

Analysis of entry points for social values within marine decisions in the UK

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Executive summary

This internal project report presents the outputs of analysis undertaken with Work Package (WP)4 of the Sustainable Management of Marine Resources (SMMR) “Integrating Diverse Values into Marine Management” project.

WP4 included three tasks as detailed below:

- Task 4.1 Institutional analysis to identify the entry points for diverse values in marine governance
- Task 4.2 Understanding barriers to policy and decision-makers engaging with diverse values
- Task 4.3 Adaptive approaches to embedding diverse values into marine management

This report presents findings related to the first two tasks, which will be used later in the Work Package to inform Task 4.3. The research questions underpinning WP4 are outlined in Section 1.

Theoretical framework

The research was initially framed using Elinor Ostrom’s Socio-Economic Systems (SES) framework (McGinnis & Ostrom 2014). This analytical framework has been adapted through the addition of a spatial justice lens (Philippopoulos-Mihalopoulos 2010), which allows for more consideration of the legal aspects of decision making, and how the law frames these decisions, as well as adding an explicitly spatial and temporal element to the research. This ‘spatial turn’ is further underpinned with reference to the wider Production of Space thesis (Lefebvre 1991) which acts as an overarching ontology for this analysis, and locates decision-making within socially produced space, giving decisions productive power. Further details on the theoretical framework are provided in Section 2.1.

Definitions of key terms

The following definitions have been applied to key terms within this analysis. These have been formulated specifically for use within WP4 for the purpose of defining steps within the processes being analysed. More details of these are provided in Section 2.2:

- **Decision:** defines the case study with reference to its end point, the point at which a material determination is made. Related to this the term **decision-making process** provides a temporal boundary to the analysis and defines the start of the process under consideration. This has been made through professional judgement and **choices (second-tier decisions)** are the points at which a choice has been made within the process, such as selecting assessment methodologies, consultation processes, ways of working.
- **Entry points:** points at which values can be expressed to influence the choices within a decision-making process, and the final Decision, both within the decision-making process itself, and external to it.
- **Values:** statements about the importance or otherwise of a range of marine receptors/topics (including social and cultural), the underlying (ethical. Moral, political, ideological) beliefs which form these statements and, the underlying judgements about how these statements are included in the process.

Methods

This research has been conducted through desk-based documentary analysis of publicly available source material relating to each of the six case study decisions. Source material included assessment documents, decision documents, consultation responses, reports, maps and figures, press-releases, primary and secondary legislation, policy documents and parliamentary debates, and data collection has been iterative, with the identification of additional relevant data sources within initial documents.

Each decision has been mapped using Miro and once mapped, the points at which consultation with stakeholders was undertaken were highlighted. The maps were used to create narrative descriptions of the processes, and to illustrate the identifiable entry points seen within the processes. Section 3.3 provides more details on the methods used in this research, and how tasks were located within the theoretical framework.

Case study selection

The following case studies were included in this analysis, which were each located in one of three Diverse Marine Values project test sites:

- Southsea Coastal Defence Scheme
- Southsea Coastal Defence Scheme Sub-frontage 4
- Welsh National Marine Plan
- River Wye (Wales and England) and River Usk Rod and Line (Salmon and Sea Trout) Byelaws 2021
- Scottish Sectoral Marine Plan for Offshore Wind Energy
- Sullom Voe Harbour Area Masterplan

Results: Mapping decision making processes and identifying entry points

Each decision has been mapped, and the result of this mapping is presented in Section 3.

For the Southsea Coastal Defence Scheme the entry point analysis provide evidence of the effectiveness of enhanced public consultation within development decision-making, with multiple pre-application non-statutory consultation exercises run throughout the development of the scheme design. However, in order to understand this decision fully it was found to be necessary to understand wider, and earlier, policy decisions which set the context for the decision scenario. In this case the decision-making process commenced with publication of a Shoreline Management Plan for the North Solent. This decision provided the policy support for development of the Southsea Scheme. Decisions regarding the need for the scheme were therefore already made prior to the start of the design process, and wider decisions about whether promoting the Southsea Scheme had detrimental impacts on other coastal areas falls outside of this decision-making example.

For the Sub-frontage 4 case study, entry points were harder to identify in that detailed design elements of this sub-frontage were considered alongside the other sub-frontages within the wider Southsea Coastal Defence Scheme. The important finding here is that where projects are sub-divided for ease of construction planning, it is important that this is communicated clearly to stakeholders so that the possibilities related to these hyper-local decisions are contextualised.

The Welsh National Marine Plan was found to have evidence of multiple entry points throughout the decision-making process. This case study demonstrates the challenges of implementing new decision-making processes (the National Marine Plan) during the implementation of the wider spatial planning process (marine planning in Wales). Early engagement in this case study appears limited to a selected group of 'experts', and much of the decision-making relied on evidence gathered by Welsh Government and its consultants. Consultation on the evidence base, and the draft National Marine Plan asked stakeholders to validate the findings of the evidence collected and was very technical. In other cases, this could be seen as a barrier to diverse values inclusion, however the Wellbeing of Future Generations Act requires public authorities to include socio-economic and cultural values in their decision making. The legislative framework in Wales is therefore prescriptive in the values to be considered in the decision-making process.

The Rivers Wye and Usk Byelaws case example provided strong findings related to the need to understand legislative context when considering entry points within decision-making processes. The Byelaws case example was unique in that for this process, the decision for changes to a management measure was made by the consenting authority *prior* to consultation with stakeholders. This case study also included consideration of wider-reaching Welsh salmon protection byelaws and considered the values identified within a local authority related to these earlier decisions. The local inquiry demonstrated strongly held decision-maker (inspector) values related to the validity of different types of evidence, with scientific evidence being privileged over lived-experience of recreational anglers.

The Scottish Sectoral Marine Plan for Offshore Wind Energy also provided evidence of the importance of understanding the context of decision-making processes in relation to the remit of the decision being made. In this case example, the Sectoral Marine Plan can be seen as a spatial decision related to wider policy and development needs. It is considering *how* to site offshore wind in Scottish waters, rather than asking *whether* it should be sited there. Entry points can only be understood fully if the decision is considered in this way and this case study provides strong evidence of the role of externalities within decision-making processes.

Finally, the Sullom Voe Harbour Area Masterplan provides an example of how decision-making processes can be triggered in response to a single need (revisiting restrictions on aquaculture development in the Harbour Area) and then utilised to inform wider spatial decisions (provide a spatial plan to inform future development in the area more widely). Including public engagement early in this process provided an entry point for diverse values, and these were supportive of environmental protection and the identification of new employment opportunities in the area. The engagement process also demonstrated how, when engaging with wider stakeholder groups, many of the values raised cannot be included in current decision-making process due to their type or scope. For example, spatially specific comments regarding future developments needs related to public toilets, jetties and a fixed link to Yell are not appropriate to include in a Masterplan which sets out the policy position for development, rather than details of development itself.

Synthesis of findings

The case study findings have been synthesised and three main themes were identified, as summarised below. The synthesis of findings is discussed in Section 4.

Contextualisation of decisions:

The importance of understanding a decisions' context was seen across the case studies. Some decisions, for example the Welsh Byelaws and the Sullom Voe Harbour Area Masterplan, could be seen as being made in 'legally congested' spaces. In other words, the existence of multiple legal instruments and otherwise protected features or areas within the decision scenario result in decision-makers being required to act within certain hard constraints. If this is considered as a barrier, then it is a barrier to completely reimagining how a physical space could be used, for example a total redevelopment of an area with no consideration of what is already there. Whilst from *within* the decision-making process this can be seen as a barrier for diverse values, it could also be concluded that values are protected by these laws and therefore find their entry points *as externalities* to the process. The same is true for policy.

Data, science and evidence:

With evidence-based decision-making operating as a paradigm with marine governance it is little surprise to see evidence given strong weightings by decision-makers. How data and evidence is defined will impact how diverse values can use these data-based entry points. For example, where lived experience of recreational fishing, as in the Welsh Byelaws example, is given less weight than scientific and technical data, and limited effort is made to translate the latter into non-technical language, there is a barrier to who can access the decision-making process and have their expressed values taken into consideration. From the same case study consideration of how societal value can gain entry into decision-making is also seen with reference to laws protecting salmon, which could be said to underpin the value that the protection of salmon is a good thing.

Process and process literacy:

Several key findings fall under the themes of process and process literacy, with the latter here defined as understanding the decision-making process well enough to meaningfully engage with it and understand why decisions are made in the way that they are. These findings are as follows:

- Engagement processes are beneficial for diverse values inclusion and the earlier they occur in the process the better
- Most decisions do not happen in a governance vacuum; related processes and decisions are being made at the same time and these often inform a specific decision in an interactive way.
- Many values enter decision-making processes through existing mechanisms such as laws, policies and processes. How these are implemented provides examples of decision-maker values which may not be explicit.
- Lack of process literacy leads to misunderstandings about what these processes can and cannot consider or influence, and where values can find meaningful expression within the process.

Conclusions and next steps

This analysis has found three main areas through which entry points for diverse values in marine decision making could be strengthened to improve stakeholder access. These are presented in Section 5 and summarised below.

Improving access to law-making:

Whilst laws act as externalities to the decision-making processes analysed in this research, finding mechanisms through which wider discussion of values within law-making is an important entry point to consider. At its most far-reaching increasing entry points here would involve making access to political processes and decision-making more accessible. At the decision-making level, accessing this entry point could be made easier through facilitating increased engagement between local objectors and local Members of Parliament, with a view to finding consensus in areas of conflict through the democratic process of Government. Of course, providing access to law and policy making is not the same as engagement with it. Providing opportunities for stakeholders does not necessarily mean more will take up these opportunities, or have strong interests in such opportunities.

Increasing process literacy:

Improvements to entry points here revolve around increasing process literacy, particularly for stakeholders and those without detailed, professional or academic knowledge of the systems and processes. This could include setting out explicitly what can be considered within a decision-making process and what cannot, and importantly *why* certain things cannot be considered under the remit of certain decisions. Furthermore, for areas of known local interest which fall outside of the remit of the decision, signposting to key contacts or alternative processes which are more relevant to those interests would be a valuable addition to consultation literature.

Consideration of different data sources:

Whilst standard methodologies are important for maintaining the objectivity of assessments, the way in which data is collected could benefit from review. This is particularly relevant for social data which is inherently subjective and hard to quantify. Excluding this sort of data based on lack of empirical evidence consistently leads to challenges within spatial planning decision-making. Whilst the final decisions might not change, and there may be good reasons to decide against stakeholder value judgements, the inclusion of additional values through non-traditional methods, could greatly increase stakeholder confidence in the decision-making processes.

Next steps for Work Package 4, resulting from these findings, are the development of two academic papers (one methodological, one providing an analysis of entry points in marine decision-making in the UK) and a policy brief for stakeholders on how to embed diverse values into their decision-making and reporting.

1 Introduction

This internal project report presents the outputs of analysis undertaken with Work Package (WP) 4 of the Sustainable Management of Marine Resources (SMMR) “Integrating Diverse Values into Marine Management” project.

WP4 included three tasks as detailed below:

- Task 4.1 Institutional analysis to identify the entry points for diverse values in marine governance
- Task 4.2 Understanding barriers to policy and decision-makers engaging with diverse values
- Task 4.3 Adaptive approaches to embedding diverse values into marine management

The findings presented in this report relate to the outputs of the first two tasks. These tasks have been undertaken using a case study approach to explore the inclusion of diverse marine values within six marine decision-making examples.

The findings presented in this report will also be used to inform the outputs of Task 4.3.

This report is structured as follows:

- Section 2 details the methodology used to undertake case study analysis of the six decision-making examples. The case studies themselves are also introduced, and their relevance and utility discussed. This section also discusses key terms used within the case study research which defines the limitations of the study and bounds the decisions themselves.
- Section 3 presents mapping and entry point identification outputs of the six decisions. This forms the institutional analysis which identifies where, and by whom, choices about the inclusion of diverse values in marine decision-making are made as well as a descriptive account of the points at which diverse marine values can be seen as entering (or being prevented from entering) each decision-making process. Presenting these outputs together, for each case study, aids comprehension of the entry points discussed and allows for easy reference to important contextualisation within the case studies.
- Section 4 includes a discussion of the findings presented in Section 3 specifically focused on the identification of barriers to diverse values being included within the case study decisions and how addressing these barriers could increase entry points into the processes.
- Section 5 presents conclusions, in the form of identified ways of strengthening entry points and provides details for next steps within this project.

2 Methodology

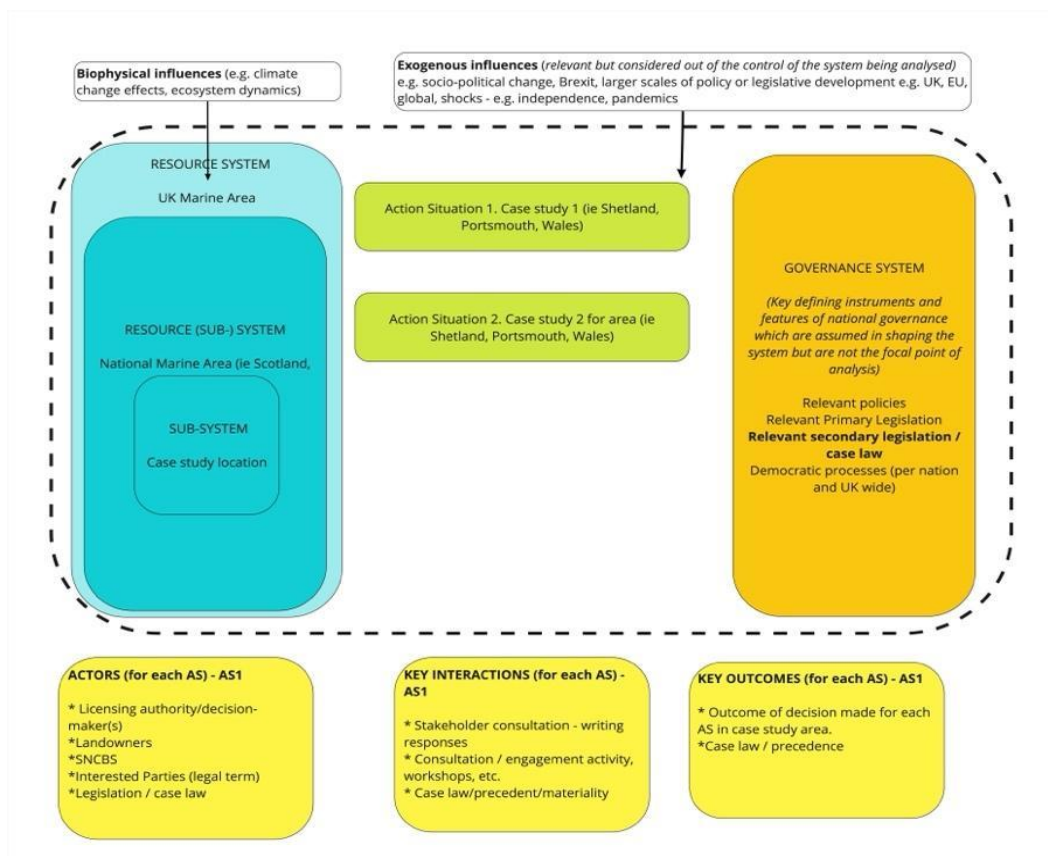
This section outlines the analysis framework used to undertake the mapping and analysis of decision-making examples within Tasks 4.1 and 4.2. The framework has evolved throughout the course of the project due to a change of staff working on the analysis. As part of this framework, key terms have been adopted and defined to assist in communicating the case studies and their outputs both within the project team and with external stakeholders.

Following the outline of the analysis framework, and definition of key terms, this section also provides justification for the case studies selected for analysis, including their geographic location within the UK, geographic scope and relevance to the overarching themes defined for the Test Sites used within the wider Diverse Marine Values project.

2.1 Theoretical framework

The research undertaken in Task 4.1 and 4.1 was initially framed using Elinor Ostrom’s Socio-Economic Systems (SES) framework (McGinnis & Ostrom 2014). This has been used to help to define the types of decision-making scenarios (or Action Situation) included in the analysis of institutional marine governance. Within the SES framework aspects of a decision can be categorised as (i) Governance Structures, (2) Actors and (3) Biophysical Conditions. The SES framework provides a useful set of definitions to bound the case study examples in relation to what aspects of a decision scenario to include in analysis – what forms part of the system – and what is excluded – what falls outside of the systems. This is illustrated in Figure 1.

