link with the decision-making process and an interest in the outcome of that process.

## Annex 1: Information used for M&E in Thornton bank

Sources used to carry out monitoring and evaluation in the Thornton bank case study.

Source	Date	Who
<b>Workshops</b>		
Kick-off meeting	March 3 <sup>rd</sup> 2011	Entire MASPNOSE team + stakeholders
Workshop 1 in Ghent with Belgium stakeholders	August 30 <sup>th</sup> 2011	MASPNOSE case study team
Workshop 2 in The Hague		MASPNOSE case study team
Workshop 3 in Ghent	February 7 <sup>th</sup> 2012	MASPNOSE case study team
<b>Reports</b>		
MASPNOSE Initial assessment report. Deliverable 1.1	October 2011	Stelzenmuller et al, 2011
<b>Interview reports</b>		
Lodewijk Abspoel	August 19 <sup>th</sup> 2011	MASPNOSE case study team
Klaas Groen	September 6 <sup>th</sup> 2011	MASPNOSE case study team
Ton IJlstra	September 6 <sup>th</sup> 2011	MASPNOSE case study team
Marc Sieval	September 8 <sup>th</sup> 2011	MASPNOSE case study team
Mrs. Dewalque, Flemish government, Environment & Infrastructure		MASPNOSE case study team
Mr. Vandenborre, Ministry of Environment, DG Marine Environment		MASPNOSE case study team
Yves Goossens, DG Fleet		MASPNOSE case study team

## Annex 2: Information used for M&E in Dogger bank

Sources used to carry out monitoring and evaluation in the Dogger Bank case study.

Source	Date	Who
<b>Workshops - observations</b>		
MASPNOSE kick-off meeting	March 3 <sup>rd</sup> , 2011	Entire MASPNOSE team + stakeholders
MASPNOSE stakeholder meeting, Schiphol	August 30-31, 2011	NSRAC representatives, MASPNOSE representatives
Stakeholder meeting in Dublin	November 7-8, 2011	DBSG, NSRAC, MASPNOSE, and Forewind representative
Internal MASPNOSE workshop	March 19 <sup>th</sup> , 2012	Entire MASPNOSE team
MASPNOSE stakeholder meeting	March 29 <sup>th</sup> , 2012	Entire MASPNOSE team + stakeholders
<b>Reports</b>		
MASPNOSE Initial assessment report. Deliverable 1.1	October 2011	Stelzenmuller et al.
Draft minutes NSRAC workshop	June 20/21st, 2011	NSRAC
Final position paper NSRAC	March 2012	NSRAC
<b>Interviews</b>		
Interview with Saskia Hommes	February 23 <sup>rd</sup> , 2012	B. de Vos
Interview with Frank Maes	February 28 <sup>th</sup> , 2012	B. de Vos
Interviews with David Goldsborough	April 19 <sup>th</sup> , April 25 <sup>th</sup> , 2012	B. de Vos
Interview with Thomas Kirk Sorensen	April 19 <sup>th</sup> , 2012	B. de Vos

## About MASPNOSE

MASPNOSE is a Preparatory Action on Maritime Spatial Planning in the North Sea, funded by the DG MARE under tender 2009/17. MASPNOSE aims to facilitate concrete, cross-border cooperation among European countries on ecosystem-based maritime spatial planning (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 focuses 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 sides 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](http://www.cmp.wur.nl/MASPNOSE)



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