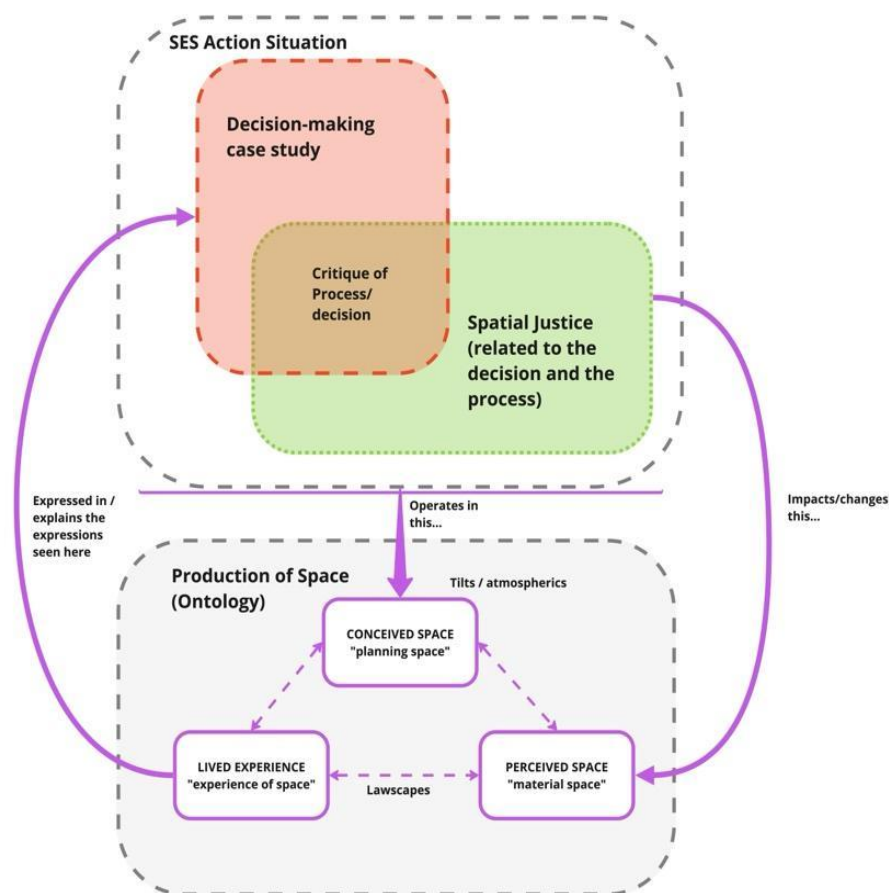
Figure 1 Socio-Economic System Framework



Through the addition of a spatial justice lens (Philippopoulos-Mihalopoulos 2010), the theoretical framework has been strengthened which allows for more consideration of the legal aspects of decision making, and how the law frames these decisions, as well as adding an explicitly spatial and temporal element to the research. This ‘spatial turn’ is further underpinned with reference to the wider Production of Space thesis (Lefebvre 1991) which acts as an overarching ontology for this analysis, and locates decision-making within socially produced space, giving decisions, and those making them and involved in them, productive power.

The relationship between the use of SES Action Situations to define case study examples, the spatial justice lens to critique the examples, and the Production of Space thesis to provide the ontological grounding of the analysis is illustrated in Figure 2 below, and a brief description of both the Production of Space and Spatial Justice and their use in this research, follow.

Figure 2 High-level Theoretical Framework



The Production of Space thesis states that space is not a neutral concept, and the space in which spatial policy and planning operates is “socially constructed, imbued with meaning and actively produced through human activity” (Collins 2020 p16; Bremner 2014; Lefebvre 1991). In its simplest expression, the Production of Space thesis maintains that space has three elements to it: the perceived (physical space), the conceived (representations of space such as maps, models, images) and the lived (the way space is experienced in everyday life) (Collins 2020, p17). These three ‘levels’ of social space

(social, because space is socially constructed) are in a direct and ever-changing triatic relationship or flux.

The way space is experienced (lived space/lived experienced) depends on how a person is physically located in a space (perceived space) as well as the previous conceptions (conceived space: prior information, past experience) they have of it.

For the purposes for this current analysis the Production of Space thesis is most useful to understand how spatial planning and policy decisions materially change space, whilst at the same time the experience of both previous changes to physical space, and previous conceptualisations of space through previous planning decisions and experiences actively define the (abstract) space in which the Action Situation under examination is located. In other words, previous decisions and their outcomes influence current ones, both in terms of legal and procedural precedent, and through the mindsets and worldviews of the actors operating within the current decision. In simple terms directly related to the inclusion of diverse marine values; if I commented on a previous consultation and I did not feel my views were listened to, I'll likely come to the next consultation with a negative view of the process.

The Spatial Justice literature clearly maps onto the Production of Space through its use of lawscapes. Law shapes, and is shaped by its spatial surroundings, be it social relations, identities, institutional and familial structures and territorial borders, etc. Law is the process of gaining access or being excluded, it is the reduction of our environments into natural resources and determining user-rights thereafter, the designation of natural parks, distinguishing between public/private spaces, regulating on the movement of goods and peoples. Lawscapes are the perceived relationship between law and space; how laws shape space and how space shapes laws. The two are, like the Lefebvrian spatial triad, inseparable. The addition of the third Lefebvrian spatial moment of the Lived Experience, provides a way to access the relationship between law and space.

Spatial Justice also introduces the terms "tilts" and "atmospherics" which are useful within this analysis. Tilts are dynamics within lawscapes which allow some bodies, knowledges or worldviews to 'take up more space', or in other words wield more power in a situation than others. These contribute to, and are caused by, unequal power relations between individuals, groups, etc., meaning that some are in a more favourable position to, say, reinforce their own positionality, agendas, values, knowledges/expertise, perspectives or interests, while pushing others to the margins. When tilts become naturalised, when they are taken for granted as 'just the way things are', they become atmospherics.

For the case study examples (the Action Situations), tilts can be seen as dynamics working *within* the process under investigation. Atmospherics can operate both *within* the process and *outside of it*. In this way atmospherics are both the accepted practices within a process and form the externalities which hold influence for the process.

The theoretical framework for this analysis will be further developed and defined within WP4 Deliverable D4.4(2) which will be a peer-reviewed paper, working title: A [spatial] framework for understanding the inclusion of diverse values in decision making.

2.2 Definitions of key terms

The theoretical framework outlined above includes the use of five key terms which require clearly defining to allow for them to be used meaningfully within the analysis. These are: decision, decision-making process, entry points, justice and values.

2.2.1 Decisions and decision-making processes

Within each Action Situation there is one main decision point. This is the point at which a material determination is made that 'ends' the process. This is needed to define the case study and could be, for example, the adoption of a new plan or policy or the determination of a marine licence. It should be noted that there is often an implementation or construction phase following a decision, and that additional value entry points may be seen within these post-consent/adoption phases. However, these can be seen as different – and indeed are usually legally distinct – processes and are not included in the case studies included in this analysis.

That said, the final material determination comes at the end of a process within which there are numerous decision points. For the purpose of this analysis, these second-tier decisions can be called 'choices' and refer to things like when and how to consult, which processes to use, which data to include. These can also include statutory decision processes such as Environmental Impact Assessment scoping opinions, or statutory pre-application consultations.

For the purpose of this analysis the following definition has been used to define decisions and decision-making processes:

- **Decision:** defines the case study with reference to its end point, the point at which a material determination is made.
- **Decision-making process:** provides a temporal boundary to the analysis, and defines the start of the process under consideration. This has been made through professional judgement.
- **Choices (second-tier decisions):** the points at which a choice has been made within the process, such as selecting assessment methodologies, consultation processes, ways of working

2.2.2 Entry Points

Entry points range from legislative or policy change, re-drafting information, altering the ways diverse values are elaborated and presented. It could mean the retraining of staff to be more susceptible and aware of diverse values and how they can be brought into decision-making. It could also be proposing new processes entirely, i.e. revised forms of public consultations or more profound changes in the ways that we frame decision-making outputs and processes".

Entry points can therefore be defined as:

- points at which values can be expressed to influence the choices within a decision-making process, and the final Decision, both within the decision-making process itself, and external to it.

This allows for discussion of where process changes are possible and where they are not, given the wider atmospheric/governance/legal frameworks within which a decision-process is situated.

Analogous with this is “barriers” which are the points at which values could be expressed if it weren’t for existing hard constraints (such as laws, governance mechanisms etc). An example here would be that, within planning permission or marine licensing decisions, the definition of material considerations cannot be changed within the decision-making process as this is an atmospheric long established in case law.

2.2.3 Justice

Within this analysis justice is used to critique the decision-making processes and essentially considers whether the decisions have been made fairly. Three ‘types’ of justice are used to explore this concept. Distributive justice, which is rooted in economic theory and centred on socio-economic modes of fair distribution, considers the outcome of decisions, and their impact on communities or individuals. This is most relevant to decisions about resource allocation, where fairness can be considered (and debated) through the application of different worldviews about how best to allocate said resource.

Justice as recognition considers that just (or fair) decisions are those in which the identity and differences between stakeholders has been recognised within the process. In this formulation of justice, the process is a separate thing to the stakeholders involved in or affected by it. Procedural justice, on the other hand, considers that decisions are only just if the process itself has involved active participation from stakeholders; they are part of the process. In other words, for a process to be procedurally just it must achieve both fair distribution of resources in its final decision and must recognise stakeholders within the process of making that decision.

2.2.4 Values

A value can be a principle or core belief underpinning rules and moral judgements; a preference someone has; the importance of something; a measure. Values fall into different typologies. The relevant ones for our work are “specific values” and “value indicators”. This outline of values is based on IPBES and provides a high-level summary of values specific to the requirements of the WP4 analysis.

Specific Values refer to ethical judgements about nature’s importance and are grouped into:

- Intrinsic (things in themselves)
- Instrumental (largely economic)
- Relational (people-nature interactions)

Value indicators are “quantitative measure and qualitative descriptors” of the importance of nature to people. These are, with my definitions in parenthesis:

- Biophysical (how much of x species is there. More is generally better)
- Monetary (value of resource, or of ecosystem service)
- Sociocultural (more a feeling than a measurable thing)

These categorisations of specific values and value indicators align with the three moments of space within the Production of Space thesis:

- Intrinsic = biophysical = perceived space
- Instrumental = monetary = conceived space
- Relational = sociocultural = lived experience

The case studies provide an opportunity to identify different types of intrinsic, instrumental and relational values expressed. Most often spatial planning limits value consideration to the first two. Instrumental value is relatively straight-forward to identify: loss of this resource will cost x amount. Intrinsic values have an inherent ethical judgement sitting behind it (anthropocentric, biocentric views of the world for example). Laws can be understood as providing materiality to intrinsic values: for example, salmon are a species protected by law; therefore, salmon are intrinsically valuable.

For Production of Space, all planning processes operate in conceived space, so the privileging of instrumental values is understandable. Any values expressed as intrinsic can be understood, within this framework, as being influenced by the relational values and underlying ethical positions of the valuer.

Values, within this analysis, are therefore defined as:

- statements about the importance or otherwise of a range of marine receptors/topics (including social and cultural), the underlying (ethical, moral, political, ideological) beliefs which form these statements and, the underlying judgements about how these statements are included in the process.

2.3 Methods

This research has been conducted through desk-based documentary analysis of publicly available source material relating to each of the six case study decisions. The data collection has been iterative and involved first reviewing the final determination document (or adopted policy) before reviewing referenced documents, or those sign-posted from the publication source (most usually the regulatory authority website).

Source material included assessment documents, decision documents, consultation responses, reports, maps and figures, press-releases, primary and secondary legislation, policy documents and parliamentary debates. Lists of key documents included in the analysis for each case study are included in Appendix A.

Decisions were mapped using Miro which allowed for easy expansion of the process maps as additional source material was reviewed. Where possible different elements (or types of process step) within each decision was colour coded for easy identification. For example, where a policy development ran alongside a development decision these were marked in different colours. These categories were unique to each case study.

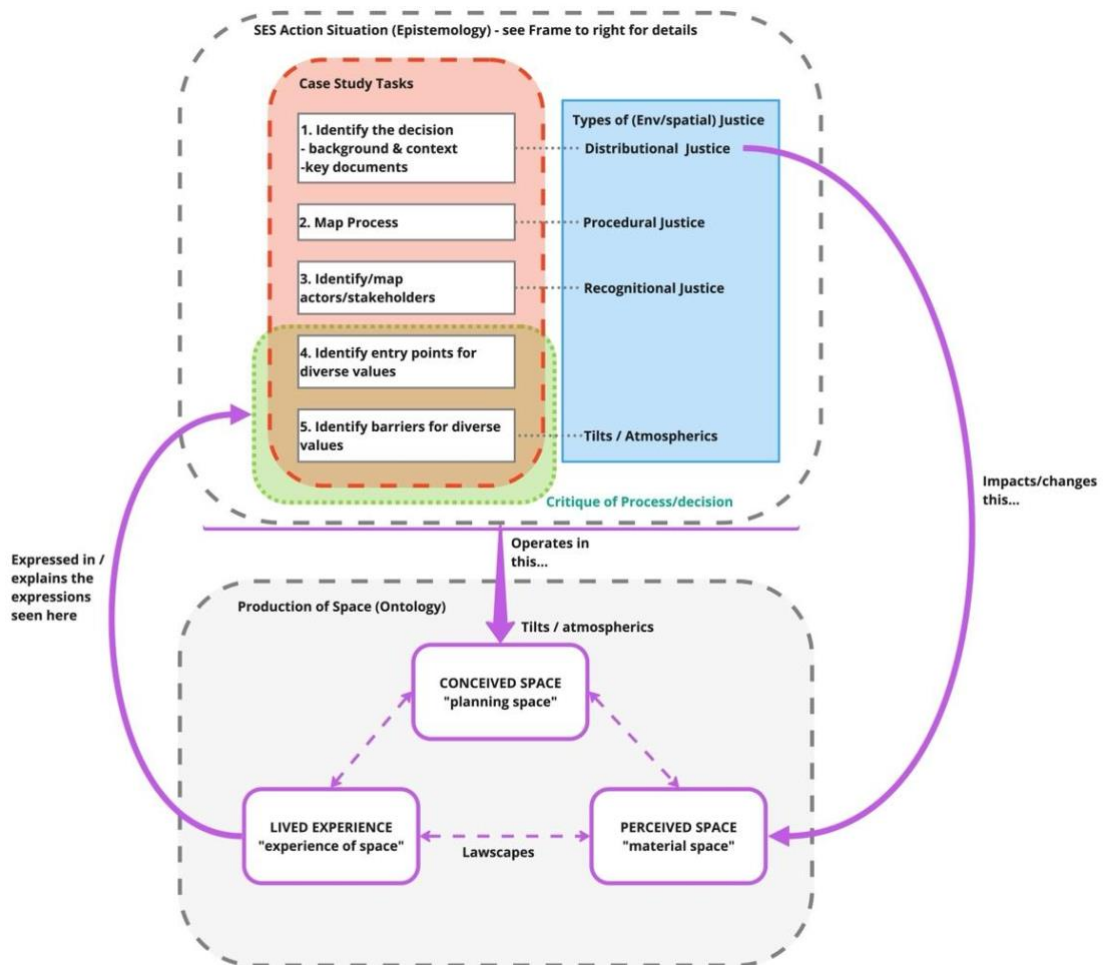
Once mapped, the points at which consultation with stakeholders was undertaken were highlighted. This was undertaken in order to understand where external stakeholder values could be seen as having an opportunity for inclusion in the process. The maps were also annotated with details of

values (in this case related to statements of the importance, or otherwise, of marine receptors or topics) identified within the source material. This included assessment or report topics/chapters, consultation response topics and consultees.

The maps were used to create narrative descriptions of the processes, and to illustrate the identifiable entry points seen within the processes. Further documentary analysis allowed for consideration of barriers for diverse values within the process.

The tasks used to undertake the case studies are outlined below in Figure 3 in relation to the wider theoretical framework, including how spatial justice has been used to analyse the decisions.

Figure 3 Case study tasks within theoretic framework



2.4 Case study selection

The case studies were selected through deliberative sampling to provide geographic, administrative and community spread across Great Britain. This was based on the wider project test sites and themes which are as follows:

- Portsmouth (coastal redevelopment and protection)
- Severn Estuary/Chepstow (well-being and water quality)
- Shetland Islands (rural growth and transition)

Within these three test sites two case studies were chosen which related to the themes identified above. Across the test sites it was important to include different 'levels' of marine decisions, across different governance frameworks and different geographic scopes. This allowed for a synthesis of findings in which the WP4 aim of identifying and exploring marine institutional governance and its consideration of diverse values was realised. This meant that there were no cases in which a directly comparable decision was chosen within two or more test sites. This allowed for differences and commonalities across the decisions to be considered in a more meaningful way, and the findings be more easily generalised across marine governance. The case studies are defined below.

Portsmouth Test Site:

1. Southsea Coastal Defence Scheme

Type of decision: development consent (marine licence and planning permission)

Geographic Scale: Local (4.5km proposed development)

2. Southsea Coastal Defence Scheme Sub-Frontage 4 (Southsea Castle)

Type of decision: design decision

Geographic Scale: Hyper-local (less than 1km development)

Severn Estuary/Chepstow Test Site:

3. Welsh National Marine Plan

Type of decision: marine plan (spatial)

Geographic Scale: National (all Wales)

4. River Wye (Wales and England) and River Usk Rod and Line (Salmon and Sea Trout) Byelaws 2021 (*three sets of byelaws in one decision*)

Type of decision: Byelaws

Geographic Scale: Local (and cross border due to River Wye local on England/Wales border)

Shetland Islands Test Site:

5. Scottish Sectoral Marine Plan for Offshore Wind Energy

Type of decision: marine plan (strategic)

Geographic Scale: National (all Scotland)

6. Sullom Voe Harbour Area Masterplan

Type of decision: spatial plan (masterplan)

Geographic Scale: Local

3 Results: Mapping decision making processes and identifying entry points

In this section the mapping for each of the case studies is presented along with a short description of the decisions. These process maps are presented without narrative explaining the complex legislative and policy context within which the decisions are nested. This is discussed in later sections of this report, and presenting the decisions in this way allows for later discussion regarding the need for process literacy in order to fully understand the contexts of the decisions. Following this the identified entry points at which diverse values were, or could have been, included in the decision-making process are described and briefly discussed. Detailed versions of the decision maps which include stakeholders and values identified through the analysis are included in Appendix A. The findings outlined in this section are discussed in Section 4 in relation to the barriers to diverse values being incorporated into these processes.

3.1 Portsmouth

3.1.1 Southsea Coastal Defence Scheme Decision Mapping

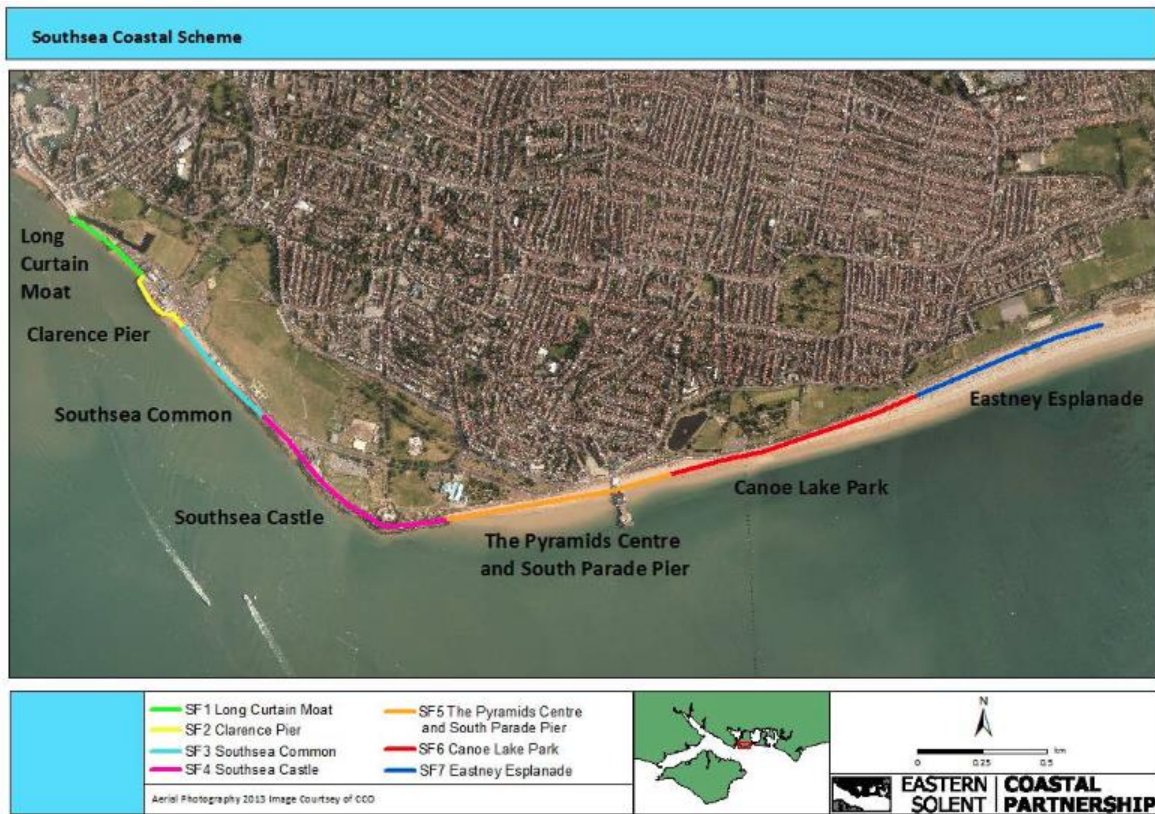
The “decision scenario” in this case study is the dual consent decisions needed for permission to construct the Southsea Coastal Scheme. This dual consent comprises:

1. Planning Permission for works landward of Mean Low Water (MLW), from Portsmouth City Council (PCC), granted with conditions in December 2019
2. Marine licence for works seaward of Mean High Water Spring (MHWS) from the Marine Management Organisation (MMO), granted with conditions in April 2020

The decision also required EIA consent associated with both of these consents.

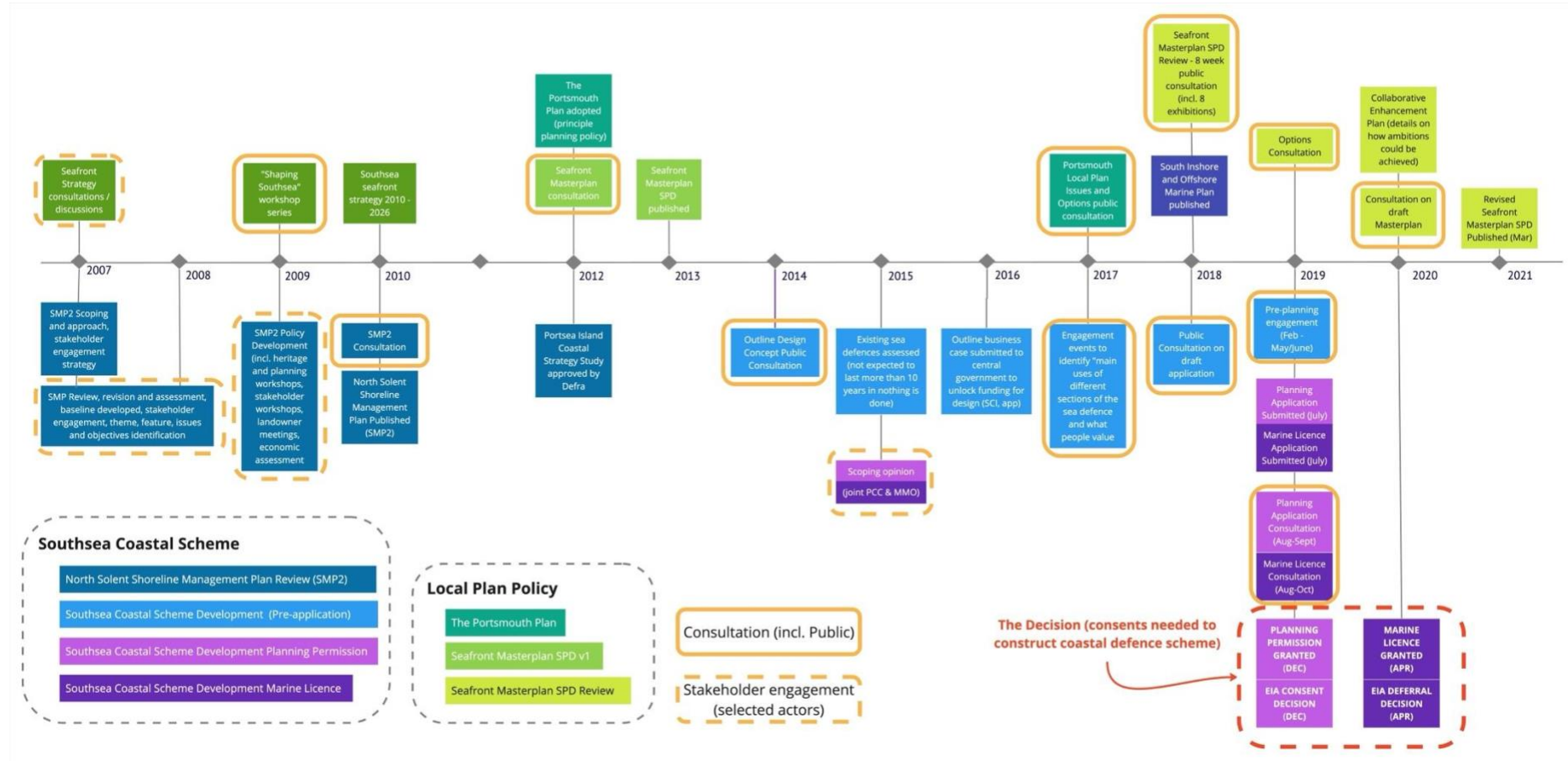
The Southsea Coastal Scheme is a Flood and Coastal Erosion Management Scheme “required urgently to protect significant numbers of people, property, businesses, potentially contaminated land and other key assets from coastal flooding and erosion along Southsea’s coastline (the Southsea frontage)” (PCC 2019, p1). The scheme has been designed and developed over 15 years. The proposed scheme, as set out in the ES, includes development works along the 4.5 km Southsea frontage, and has been split into seven sub-frontages, as shown in Figure 4.

Figure 4 Southsea Coastal Scheme Sub-frontages (PCC 2019, p4)



The process map for this case study is presented in Figure 5 below.

Figure 5 Southsea Coastal Defence Scheme Decision Mapping



3.1.2 Southsea Coastal Defence Scheme Entry Points

Entry points within the Southsea Coastal Defence Decision are identified and briefly described below. These are marked with an orange border in Figure 5 and differentiate whether the engagement exercise(s) related to the stage identified included public consultation or included limited, selected, stakeholders. The entry points analysis for this case study provides evidence of the effectiveness of enhanced public consultation within development decision-making. However, in order to understand this fully it is necessary to understand wider, and earlier, policy decisions which set the context for the decision scenario.

3.1.2.1 Shoreline Management Plan (SMP) Review, revision assessment and policy development (2007-2008)

The development of the North Solent SMP was led by a 'Client Steering Group' made up of local planning authorities (district and city councils), three county councils, Chichester Harbour Conservancy, New Forest National Park Authority, Environment Agency, Natural England and Defra. Three other stakeholder groups were identified by the steering group: Elected Members from the 14 Local Planning Authorities, 107 key stakeholders "with an interest in the preparation of the SMP or those likely to be affected by the SMP polices" (New Forest District Council 2010, Appendix B2.2) and an 'other stakeholder' group including additional parish councils and other associations. The public were not included in any of these groups, however their interests were represented at multiple local governance levels.

Values considered in the SMP, evidenced through the thematic approach, were diverse and wide-ranging. The headline themes were: Natural Environment, Landscape and Charact, Historic Environment, and Current and future land use. For the Southsea Coast Policy Development Zone a comprehensive list of issues and objective themes were considered.

Whilst the preparation the SMP did not include any direct public engagement during its development, the final SMP was subject to public consultation. It could be argued that earlier public consultation could have served as an entry point for changing the direction of this plan, however given the use of an extensive list of stakeholders it is difficult to justify this argument given the strategic nature of the SMP and its large geographic scope.

3.1.2.2 Outline Design Concept Public Consultation 2014

The first public consultation on the outline design concept for the Southsea Coastal Scheme was held in November and December 2014. This was non-statutory and undertaken by Portsmouth City Council as the "applicant". This 8-week consultation comprised four public exhibitions and aimed at providing "the public with the opportunity to view and comment on the short list of coastal defence options being proposed for Southsea" (PCC 2014). 378 public responses were received during this consultation, including 80 objections. These objections were categorised as follows: Amenity, Technical, Environmental, Funding/economics, Design/Options, Urgency/Priority/Risk, Health and Safety, Further information required (Ibid). In addition, the engagement resulted in a list of public coastline priorities. The responses from this consultation event were used during the development of the scheme, as discussed below.

3.1.2.3 EIA Scoping Opinion 2015

A scoping opinion is regulatory requirement under both the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Under the Coastal Concordat agreement working principles, the scoping opinion for the Southsea Coastal Scheme was 'led' by the MMO and a collated response (the Scoping Opinion (PCC 2019, Appendix 1) was provided to PCC's request. A joint (single) consultation exercise was run by the MMO on the Scoping Report with responses received from a standard list of statutory consultees and organisations such as Environment Agency, Natural England, The Crown Estate and navigational safety organisations.

The Scoping Opinion identified a list of receptors/topics to be "assessed during the EIA process and the outcome of these assessments should be documented in the ES in support of the marine licence application and the planning application(s)" (PCC 2019, Appendix 1, p24).

This consultation did not include the public; it was not required to under EIA regulations. Essentially, the Scoping exercise allows regulatory authorities, with the advice of their statutory advisors, to confirm what topics they would need to see assessments of in order to make an EIA consent decision. As such, it is identifying the topics or themes for assessment rather than considering values within those themes.

3.1.2.4 Pre-application public engagement 2017-2019

As the submission of the planning application neared a series of three non-statutory consultation exercises was run. The first, in Autumn 2017 "re-introduc[ed] the scheme to residents and [sought to] understand their aspirations for the area" (PCC 2019, p5-4). The second, in Summer 2018, "gauged the public's appetite for the emerging designs and provided an explanation for the discounting of other options" (Ibid). The third, in February and again in May and June just before planning submission, was used to "gauge the public's response to the final option before the submission of the planning application" (Ibid).

3.1.2.5 Consent decision: EIA, planning consent and marine licence

Following submission of the planning application and marine licence, statutory consultation was undertaken by both the MMO and PCC on the marine licence and planning application respectively. This was the only consultation exercise which had proscribed requirements to advertise the consultation and run it for a set minimum period. The Environmental Statement (PCC 2019) was submitted in support of these consent applications and as such both consultations were run for the statutory 8 weeks. This included both technical/statutory and public consultations. For the latter public notices were advertised of where the application could be viewed, and how comments could be lodged.

For the planning application, 24 responses were submitted by technical or statutory advisors, and this included 12 responses from departments within PCC. Nine additional responses were received from organisations or associations through the public consultation, along with 19 individual public comments. The marine licence consultation received 14 technical or statutory responses, including two from MMO departments and four from Cefas, the MMO's technical adviser. No public comments were submitted for the marine licence.

3.1.2.6 Southsea Coastal Defence Scheme Entry Points Summary

The consultation exercises for the Southsea Coastal Scheme appear comprehensive and meaningful, with the public and those directly affected either by the threat of coastal flooding or disruption from construction of the new scheme evidenced as being part of the design refinement process. It is therefore challenging to identify meaningful barriers.

There are, however, barriers regarding the transparency of *how* diverse values have been incorporated within the decision. Indeed, the decision itself has been identified as a moment in time: the consenting of the scheme through planning permission and marine licence determination. The values included in this specific decision moment appear limited to those related to the statutory requirements of the EIA. This is not surprising given the planning and licensing processes and legislative frameworks. The EIA regulations essentially make the decision for applicants on what needs to be considered within applications and this is supported by extensive case law, precedence, and previous experiences. As such, the EIA could be argued as being an atmospheric in terms of spatial justice.

The need for the scheme, which sets off the process culminating in “the decision” is also based on the atmospheric related to shoreline management plans and wider Defra coastal risk assessment policy. This also links to the business case and application for central government funding needed to support the scheme. An assessment was made that the Southsea coastal frontage needed to “hold the line” to protect residential, commercial, public and heritage assets. Whilst it would be unnecessarily controversial to argue that this was not needed, it is *still a value judgement*. That value judgement is based on economic assessment as well as cultural valuation attributed to heritage assets. Again, like with EIA, there are legal frameworks at play here, and challenging these value judgements would involve a wider (national, potentially international/global) review of how and what is valued.

3.1.3 Sub-frontage 4: Southsea Castle Mapping

This is an example of a ‘hyper-local’ decision and provides an opportunity to consider how design decisions are considered for individual parts of a wider project.

The “decision scenario” in this case study is the dual consent decisions needed for permission to construct sub-frontage 4 (Southsea Castle) of the Southsea Coastal Scheme. This dual consent comprises:

1. Planning Permission for works landward of Mean Low Water (MLW), from Portsmouth City Council (PCC), granted with conditions in December 2019
2. Marine licence for works seaward of Mean High Water Spring (MHWS) from the Marine Management Organisation (MMO), granted with conditions in April 2020

The decision also required EIA consent associated with both of these consents.

Sub-frontage 4 is one of seven sections of the proposed scheme (Figure 4, above), as set out in the ES. The wider scheme has been divided into sub-frontages as “this enables a deliverable constructure programme to be established” (PCC 2019, Chapter 3, p1).

The decision to split the Southsea Coastal Defence Scheme into distinct sub frontages is opaque. In earlier documents (Southsea Seafront Strategy, Portsea Island Coastal Strategy Study) the coastline is split up into sections based on its geography and features and these are referenced to flood cells. As the Scheme design progressed the use of the final sub-frontages appears to be related to construction programming and the use/development needs for each section.

The 2014 consultation document explains that, following consultation, “a preferred coastal defence option for each sub-frontage will be selected and a business case developed” (PCC 2014, p16). This appears to split the sea defence project into manageable sections for consultation and design.

The Design and Access Statement (PCC 2019d) which accompanied the Planning Application provides details of the sub-frontage and the proposed development along it. It also draws out the key constraints which define sub-frontage 4, and these include “the significant heritage asset of Southsea Castle and its two batteries, which form a designated Scheduled Ancient Monument” (Ibid, p12). This sub-frontage, the DAS explains, “also falls within the Seafront Conservation Area” (Ibid p13).

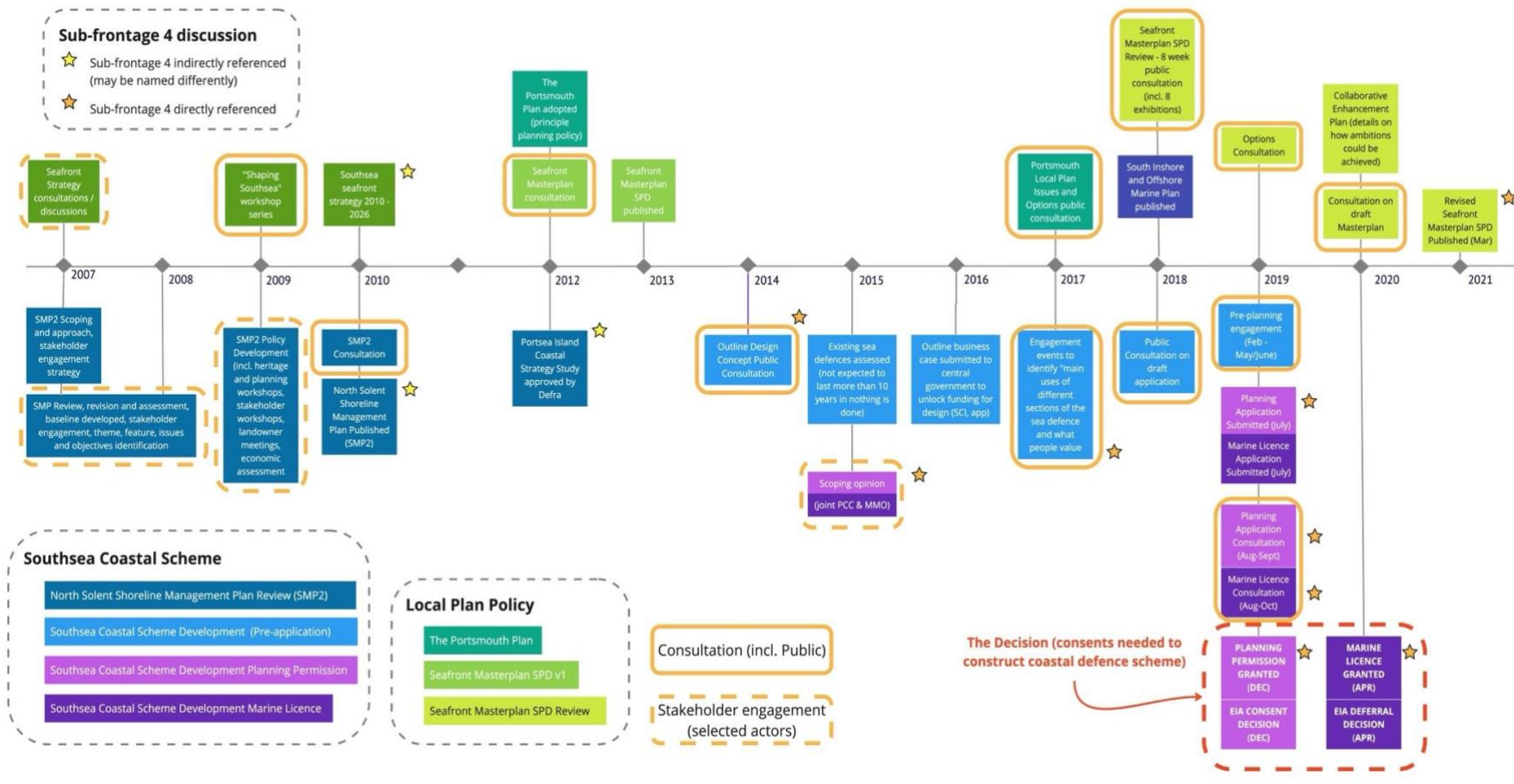
The process for this hyper-local decision is the same as for the wider scheme. The consultation documents do refer to either the sub-frontage or to its heritage assets and details can be seen of the responses related specifically to sub-frontage 4. It is, however, not possible to disentangle decisions pertaining specifically to this sub-frontage from the overall scheme decision.

In terms of the consenting context, it’s useful to consider the requirements under the EIA regulations (both terrestrial and marine). When defining a project, it is necessary to consider all activities associated with a project. Therefore, it would not be possible for the sub-frontages to be considered separately as they all form part of the one scheme. If six applications were submitted (noting that sub-frontage 7 does not contain development activities) it is highly likely that the consenting authorities would have perceived this as an attempt to undermine EIA regulations through promoting smaller projects with, logically, smaller impact when considered separately.

It should be noted that for the marine licence, no specific comments were raised related to the seaward/marine aspects of sub-frontage 4 so it is not possible to comment on the specific hyper-local decision made relating to it.

The process map for this case study is presented in Figure 6 below. This process map is the same as the process map for the wider Southsea Coastal Scheme project and illustrates, through use of stars, the stages during which direct or indirect reference to this specific sub-frontage can be seen.

Figure 6 Sub-frontage 4 Decision Mapping



3.1.4 Sub-frontage 4: Southsea Castle Entry Points

The entry points for the sub-frontage 4 case study are marked with stars on Figure 6. For the entry points identified the sub-frontage was either reference directly (by its name) or indirectly (by an earlier name, or as part of discussion of a geographically similar area which was often slightly larger than the final sub-frontage). Consideration of entry points for this case study requires a detailed understanding of how this geographically hyper-local decision was made in the context of a wider project decision.

3.1.4.1 Sub-frontage 4: Southsea Castle Entry Points Summary

The entry points for this case study align with the wider Coastal Defence Scheme, but, as mentioned above it is challenging to disentangle specific comments on the sub-frontage from the wider scheme or see how this impacted decision making. There are direct links to spatial justice here. Hyper-local concerns can be lost within wider discussions about project need and wider community benefit.

To increase entry points for these hyper-local developments would involve reimagining how development consent for large infrastructure projects is undertaken and the need for this can be questioned. If the sub-frontage did contain development proposals which were highly objectionable, and those objections could not be overcome, then the whole project would have been refused. There is a balance to be made between scale and detail. Hyper-local decision-making would result in considerable detail, long delays to planning/marine consenting due to increase decision-maker and consultee workload, and, more crucially would run counter to EIA principles of considering the impact of a whole project and not “salami-slicing” to avoid triggering EIA regulations.

3.2 Severn Estuary/Chepstow

3.2.1 Welsh National Marine Plan Mapping

The decision for this case study is the publication of the Welsh National Marine Plan (WNMP) in November 2019 (WG 2019g). Unlike some of the other cases this case study does, on the surface, have a definitive, singular final decision point. However, whilst the publication of the WNMP has been chosen as the end point of the decision-process, formal adoption of the Plan by Welsh Government Ministers and the Secretary of State during the autumn of 2019, prior to official publication, do give some vagueness to the date of decision.

The WNMP sets out the vision for Welsh Seas for the next 20 years (from 2019) and covers 32,000km² of sea comprised of the Welsh inshore and Welsh offshore regions and 2,120km coastline (WG 2019g, p2). The decision-making process follows the structure identified by Welsh Government and presented in Figure 7. As published WNMP, this marine planning process diagram clearly shows the aim for marine plan making to be cyclical and have “stakeholder engagement” present at all stages

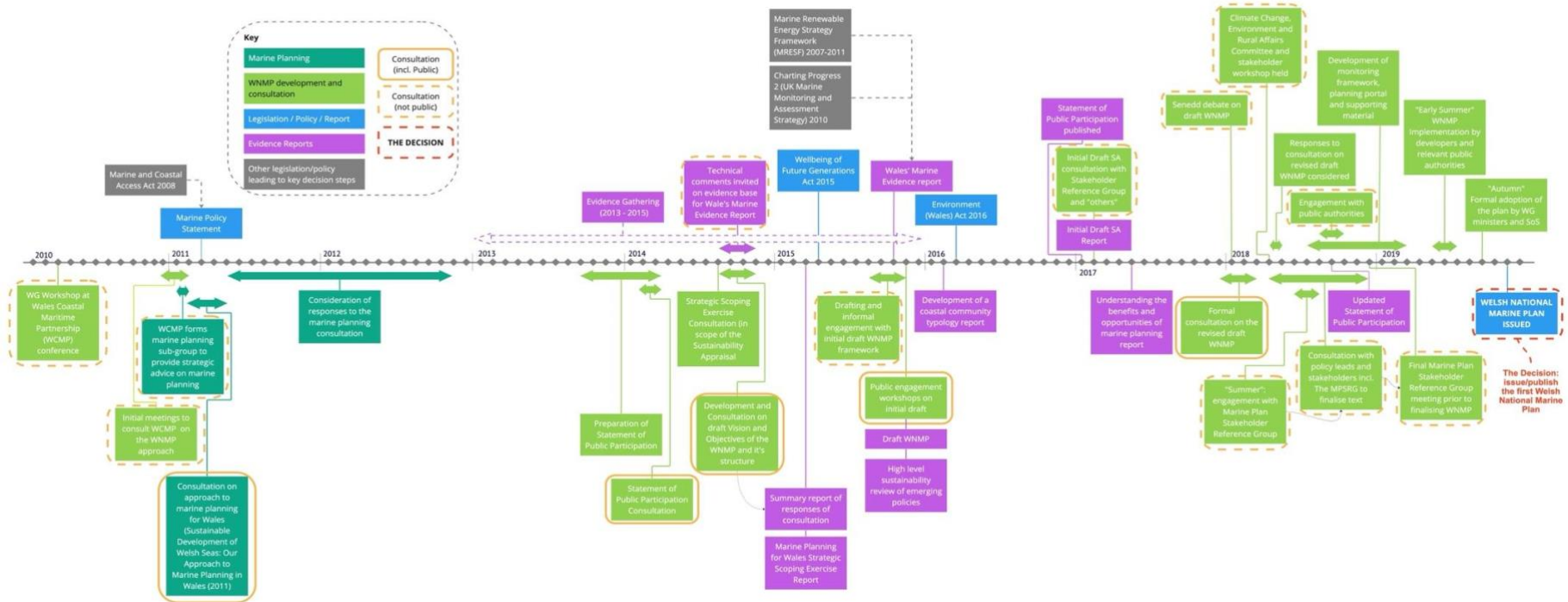
Figure 7 The marine plan making process in Wales



WG 2019g, p156

The process mapping for this decision is presented in Figure 8 below.

Figure 8 Welsh National Marine Plan Decision Mapping



3.2.2 Welsh National Marine Plan Entry Points

As shown in Figure 8, opportunities for diverse values entry points can be seen throughout the marine plan decision-making process and these align with the aims set out by Welsh Government in its approach to marine plan making shown in Figure 7. This case study, therefore, provides an opportunity to focus on how parallel processes can operate and interact with each-other. In this case it an understand of wider decision-making processes in needed in order to understand how values have been incorporated into the decision under investigation.

3.2.2.1 *Early Engagement*

The WNMP decision-making process started in 2010 with a Welsh Government marine planning workshop at the Wales Coastal Maritime Partnership conference. Early activities were as much about defining the approach to marine planning in Wales as they were to the WNMP itself, with the UK Marine Policy Statement (MPS) not yet published but in development. The 2019 Statement of Public Participation (WG 2018b) is useful for setting out the engagement activities undertaken throughout the WNMP decision-making process. It is from this document that evidence of the initial meetings with stakeholders on the approach to the WNMP is found (WG 2018b, p12). The Wales Coastal Maritime Partnership (WCMP) was utilised to run a workshop introduce and consider initial approaches to marine planning and built on WCMP advice to WG on the subject. WCMP were invited to form a marine planning subgroup to “provide strategic advice on the marine planning consultation” (WG 2018b, p12).

3.2.2.2 *Evidence Gathering*

The WNMP underwent a long evidence-gathering phase. As can be seen on the timeline, this evidence-gathering phase was entwined with legislative developments and more general WNMP development. The main outputs from the “evidence gathering” stage of the WNMP/marine planning cycle are the Wales’ Marine Evidence Report (WG 2015b), the Strategic Scoping Exercise (WG 2015a) and the Development of a Coastal Community Typology Report (WG 2016). The WMER “collated and summarised the evidence base available for the Welsh Government to develop and implement the ...WNMP” (WG 2015b, pii). The Strategic Scoping Exercise “presents the best currently available evidence on the state of the Welsh marine environment - the natural resources that it contains and the use that we currently make of them” (WG 2015a, pi). The Coastal Community Typology report was design by WG to “help consider how activities in the marine environment can support the socio-economic development of Welsh coastal communities” (WG 2016, p1).

In late 2014 technical comments were invited on the evidence base, and these comments were, it is assumed, used to finalise the WMER. There is no evidence available on the consultation/engagement here. In addition to these technical comments, the WMER made use of existing data from within the Marine Renewable Energy Strategy Framework (MRESF) 2007-2011 and the UK Marine Monitoring and Assessment Strategy (Charting Progress) 2010.

3.2.2.3 *WNMP development activity*

2013 to 2016 also saw a lot of WNMP development activity related to the drafting of the Statement of Public Participation (SPP) (first prepared in late 2013/early 2014 and consulted on in Feb/Mar 2014), and the draft Vision and Objectives of the WNMP (developed and consulted on in Autumn 2014). The

SPP is stated as being published “in line with the requirements under the MCAA” (WG 2018b, p6) and “emphasises [WGs] commitment to achieving meaningful and sustained engagement” (Ibid).

3.2.2.4 Sustainability appraisal

The Sustainability Appraisal (SA) process ran alongside the WNMP development. The outputs of this process are the 2019 Sustainability Appraisal report (WG 2019a) and the Post Adoption Statement, published in December 2019 (WG 2019c). An Addendum was also produced in November 2019 following post-consultation revision to the WNMP (WG 2019d). The purpose of the SA is to “assess the proposed [WNMP] plan policies against a range of socio-economic and environmental criteria and to help ensure that sustainable development is integrated into the emerging plan” (WG 2019a, piii).

The initial Draft SA report was consulted on with the Stakeholder Reference Group in early 2017 and comments were received from NRW, MMO, Wales Environmental Link, JNCC and the Department for Business, Energy & Industrial Strategy (BEIS). Details of this consultation, and the responses received are not available for analysis.

3.2.2.5 Informal and formal consultation on Draft WNMP

Formal consultation on the WNMP opened with a Senedd Debate on the plan in early 2018 (Senedd 2018a). The July 2018 Summary of Responses report (WG2018c) states that 86 responses were received through the consultation and that the formal exercise was “supported by active engagement with stakeholders through local drop-in sessions, a wide range of discussions in meetings and a national conference” (WG2018c, p3). Formal consultation was followed by additional consultation and engagement with public authorities and the Stakeholder Reference Group.

3.2.2.6 WNMP entry points summary

There is no doubt that WG have undertaken considerable consultation on the WNMP. However, the use of advisory groups and statutory consultees suggests a technical process rather than a specifically public-facing engagement strategy. WG made use of two main groups to help to scope and develop the WMNP:

1. The Wales Coastal Maritime Partnership (WCMP) marine planning sub-group
2. The Marine Plan Stakeholder Reference Group (SRG)

Advisory groups are an important part of plan making in that they provide statutory and non-statutory stakeholders to help shape plans and avoid unnecessary conflict at consultation. However, the members of these advisory groups are, necessarily, biased in their value judgements as they tend to be representing a particular interest. An aggregates industry representative supports aggregates extraction above all else; a local authority supports the needs of their area above all else. There is a risk that in including these organisations stands as proxy value judgements for the wider population. A good example is the inclusion of NGOs and charities which could be said to be acting on behalf of its members, and no doubt it is. However, not all members will have the same views and, indeed, may be supporting a national charity for local, or very specific, reasons.

Entry points for values within the WNMP decision making process seen, when looking at the timeline and the narrative above, to be comprehensive. Consultation and engagement can be seen throughout the process, from the first introduction of marine planning in 2010 all the way through to the formal

consultation and post-consultation engagement on the final WNMP. The use of comprehensive evidence reports and assessments within the decision-making process also appear to provide multiple entry points for values to come into the process. However, in both the WMER and Strategic Scoping Exercise there is a clear focus on environmental and economic sustainability. In the WMER, for example, social considerations are covered as a single headline issue along with marine environment, over-arching issues and specific human activities. All except for social considerations have detailed sub-categories. An additional headline issue of economic considerations is also included.

The WNMP includes a policy (SCI_01: Risk based decision-making) which states the need to make decisions based on evidence. It states that: “Relevant public authorities should make decisions using **sound evidence** and a risk-based, proportionate approach. Where appropriate they should apply the precautionary principle and consider opportunities to apply adaptive management” (WG 2019g, p66, emphasis added). What is crucial here is the definition of ‘evidence’, which is provided in the WNMP as follows:

“Evidence is information used to support decisions. It covers a range of disciplines including economics, social research, operational research, statistics, natural science, engineering and geography. It includes research and development, monitoring and surveillance, and secondary analysis and synthesis.” (WG 2019g, p66)

The requirements of the Wellbeing of Future Generations Act 2015 also require the inclusion of values related to socio-economic and cultural concerns and this legislation is the main instrument for incorporating values related to wellbeing into the decision-making process. The legislative framework in Wales is therefore prescriptive in the values to be considered in the decision-making process.

3.2.3 River Wye and River Usk Salmon Byelaws Mapping

The decision for this case study is the confirmation of the following Byelaws which introducing restrictions to fishing activity related to Salmon and Sea Trout for the Rivers Wye and Usk:

- River Usk Rod and Line (Salmon and Sea Trout) Byelaws 2021 (NRW 2021e)
- River Wye Rod and Line (Salmon and Sea Trout) Wales Byelaws 2021 (NRW 2021f)
- River Wye Rod and Line (Salmon and Sea Trout) (England) Byelaws 2021 (EA 2021a)

Due to the River Wye being cross-border between Wales and England, two sets of byelaws were introduced to cover this river. The English version of the byelaws is identical to the Welsh and used the same technical case to justify their introduction (EA 2022a).

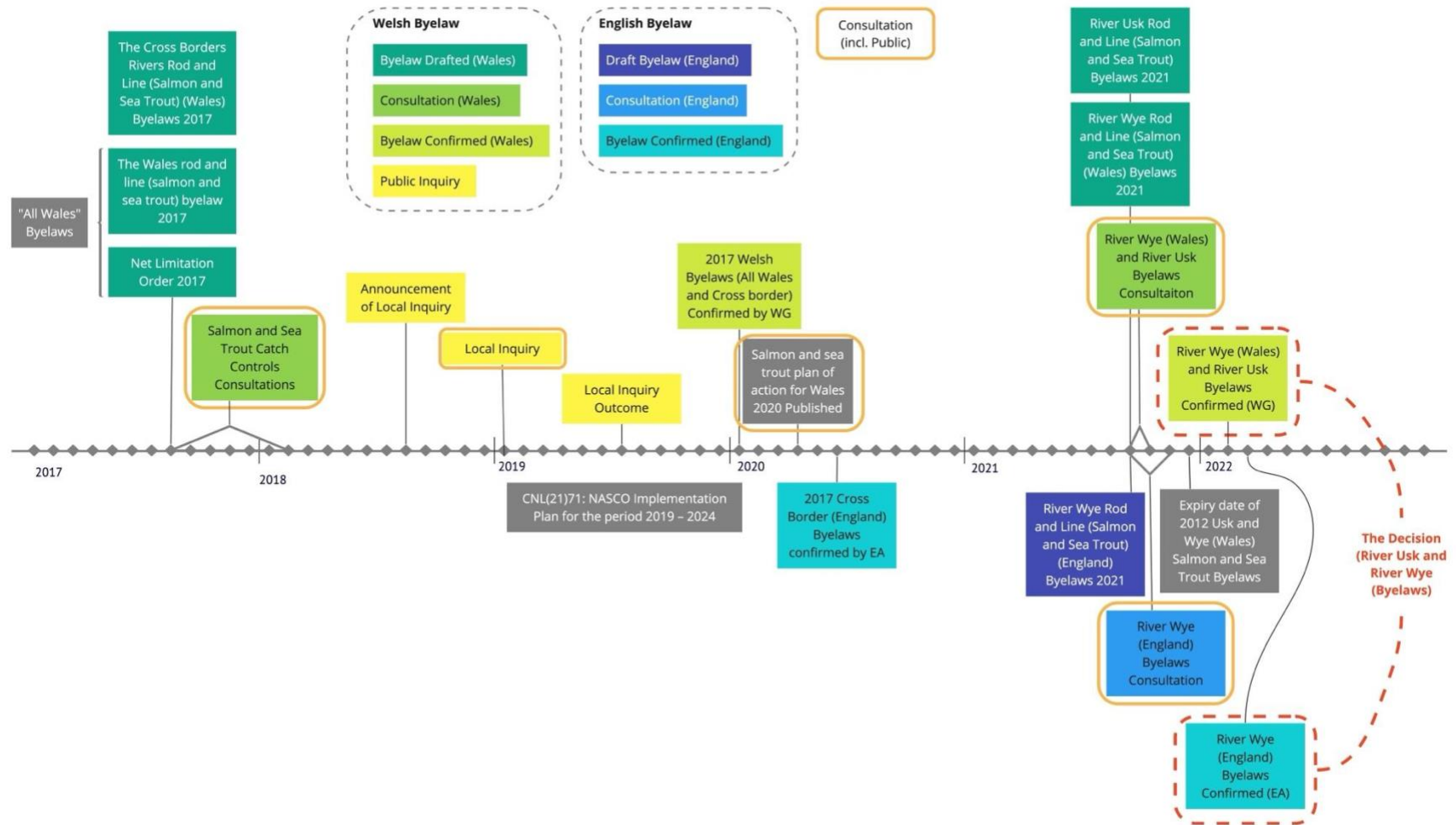
The “decision-maker” for the Welsh Byelaws is the Welsh Government (WG), with Natural Resources Wales providing the proposed byelaw and technical case. So, whilst NRW took the decision that the byelaws were *necessary*, their confirmation was undertaken by Welsh Ministers (WM) (NRW 2021d; 2021e). Likewise, for the English Byelaws, the case was made by Environment Agency (EA), and the decision confirmed by the Secretary of State (SoS) for Environment Food and Rural Affairs (Defra) (EA 2021a).

These are detailed byelaws, which include restrictions on what can be caught in the above rivers and when, and by what methods. The byelaw restrictions can be summarised as follows: “statutory catch-and-release (C&R) fishing for all salmon and sea trout caught by rod on the River Wye (in Wales) and on the River Usk for all salmon throughout the season, and for any sea trout caught before the 1st May.” (NRW 2021d, p9)

The byelaws replace previous 2011 Byelaws for Wye and Usk. If they are not in place “then there would be reduced protection of the vulnerable salmon and sea trout stocks in the rivers Usk and Wye.” (NRW 2021b, p1)

The process mapping for this case study is presented in Figure 9 below.

Figure 9 Rivers Wye and Usk Byelaws Decision Mapping



3.2.4 River Wye and River Usk Salmon Byelaws Entry Points

3.2.4.1 *Legislative context*

The following key legislative Acts, regulations and Ministerial Directions are relevant to the introduction of Byelaws, with the Environment (Wales) Act 2016 and The Well Being of Future Generations Act 2015 being of primary importance:

- The Environment (Wales) Act 2016
- The Well Being of Future Generations Act 2015
- The Environment Act 1995
- The Salmon and Freshwater Fisheries Act 1975
- The Water Resources Act 1991
- Conservation of Habitats and Species Regulations 2017 / Conservation of Offshore Marine Habitats and Species Regulations 2017 (The Habitats Regulations)
- 1998 Ministerial Direction to implement Salmon Action Plans on all 64 principal salmon rivers in England and Wales

The Environment (Wales) Act 2016 updates the 1995 Act and “supports the Welsh Government’s wider work to help secure Wales’ long term well-being, so that it benefits from a prosperous economy, a healthy and resilient environment and vibrant, cohesive communities.” (PINS 2019, p3). It’s overarching aim is to enable Wales’ resources to be managed in a more proactive, sustainable and joined-up manner and to establish the legislative framework necessary to tackle climate change” (Ibid).

The Well Being of Future Generations (Wales) Act 2015 (WBFGA) introduces the definition of sustainable development used in decision-making in Wales and “is concerned with improving the social, economic, environmental and cultural well-being of Wales” (PINS 2019, p3). WBFGA also introduces a set of “wellbeing goals” for Wales, which are referenced in relevant policy, discussed below.

NRW gains its statutory duty to “to maintain, improve and develop fisheries of salmon, trout, eels, lampreys, smelt and freshwater fish” through The Environment Act 1995, and its duty to operate a licensing system for fishing through The Salmon and Freshwater Fisheries Act 1975. Byelaws are introduced into this regulatory landscape through the Water Resources Act 1991.

Additional legislature relevant to contextualising Byelaws includes the 1998 Ministerial Direction to the Environment Agency (pre-dating Welsh devolution and the establishment of NRW) to introduce measures to protect salmon in the 64 designated “principal salmon rivers in England and Wales. 23 of these rivers are in Wales and these include both the River Wye and River Usk.

The North Atlantic Salmon Conservation Organisation (NASCO), along with the WBFGA, apply the precautionary principle to Byelaw decision-making.

The policy landscape for the fishing byelaws includes the Severn river basin management plan (EA 2015) and the State of the Natural Resources Report (SoNaRR) for Wales (NRW 2020c). Area Statements (NRW NDb) add local details to the wider reports and set out “the key challenges facing

that particular locality, what we can all do to meet those challenges, and how we can better manage our natural resources for the benefit of future generations” (NRW NDb). In addition, and developed in parallel to the Byelaws decision-making process, the Salmon and Sea Trout Plan of Action for Wales sets a shared vision for the two fish species to “protect, through the application of best-practice science and management, the sustainability of our natural resource of wild salmon and sea trout stocks in Wales.” (NRW 2020a)

3.2.4.2 All-Wales Byelaws: The decision before the decision

Referring to the attached decision-making timeline, the Wye and Usk byelaw decision-making process can be defined as commencing with the drafting of the “All Wales” and Cross Borders Rod and Line (Salmon and Trout) Byelaws in August 2017. Once proposed by NRW, six months of consultation was undertaken for the various sets of Byelaws and related instruments related to the introduction of catch limits for salmon and sea trout for all Welsh rivers.

NRW state that 50 local placed-based meetings were held with Local Fisheries Groups in development of the byelaws. In addition, a 3 month public consultation was held the All Wales byelaws (the Cross Borders consultation was separate) along with 10 local meetings. (PINS 2019, p6). Despite the high level of consultation, it appears from the local inquiry notification text sent by the Cabinet Secretary that numerous objections were submitted for the byelaw proposals (NRW 2019).

The Inspectors report for the local inquiry states that the inquiry revolved around the one primary issue of necessity, proportionality and reasonableness of the proposed Byelaws (PINS, p1). Objections discussed in the Inquiry fell, essentially, into two categories:

1. The proposals would not bring about conservation objectives
2. A “philosophical point” regarding the proposed mandating of catch and release. (PINS 2019, p8)

In the Inquiry the validity of NRW and objectors’ claims were directly opposed. NRW’s submitted evidence was stated as being considerable and detailed, including various main, rebuttal and supplementary proofs of evidence ... and relevant peer-reviewed academic papers” (PINS 2019, p8). The objectors were perceived to have shown a “general reluctance to accept the expert scientific evidence ... [and] a great deal of suspicion and scepticism” (Ibid). The evidence put forward by the objectors was perceived as “simply the assertion of opinion, and anecdotal evidence” (PINS 2019, p8).

The Inquiry Report states the view that “the heart of the objectors’ criticism of NRW’s community engagement was that NRW had not agreed with what they had told it to do, and that this therefore meant that NRW had not listened” (PINS 2019, p24). An example is given of one objector who “suggested, erroneously, that a public body was under some form of obligation to agree with the majority of responses it received in making its decision (as though consultation were a form of popularity contest” (Ibid)

The All-Wales Byelaws were finally confirmed in early 2020 after the Inspector concluded that the byelaws were necessary, proportionate and reasonable. The English version of the Cross Border Byelaws was confirmed by EA in June 2020.

In early 2020 NRW published the Salmon and Sea Trout Plan of Action for Wales. During the development of this report, in Oct-Nov 2019, special meetings with the Wales Fisheries Forum and all Local Fisheries groups were held (NRW 2020a).

3.2.4.3 The Decision

In March 2021 NRW attended extraordinary meetings with the Usk and Wye Local Fisheries Groups to discuss their proposals to introduce new byelaws for the two rivers (NRW 2021d, p52). The proposed byelaws were published for consultation in August 2021, with the River Wye [...] (England) Byelaws consultation running concurrently with the Welsh version and the Usk Byelaws.

The existing Byelaws specifically covering the Usk and Wye expired at the end of December 2021, and the replacements were confirmed by Welsh Government (in Wales) and Defra (in England).

3.2.4.4 Rivers Wye and Usk Byelaws entry point summary

The decision-making process is notably simple, with few steps taken within the creation, drafting, publishing and confirming the byelaw. Stakeholders, mainly recreational anglers, and the public in general gained access to the regulators decision-making process throughout as it progressed but the validity of the values raised during the process was often questioned by decision-makers.

In addition to the legislative context, it is during the local inquiry, related to but not directly part of this decision, that both entry points and barriers for diverse values inclusion can most clearly be identified.

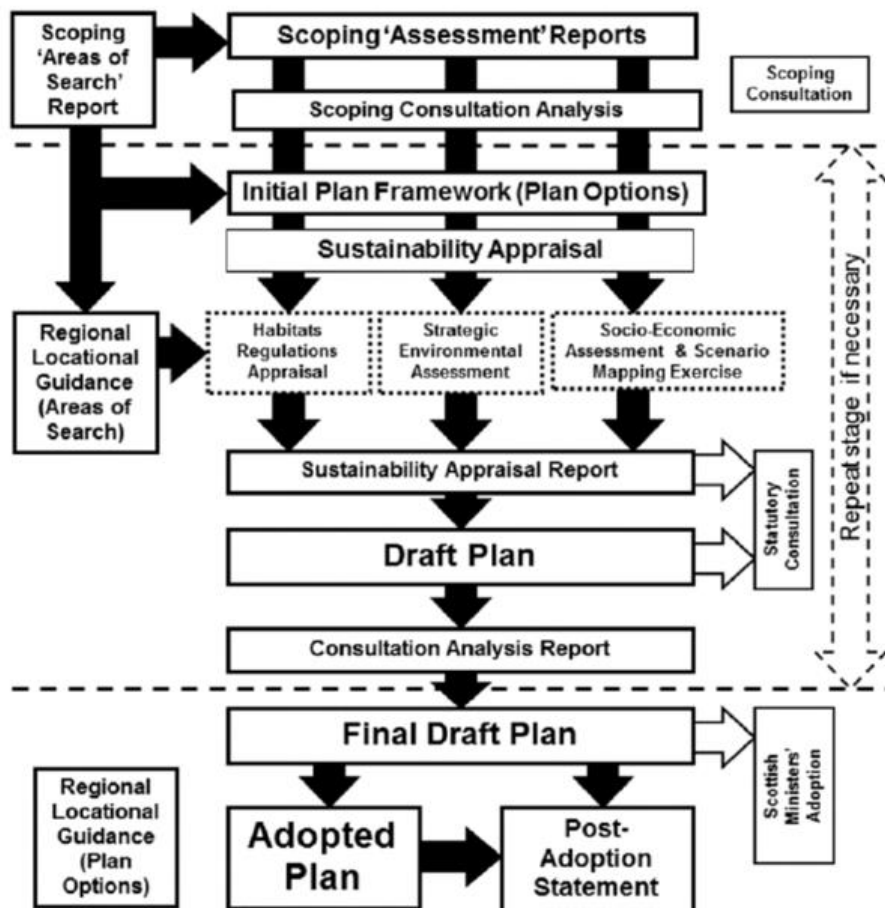
3.3 Shetland

3.3.1 Sectoral Marine Plan for Offshore Wind Energy Mapping

The decision for this case study is the adoption of the Sectoral Marine Plan for Offshore Wind Energy. The Plan provides the spatial framework for the leasing round of commercial-scale offshore wind energy projects, Scotwind, which the Crown Estate Scotland (CES) announced its intention of in 2017. The Plan seeks to contribute to the achievement of Scottish and UK energy and climate change policy objectives and targets, through the provision of a spatial strategy to inform the seabed leasing process for commercial offshore wind energy in Scottish waters. It is therefore important to understand the direct connections between Scotwind and the Sectoral Marine Plan for Offshore Wind. The Sectoral Marine Plan sets out the policy landscape for Scotwind and defines strategic objectives and limitations of development opportunities in particular marine areas.

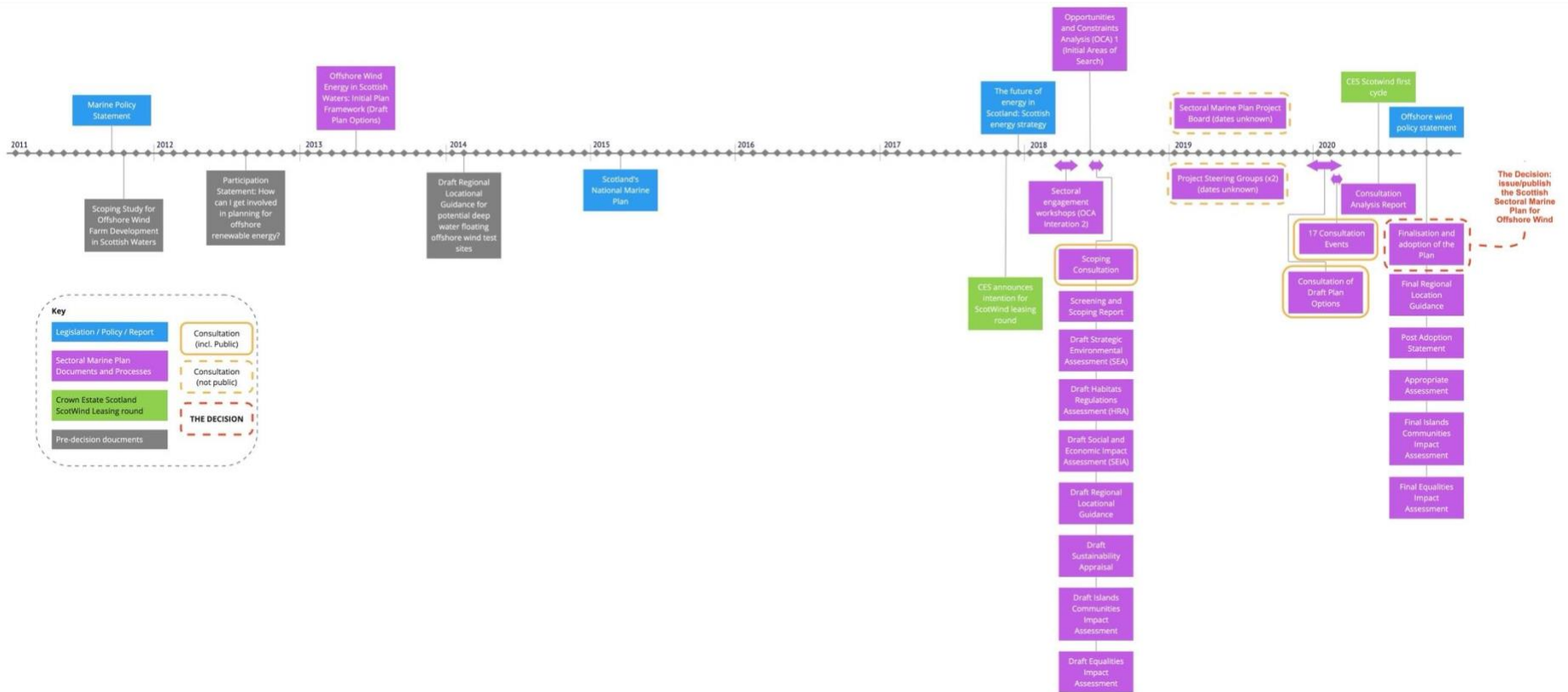
Similar to the Welsh National Marine Plan process, the Sectoral Marine Plan for Offshore Wind Energy sets out a defined process through which the Plans legislative requirements are fulfilled (Scottish Government 2020a). This is presented in Figure 10.

Figure 10 Sectoral Plan for Offshore Wind Process



The process mapping for this case study is presented in Figure 11 below.

Figure 11 Sectoral Marine Plan for Offshore Wind Decision Mapping



3.3.2 Sectoral Marine Plan for Offshore Wind Energy Entry Points

The entry points for diverse values in this case study are identified using orange boxes within Figure 11. The findings from this case study need to be understood in the context in which the Sectoral Marine Plan was developed. This context can be defined in two main ways. Firstly, the directly linked context of CES's Scotwind leasing round, and secondly the wider context of offshore wind development in the UK and the related challenges related to such widespread and large-scale infrastructure development under the Habitats Regulations. The first of these forms part of the decision-mapping illustrated in Figure 12, and the latter is a clear example of the importance of understanding the atmospheric of a decision.

Without reference to this context, there is a risk of misunderstanding the analysis and consideration for values within the decision-making process and concluding that the decision was predetermined and therefore creating barriers to diverse values inclusion.

3.3.2.1 *Scotwind and UK offshore wind*

The Scotwind offshore wind leasing round was the first to be administered in Scotland, by CES. It was not, however, the first leasing round to result in seabed licences being issued for Scottish offshore wind farms and this needs to be put within the context of history of offshore wind development in the UK more generally.

The first leasing round run by The Crown Estate (in England) was in 2010, along with the development of the UK's first offshore wind project off the coast of Northumberland which comprised two 2MW turbines (ORECatapult ND). "Round 1" comprised of 12 small-scale projects with a total generating capacity of 1.2GW. In 2003 "Round 2" awarded 15 seabed leases for project with a total generating capacity of 7.2GW.

A step-change in offshore wind development came with announcement of "Round 3" in 2008, with developers bidding for leases within nine large development zones. As project scale increased the need for strategic environmental assessment (SEA) to address environmental impact was identified and UK Government undertook this SEA in 2007. Round 3 included two zones in Scottish waters (Scottish Government 2020a, p8). Round 3 projects were announced in 2010, with a total maximum generating capacity of 10GW. In 2017 The Crown Estate offered the opportunity for existing projects to apply for extensions, resulting in seabed rights for additional capacity being secured at seven sites.

The UK Government and the Offshore Wind Industry Council (OWIC) signed a Sector Deal for offshore wind in 2019 with a target of 30GW of installed offshore wind capacity in UK waters by 2030. This has since been increased to 40GW. (ORECatapult ND). As energy targets have increased over time, and these have been linked to the policy driver of net zero, the required capacity to meet these targets has rapidly grown, which can be seen in the step-change in leasing round capacities seen from Round 3 onwards.

Round 4 was announced by TCE in September 2019 with a maximum generating capacity of 8.5GW available for bidders in English and Welsh waters. CES announced its intention for the Scotwind leasing round in late 2017, with around seabed leases available for up to 27GW fixed and floating offshore wind in Scottish Waters. The Sectoral Marine Plan for Offshore Wind Energy was therefore required in order to provide the strategic and spatial framework for these potential projects, and to assess the impacts of this leasing round at a plan level.

As can be seen from this summary of offshore wind development in the UK, the scale of projects has increase massively over a twenty-year period, and the scale of development, particularly in Round 3 and beyond resulted in increasingly complicated project-level impact assessment related to the in-combination effects of multiple projects being developed in short succession.

3.3.2.2 *Developing the Sectoral Marine Plan*

The Sectoral Marine Plan for Offshore Wind Energy essentially forms a plan-level assessment of the impacts of the Scotwind leasing round and provides discharges the statutory requirement to undertake this assessment through a number of statutory requirements as follows:

- Sustainability Assessment (SA) under The Marine and Coastal Access Act 2009 (Scottish Government 2019d)
- Strategic Environmental Assessment (SEA) under The Environment Assessment (Scotland) Act 2005 (Scottish Government 2019a)
- Habitats Regulations Assessment (HRA) under the Habitats Regulations 2010 (Scottish Government 2019b)
- Socio-Economic Impact Assessment (SEIA), as part of the overarching SA (Scottish Government 2019c)
- Islands Communities Impact Assessment, as part of the overarching SA
- Equality Assessment, as part of the overarching SA

These documents were subject to formal consultation in 2018 as part of the wider “Scoping Consultation” and then again in 2019 as part of the “Draft Plan consultation” (Scottish Government 2020b).

The SEA and HRA are, as stated above, regulatory requirements for marine plans and relate to the protection of habitats and species under the relevant legislation. Values entry points here are therefore limited to the receptors protected under the Environment Assessment (Scotland) Act 2005 and Habitats Regulations 2010. The remaining assessments are less prescriptive in their inclusion of receptors, and therefore values.

The SEIA “aims to identify and assess the potential economic and social effects of [the] proposed development ... on the lives and circumstances of people, their families and their communities” (Scottish Government 2019c). This could be perceived as assuming that the development of the Scotwind sites has already been agreed and therefore be concluded to be being used as a justification for the development. This would be a misunderstanding of the purpose of plan-level assessments. Plan level assessments, aligned with the Precautionary Principle, require consideration of a worst-case in relation to the potential impact of implementing the plan. In this case, the worst case would be to assume that all Scotwind lease options are fully utilised and built out. The context of the Plan is important here; it is not seeking to considered whether offshore wind should be developed in Scottish Waters, but rather to assess the impact of a proposed plan to do so.

The assessment utilised the CES Areas of Search and drew on existing desk-based data from previous studies relevant to each area. This means that opportunities for incorporating *new* data or insights into that process was very limited. That said, the data it was based on forms part of the wider context of strategic offshore wind development in Scotland, and again the plan was reactionary to CES undertaking its leasing round.

The Islands Communities Impact Assessment was drafted with no guidance on how to undertake such an assessment (2020e, p15). It aligns its methodology with existing planning processes and assessments, considering “likely significant different effects of the Plan” (Ibid) to “demonstrate that the implementation of duties under the Islands (Scotland) Act 2018 to date has directly informed the development of the Plan.”

All assessments with the SA were subject to statutory consultation, at which point public values could be voiced regarding the proposed Plan. Questions in the consultation relate directly to the content of the Plan, and not to wider considerations of, for example, whether offshore wind development should be promoted in Scottish Waters, or what the definition of “commercial scale offshore wind” should be.

3.3.2.3 Sectoral Marine Plan for Offshore Wind Energy Entry Points Summary

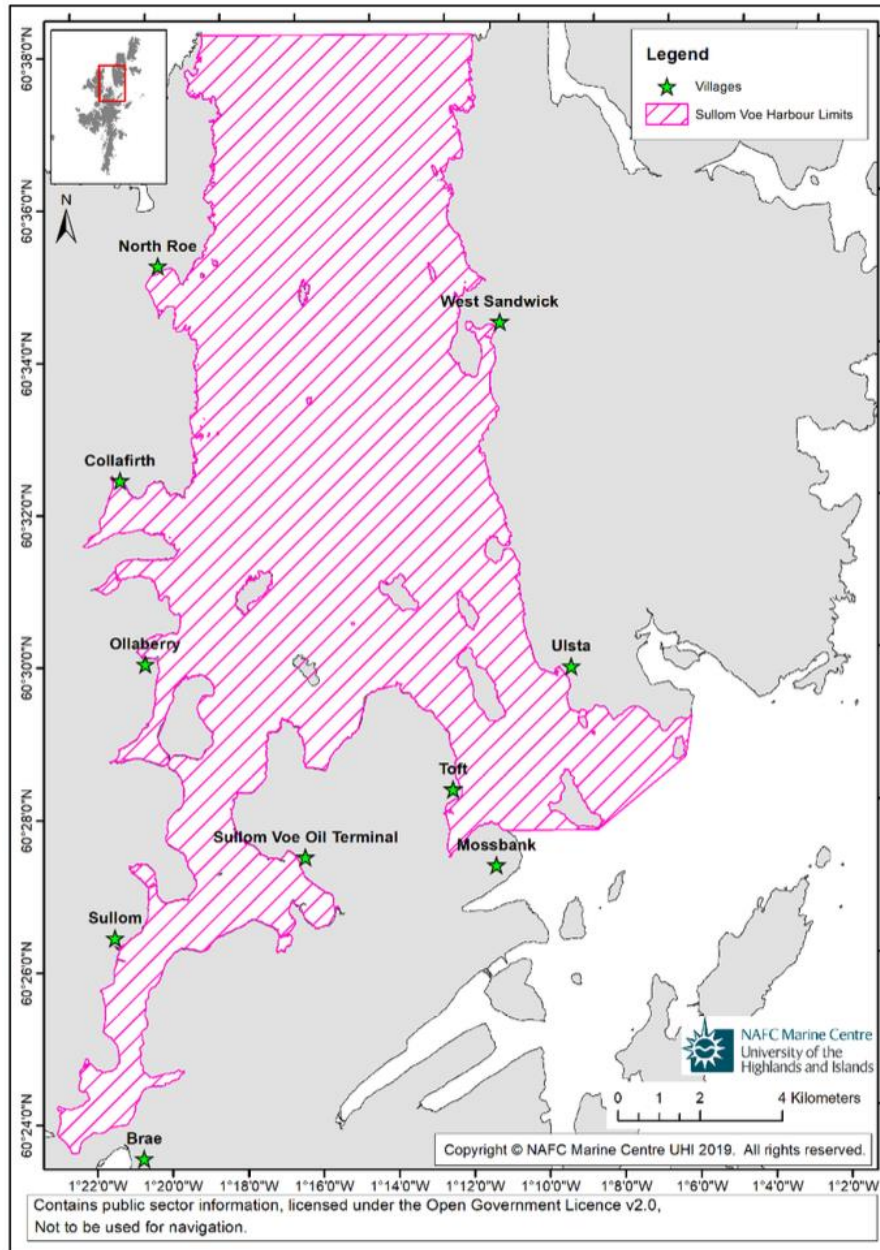
The decision-making process for this case study results in findings related to multi-level governance within the UK. On the surface the Sectoral Marine Plan appears to be reactionary to CES’s Scotwind leasing round, and therefore absent of opportunities for diverse values to be considered within the decision. This, however, depends on the definition of what the decision actually is. In this case, the decision is not whether or not to consent, or even promote, commercial scale offshore wind development in Scottish Waters, but rather to provide a mechanism to assess and comment on a commercially driven development proposal, based, in part, of an agreement made between industry and UK Government to develop offshore wind in UK waters to help achieve wider policy targets of 40GW offshore wind energy generation by 2030. This target itself is required in order for the UK to achieve its decarbonisation and Net Zero commitments. Therefore, whilst the scope of the consultations and entry points for diverse values in this decision are limited to what is being proposed (by Scottish Government and CES), the entry points to wider debates about offshore wind development, and the need for it, fall outside of this decision-making process.

Impacted stakeholders, in this case fishermen, can be seen as being discontent with the outcomes of the engagement they were subject to, in that the publication of the Sectoral Marine Plan appears to privilege the offshore wind industry above fishing. And indeed, it does because that is the focus of this Plan. A strong finding in this case study is therefore the tension between retained and devolved policy areas (energy versus environment) in Scotland and how Scottish voices can find entry points into these retained matters in a meaningful and equitable way.

3.3.3 Sullom Voe Harbour Area Masterplan Mapping

The decision in this case study is the adoption of Sullom Voe Harbour Area (SVHA) Masterplan. The SVHA covers the Sullom Voe, as well as 50% of Yell Sound, as illustrated in Figure 12.

Figure 12 Sullom Voe Harbour Area

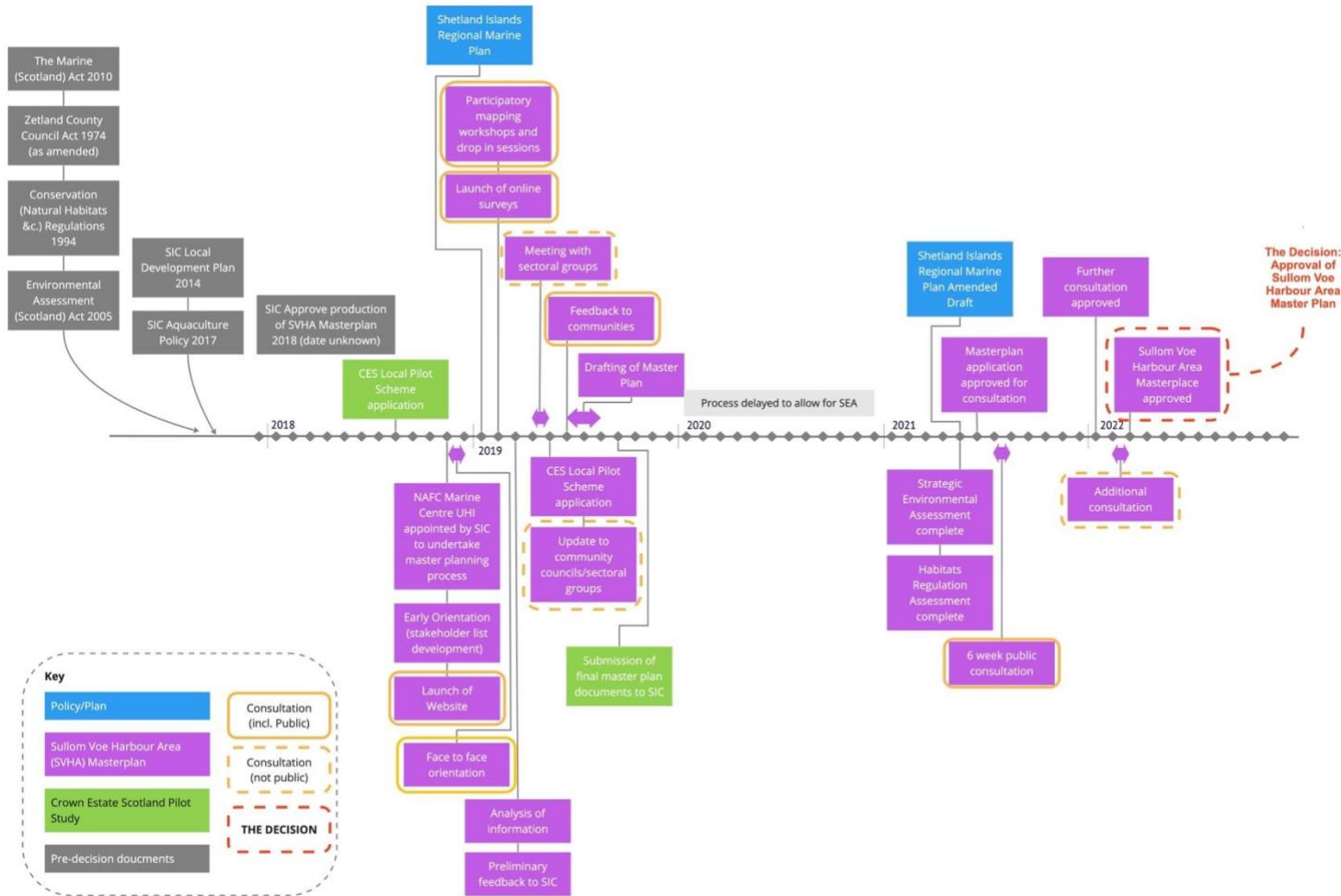


SIC 20221,p1

The SVHA Masterplan aims to provide a clearer picture of opportunities and constraints to guide decision-making regarding future development and changes within the Sullom Voe Harbour Area. It identifies a number of “Potential Development Zones” along with a range of suitable potential uses, including aquaculture, seaweed farming and renewable energy development (SIC 2022a).

The process mapping for this case study is presented in Figure 13 below.

Figure 13 Sullom Voe Harbour Area Masterplan Decision Mapping



3.3.4 Sullom Voe Harbour Area Masterplan Entry Points

The Sullom Voe Harbour Area (SVHA) Masterplan case study provides an opportunity to consider the entry points for diverse values within the legally congested (abstract) space of a spatially defined area. The identified entry points within this decision are highlighted in orange on Figure 13.

3.3.4.1 *The need for a Masterplan*

The need for the SHVA Masterplan was triggered by a reduction in shipping, which led to the need to revisit existing policy related to the restriction of aquaculture development in the area. This provided the opportunity, through the Masterplanning process to expand the scope of any review process to cover multiple several sectors and uses. As such, the Masterplan is defined here as non-statutory planning guidance to be adopted by Shetland Islands Council and used to help make decisions on future development within the SHVA area.

Similar to other case studies included in this analysis, additional processes running alongside the made decision are also highly relevant to understanding the context. In this case CES's Local Management Pilot Scheme provided a trialling of decentralising seabed leasing to local councils.

3.3.4.2 *Masterplan development and consultation*

Once the need for the Masterplan was triggered, its developed followed a standard local plan making process with assessment and consultation activities running throughout its development. Early orientation involved identifying relevant stakeholders to include in engagement activities and these were linked to key industries with interests in the area and wider public engagement. Workshop events, with both the public and with stakeholder interest groups were undertaken to map priorities and opportunities and the results of this engagement, along with survey responses was used to draft the Masterplan.

The SVHA Masterplan was defined as a “plan or project” under Section 5(4) of the Environmental Assessment (Scotland) Act 2005, and therefore a Strategic Environmental Assessment was required to assess the likely environmental effects for the adopted plan. This process was undertaken in 2020 along with a Habitats Regulations Assessment. These assessments were subject to statutory screening and scoping processes and further consultation.

Following completion of the SEA and HRA, the Masterplan was approved for consultation for six weeks through standard local planning processes.

During the statutory consultation lengthy comments were submitted by aquaculture stakeholders which prompted an additional consultation round with the Harbour Master, representatives from the aquaculture industry and relevant Shetland fisheries associations.

3.3.4.3 *SVHA Masterplan Entry Points Summary*

It's clear from both document analysis and interviews undertaken during this review that the SVHA Masterplanning process was, from the outset, framed to address the development of aquaculture within the area, more than anything else. This is not unusual in terms of a development pressure from one sector giving rise to opportunities to consider development opportunities in a given area more widely. In this case, the restriction of aquaculture development in an area which was facing decline in its existing industries acted as a catalyst to revisit the reasons behind the existing restrictions.

From the engagement comments received it appears that the purpose of the Masterplan was not fully understood by stakeholders with some viewing the debate as a “environment versus development” binary. Criticism has been levied at the process for excluding workshop comments concerning jetties, public toilets and a fixed link to Yell from the final Masterplan. However, these were not considered part of the original mandate for the Masterplan and therefore it would not have been appropriate to include specific development considerations such as these from a local strategic planning guidance document. That said, reporting on the engagement event identified “environment and sustainability as significant factors in their vision for the future of the area”(SIC 2022b, p9). Whilst specific development desires did not fall within the scope of Masterplan development, creating new employment opportunities and improving environmental protection were stated by attendees as being a positive outcome of the process.

Engagement workshops also saw significant discrepancies in the gender and age of people attending, which was ultimately justified on the basis of its sectoral framing: of those attending the four events in person, ages were skewed towards the age brackets of 30-44 and 45-59, which is stated “largely represents those of working age” (C2W 2019, pp9-12). Equally, of those attending, the majority – 85% – were men, which the report states reflect the gender distribution of the affected sectors, based on data from Defra. From this case study it is hard to provide comment on the reasons for these discrepancies. Without further primary research into the reasons for non-attendance by other age groups and genders no further conclusions can be drawn here.

The scope the Masterplan process defined the receptors and values included within it. This could be seen as “legally congested” as the area is heavily regulated by legal and policy provisions, including the 144 designations in the area, including scheduled monuments, priority marine features, and areas under additional protection for scientific, scenic and/or conservation purposes (SIC 2022a). This could, however, be more accurately considered as providing a legal framework in which certain values are “legally protected”. The challenge here is to identify mechanisms, at the right governance level and not necessarily or indeed likely within a specific Masterplan decision, for these legally protected values to be challenged.

4 Discussion: Synthesis of Findings for Entry Points and Barriers for Diverse Values in Marine Governance Decision-Making

This section draws together the findings presented in Section 4 into a synthesis discussion of where entry points for diverse values in marine governance decision-making can be identified. This discussion also draws out observations related to the existence of barriers for diverse values inclusion within marine decision making. Findings from the case studies can be categorised in three main themes:

- Contextualisation of decisions
- Data, science and evidence
- Process and process literacy

These are discussed in turn. The final subsection discusses how entry points could be made more open to the inclusion of diverse values. This relates to entry points both explicitly within marine decision-making processes, and those that exist as externalities or atmospheric to the processes.

4.1 Contextualisation of decisions

Above all, this analysis has identified the importance of gaining an understanding of the context of a decision before assessing how well it has incorporated diverse values. Within all case studies the defined decision-making processes have been informed by existing processes, laws and policies and without considering these as entry points for diverse values, the decisions themselves appear to incorporate barriers. This is seen in all case studies in different ways as summarised below.

In the Southsea Coastal Defence Scheme decision, entry points appear comprehensive and well-used. However, the need for improvements to the coastal defence was decided outwith this decision-making process. The Shoreline Management Plan for the wider regional area set out policy support to “hold the line” at Southsea. In making this decision, other areas of the coast would need to be essentially sacrificed to make the Southsea defence work both physically and financially possible. For the sub-frontage 4 case study, the importance of understanding the context is even more visible due to the inability to disaggregate decisions specifically related to the sub-frontage from the wider scheme. Whilst it appears that few values directly related to sub-frontage 4 were included within the assessment and development of the wider scheme, an understanding of how projects are defined under the Environmental Impact Assessment Regulations is required to consider why this is not a problem. Within an EIA the impacts of a project as a whole must be considered and therefore subdividing the decision-making process into separate sub-frontages would have been contrary to the requirements of these regulations.

For the Welsh case studies, the decision-making processes and consideration of values is framed by the Wellbeing of Future Generations Act 2015 (WFGA) and the Environment (Wales) Act 2016, which give the definition of sustainable development as applied in Wales. As decisions on plans and projects must be made in accordance with the WFGA and this involved ensuring that decisions are made in line the Wellbeing principles, it could be argued that decisions made in accordance with this Act take account of wider values than those explicitly raised within a given decision example.

The Byelaw case study, along with the Sullom Voe Harbour Area Masterplan allow for the consideration of what is meant by making decisions in legally congested spaces. For the Byelaws, the

decision was made within the context of clearly defined regulatory requirements to protect Salmon and Sea Trout. For the SHVA the numerous designations on protected sites and species provided a set of hard constraints to work within. Both of these examples can be interpreted in two main ways: Either decision-makers are unable to consider diverse values because the legal frameworks prevent them from doing so, or that values are incorporated within decision-making processes *de facto* because they are protected by law. Both of these statements are true, depending on what is considered as an entry point or a barrier and at which level of governance. It is true that legal protection of a species, for example, acts as a barrier to considering some outcome within a decision-making process and therefore certain values cannot be heard in this context. However, if the definition of 'entry points' *within* a decision-making process is extended to include the atmospherics and externalities of that process then the opportunity for diverse value include is retained at this higher governance level. This requires a reframing of decision-making processes and increased process literacy, which is discussed below.

Finally, the Sectoral Marine Plan for Offshore Wind Energy can only be fully understood within the wider context of its need related to the development of offshore wind in UK waters and the way in which commercial leasing for this operates. Considering the Sectoral Marine Plan as a stand-alone document could lead to the conclusion that stakeholder values on offshore wind development were not considered and therefore barriers existed within that decision-making process. However, as this Sectoral Marine Plan was developed to align policy with development opportunities as part of wider strategic planning and policy for offshore wind development in the UK this reading of the Plan development would be unfounded. That said, taking a more holistic view of offshore wind development and its policy support, it is clear that now the industry has developed to its current state there is little opportunity for alternative values to be heard within plan level, or indeed project level, decision-making. To access entry points in this example it must be accepted that offshore wind is happening, and that the consideration at hand is how to accommodate it in Scottish waters. Again, process literacy and increased communication of the scope of decisions, and how to access wider governance regimes, is required to overcome perceived barriers in value inclusion. Indeed, on many occasions the public and stakeholders demonstrate a desire to fundamentally challenge the decision which started the process (for example, the view that "I just don't want any development here"). In these cases the details of the proposal do not matter, it is the principle of the proposed change which is undesired.

4.2 Data, science and evidence

It is rather tautologous to state that all decisions rely on data and evidence given that 'evidenced-based marine decision making' is implemented through the Marine and Coastal Access Act 2009 (And Marine Scotland Act 2009). What is valuable here, in terms of entry points and barrier for diverse values in decision-making, is what is defined as data and evidence. This can be explored with reference to all case studies and is most clearly seen as the Welsh examples.

The Welsh National Marine Plan is an 'evidence heavy' decision process, which numerous, detailed and wide-ranging evidence reports commissioned, produced and referenced within the plan-making process. With the WNMP itself defining that good decisions are made using 'sound evidence' and providing details of what counts as 'sound evidence' it appears that the value of a piece of evidence is based on its scientific rigour. The concern here is that the value of evidence becomes directly linked

to how well it is presented, justified and supported by data. The potential implication here is that for receptors or values with considerable existing data sources, previous studies, agreed methodologies and standard approaches, their value is artificially increased through the very existence of this longevity of research. This means that more niche, novel or previously not studied values, lacking in the weight of scientific evidence to support them, are inadvertently considered of lesser importance.

An example of how values can be dismissed due to lack of scientific evidence is clearly seen in the Welsh Byelaw example. Within the Local Inquiry, the consideration of NRW's 'evidence-based', scientific, argument was seen as superior to the lived experience of local anglers. One is easier to validate than the other, and this leads to question of what we mean by 'validation'. A scientific study can be peer-reviewed, rerun, reanalysed and revisited. The data, when collected, will not change and can be used to inform new data collection, leading to new analysis and new interpretation. Anecdotal evidence, or accounts of a person's experience of interacting with a river cannot be validated in the same way. The standard approach to this, seen clearly in the Byelaw example but also in other case studies in relation to how public comments are handled within consultation processes, is to dismiss these comments as hearsay, unverifiable, and indeed unbelievable. Objectors are labelled as presenting opinion as fact in order to support their argument. This is a challenging barrier to overcome as, in order to have confidence in the data and evidence presented to decision-makers, standard approaches and methodologies, and professional qualification and competence, are used to provide an assurance that the data is accurate.

4.3 Processes and process literacy

The final, overarching category of findings from the case studies relates to process, and process literacy. There are several related and overlapping findings here, summarised and then expanded below:

- Engagement processes are beneficial for diverse values inclusion and the earlier they occur in the process the better
- Decisions do not happen in a governance vacuum; related processes and decisions are being made at the same time and these often inform a specific decision in an interactive way.
- Many values enter decision-making processes through existing mechanisms such as laws, policies and processes. How these are implemented provides examples of decision-maker values which may not be explicit.
- Lack of process literacy leads to misunderstandings about what these processes can and cannot consider and where values can find meaningful expression within the process.

Engagement processes are beneficial for diverse values inclusion and the earlier they occur in the process the better

Early engagement with multiple and diverse stakeholders greatly aids the facilitation of diverse values inclusion within decision examples. Essentially, the further developed the plan or project is prior to consultation, the less likely it appears that meaningful amendments to that plan or project will be undertaken. This can be seen by juxtaposing the Southsea Coastal Defence Scheme and, to a less extent the Sullom Voe Harbour Masterplan, with the Sectoral Marine Plan for Offshore Wind Energy and the Rivers Wye and Usk Byelaws. In the former two case examples public consultation was undertaken on early proposals and the results of this consultation helped to define and shape the

design of the project and plan respectively. In the latter two case examples consultation was conducted on well-developed plans/proposed management measures. Whilst there was justifiable reasons for this in both cases – the Sectoral Marine Plan was assessing the impact of pre-identified draft plan option area (lease areas), and Byelaws are drafted by regulatory authorities in response to identified requirements for additional conservation or management measures – non-statutory stakeholders, or those with limited understanding or previous experience of these planning and management processes mistook the detailed consultation documents as decisions already made and therefore questioned the validity of the consultation process.

Decisions do not happen in a governance vacuum; related processes and decisions are being made at the same time and these often inform a specific decision in an interactive way.

Related to this latter example in particular it is important to understand that marine management decisions do not happen in a governance vacuum. Indeed, regardless of the decision, external processes and decisions will likely be in development in parallel to it. This leads to complexity in attempting to untangle firstly what is included in the decision-making process and what is not, and secondly where values would find better expression or entry points within parallel or external processes. In the Southsea Coastal Defence Scheme example, and much like a mirrored situation of the Sectoral Marine Plan for Offshore Wind Energy, the Southsea Masterplan was in development alongside the design and assessment of the large infrastructure development. Understanding the different remits covered within policy (Southsea Masterplan and Sectoral Marine Plan for Offshore Wind) and development management/leasing (Southsea Coastal Defence Scheme and Scotwind) requires increased communication with stakeholders who cannot so easily distinguish the policy/project divide. The WNMP is another good example of this. The WNMP was developed as part of the wider development of the approach to marine planning in Wales, including the delegation of marine management to NRW from Welsh Government. As such early consultation with stakeholders (non-public) was as much to do with how to operate a marine planning process in Wales as it was to develop the National Marine Plan.

Many values enter decision-making processes through existing mechanisms such as laws, policies and processes. How these are implemented provides examples of decision-maker values which may not be explicit.

All of the decision case studies have used existing laws and policies as part of the decision-making process. Without consideration of the contents of these laws and policies, it can appear that certain stakeholder values are being dismissed within the process. This is mostly clearly seen in the Rivers Wye and Usk Byelaws case study in which the decision made by NRW to implement catch controls on Salmon and Sea Trout in the two rivers was seen by objectors as being over precautionary, and with no basis in real-world experience of angling practices. Reviewing the immediate decision documents appears to show little regard for values, and including the local inquiry as part of the contextualisation of the decision serves to further support this conclusion. However, it is through consideration of the atmospherics of this case study, the numerous Salmon protection laws, that values can be seen to gain their entry points. This links closely with the consideration of decision-making spaces being legally congested, but as discussed above, this reading denies the democratic process of law-making. Essentially, in the Wye and Usk Byelaw example, Salmon are protected because previous decision-makers have concluded that it is in the wider public interest to protect Salmon. Or simply put: Salmon

are protected in law because we value Salmon. Of course, it is rather idealistic to conclude that all stakeholders accept and agree that laws represent their values and therefore cannot be challenged within decision-making processes. This point represents an example of an entry point which could be strengthened to improve value inclusion and this is discussed in Section 4.4 below.

The Southsea Coastal Defence Scheme provides an example of how the implementation of existing decision-making processes gives access to decision-maker values. Whilst the Scheme is large, complex and unique in the Portsmouth area, it was determined by two, parallel, existing and well-established processes: local planning authority planning permission, and the marine licensing system. Both processes expect stakeholder consultation to be undertaken prior to application submission, but the exact requirements for any application are not set out by the regulatory authorities*. In this case the “applicant” was also the local authority, Portsmouth City Council, under its flood defence authority remit. In this example, then, there is clear evidence that the applicant valued local stakeholder opinion and made enhanced efforts to engage. From the case study documents it is not possible to conclude the rationale behind this desire to engage and one could speculate that either the Council really does value local opinion, or rather more cynically that early and meaningful engagement identifies areas of conflict which could then be either designed out of the scheme or justified within the application documents. Regardless of the motive, the use of pre-application entry points to gather stakeholder values does show that decision-makers in this example valued the utility of these consultation processes.

Lack of process literacy leads to misunderstandings about what these processes can and cannot consider and where values can find meaningful expression within the process.

Process literacy can be defined as ‘understanding the decision-making process well enough to meaningfully engage with it and understand why decisions are made in the way that they are’. A high level of process literacy would allow a stakeholder to gain better access to the decision-making process and understand how they can be most influential to protect their own interests. If stakeholders, and indeed decision-makers, advisors and researchers, are not process literate then there is a risk of misunderstanding the types of values which can be considered within these legally defined processes and how, and when, values can be given consideration within them. The risk of not increasing both stakeholder and decision-maker process literacy is two-fold. Firstly, for stakeholders, the perception that their values are not seen as important by decision-makers, because there is no mechanism within a given process for them to be considered within the decision, leads to stakeholder frustration and cynicism. This in turn leads to hostility in later decisions, or an unwillingness to engage because of the perception that “my views don’t matter” or “the decision-maker will just ignore me”. This was evidenced within the Rivers Wye and Usk Byelaw example where objections raised to the final statutory consultation stated the view that the decision had already been made and no comments would change the decision-makers mind.

*This does differ from Scotland where marine licences for certain projects are subject to regulations requiring applicants to undertake pre-application consultation and provide written evidence of this.

Secondly, for decision-makers, incomplete process literacy results in them being unable to sign-post stakeholders to wider entry points more suited to their particular values. For example, in the Southsea Coastal Defence Scheme several objections were raised on the removal of parking facilities and the impact that this would have on neighbourhood parking provision. Whilst this was considered within the Scheme design, the wider issue of resident parking more generally would fall under the remit of a different council department. Likewise, in the Sullom Voe Masterplan example, public comments about Shetland Islands Council developing fixed links before the islands was not part of the remit of the Masterplan. Signposting here is more challenging to identify, but providing stakeholders with contacts within more relevant departments or organisations would improve understanding of where these values could be better expressed.

Process literacy also has strong links to researcher knowledge and positionality. These marine governance and planning processes are complex and challenging to understand in their entirety without expert knowledge of them gained through extensive engagement with them. The Sectoral Marine Plan for Offshore Wind Energy serves as a clear example of how researcher positionality can impact entry point conclusions. Looking at the Sectoral Plan in the absence of its wider context can lead to the conclusion that certain values regarding whether offshore wind energy should be developed in Scottish waters have not been considered. This is a value conclusion, however for a researcher with previous experience working with Scotwind leasing applications and offshore wind policy and development the Sectoral Plan can be seen in the context of this wider landscape and perhaps be viewed in a more positive light. Whilst there is an inherent risk of researcher values biasing conclusions within the analysis of these case studies, the purpose of the analysis was to identify entry points rather than provide judgement on the strength of the processes *per se*. That different researchers, and different stakeholders, can view the efficacy of the processes in different ways leads to strong conclusions on how entry points could be strengthened in relation to process literacy, and this is discussed in Section 3.4.

5 Conclusions

5.1 Strengthening Entry Points

From this analysis of entry points for diverse values in marine decision making, three main areas in which processes could be strengthened can be identified. In line with the discussion of findings synthesised above, these are:

- Improving access to law-making and high-level policy development
- Increasing process literacy
- Consideration of different data sources

Improving access to law-making and high-level policy development

As identified within the analysis, key values are expressed within decision-making process through the laws which exist to protect those values. As these laws act as externalities, or atmospheric, to the decision-making processes they cannot be accessed from within the decisions themselves. This is acceptable if mechanisms are accessible for diverse stakeholders to access law-making processes which are wider than the marine governance systems analysed here. Linked to this is improving access to high-level policymaking, related to how governance systems operate, at societal level. At its most far-reaching increasing entry points here would involve making access to political processes and decision-making more accessible. It is beyond the scope of this analysis to consider what this would look like, but it could include making political processes more visible and providing better access to local and national political actors. At the decision-making level, accessing this entry point could be made easier through facilitating increased engagement between local objectors and local Members of Parliament, with a view to finding consensus in areas of conflict through the democratic process of Government.

Increasing process literacy

Linked to this is increasing process literacy. As the case studies, and the analysis itself, have shown, how decision-making examples are undertaken and assessed depends on the level of process literacy of those either involved in the process, subjected to it, or reviewing it. Improvements to entry points here revolve around increasing process literacy, particularly for stakeholders and those without detailed, professional or academic knowledge of the systems. While there would be resource implications involved here, improving communication materials regarding decisions, and how receptors have been assessed within them, would greatly improve access to decision-making. This could include setting out explicitly what can be considered within a decision-making process and what cannot, and importantly *why* certain things cannot be considered under the remit of certain decisions. Furthermore, for areas of known local interest which fall outside of the remit of the decision, signposting to key contacts more relevant to those interests would be a valuable addition to consultation literature.

Consideration of different data sources

Finally, within decision-making processes, seen with all their legislative and policy complexity, data sources are a key area where improvements to access for diverse values can be identified. Whilst standard methodologies are important for maintaining the objectivity of assessments, the way in which data is collected could benefit from review. This is particularly relevant for social data which is inherently subjective and hard to quantify. Excluding this sort of data based on lack of empirical evidence consistently leads to challenges within spatial planning decision-making. Whilst the final decisions might not change, and there may be good reasons to decide against stakeholder value judgements, the inclusion of additional values through non-traditional methods, could greatly increase stakeholder confidence in the decision-making processes.

5.2 Next Steps

This report forms output D4.1 for the Diverse Marine Values project and provides a comprehensive account of the analysis undertaken within Tasks 4.1 and 4.2. In order to communicate the findings of these tasks to wider audiences, and therefore assist in the wider desire to increase diverse values within marine decision-making, the following next steps will be undertaken:

- Academic Papers (working titles):
 - “A [spatial] framework for understanding the inclusion of diverse values in decision-making”. Building on Section 2 of this report and providing additional details on the theoretical framework used in this analysis, supported by literature review, and exploring the value of using such a framework for the analysis of entry points in decision-making.
 - “Diverse values in marine decision-making: An analysis of entry points in UK marine management”. Building on Sections 3 and 4 and providing details of how the theoretical framework has been applied, along with a detailed discussion of analysis findings and conclusions.
- Policy brief for stakeholders on how to embed diverse values into their decision-making and reporting:
 - A concise report outlining the findings of this analysis, based on Sections 3 and 4, with recommendations for both how to include diverse values in marine decision-making, and the merits of doing this.

Where appropriate the findings reached in WP5 will be used to support and develop the WP4 findings. In addition, the outputs from the other Diverse Marine Values work packages will be utilised to strengthen the academic papers and policy brief.

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Scottish Government (2019d), Sustainability Appraisal (SA), ONLINE, Available at: <http://www.gov.scot/ISBN/9781839603785>

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Welsh Government (2019g) Welsh National Marine Plan. ONLINE. Available at: <https://www.gov.wales/welsh-national-marine-plan>

Appendix 1. Case Study Key Documents

Southsea Coastal Defence Scheme

Key documents fall into two themes: “Development documents” relate to the Southsea Coastal Scheme proposal development and consenting. “Policy documents” relate to the Portsmouth Local Plan documents which are relevant to the Southsea Scheme.

Development documents

- New Forest District Council (2010) **North Solent Shoreline Management Plan (SMP2)**, <https://www.northsolentsmp.co.uk>
- Portsmouth City Council & Environment Agency (2011) **Portsea Island Coastal Strategy Study**, <https://coastalpartners.org.uk/project/portsea-island-coastal-strategy>
- Portsmouth City Council (2014) **Southsea Flooding and Coastal Erosion Risk Management Scheme, Public Consultation Report 3 November – 29 December 2014**, https://southseacoastalscheme.org.uk/resources/winter-2014-consultation-report/?_sft_post_tag=consultation
- Portsmouth City Council (2017) **Southsea Coastal Scheme Autumn 2017 Engagement Report**, https://southseacoastalscheme.org.uk/resources/autumn-2017-engagement-events-report/?_sft_post_tag=consultation
- Portsmouth City Council (2018a) **Southsea Coastal Scheme Preferred options consultation: Consultation Report**, https://southseacoastalscheme.org.uk/resources/summer-consultation-report/?_sft_post_tag=consultation
- Portsmouth City Council (2018b) **Public Interactive Design Workshops: Preferred Options Consultation**, https://southseacoastalscheme.org.uk/resources/summer-consultation-report/?_sft_post_tag=consultation
- Portsmouth City Council (2019a) **Southsea Coastal Scheme Environmental Statement**, <https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PUQQYOMOHVP00>
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- Portsmouth City Council (2019c) **19/01097/FUL planning permission decision notice**, https://publicaccess.portsmouth.gov.uk/online-applications/files/DE1AC4E61C6782DA603D18215C84CB48/pdf/19_01097_FUL-DECISION_NOTICE-2148242.pdf
- Marine Management Organisation (2020a) **Marine Licence Document L/2020/00121/1**, <https://www.gov.uk/check-marine-licence-register>
- Marine Management Organisation (2020b) **MLA/2019/00316 Environmental Impact Assessment Deferral Decision**, <https://www.gov.uk/check-marine-licence-register>

Policy documents

- Portsmouth City Council (2010) **Southsea Seafront Strategy 2010 – 2026**,
<https://www.portsmouth.gov.uk/services/development-and-planning/planning-policy/southsea-seafront-strategy/>
- Portsmouth City Council (2012) **The Portsmouth Plan**,
<https://www.portsmouth.gov.uk/services/development-and-planning/planning-policy/the-portsmouth-plan-adopted-2012/>
- Portsmouth City Council (2018c) **Seafront Masterplan SPD Review Consultation**,
<https://www.portsmouth.gov.uk/services/development-and-planning/planning-policy/seafront-masterplan/>
- Portsmouth City Council (2019d) **Seafront Masterplan Engagement Report Feb-Mar 2019**,
<https://www.portsmouth.gov.uk/services/development-and-planning/planning-policy/seafront-masterplan/>
- Portsmouth City Council (2021) **Revised Seafront Masterplan SPD: March 2021**,
<https://www.portsmouth.gov.uk/services/development-and-planning/planning-policy/seafront-masterplan/>

Subfrontage 4**Documents directly referencing “sub-frontage 4”**

- Portsmouth City Council (2014) **Southsea Flooding and Coastal Erosion Risk Management Scheme, Public Consultation Report 3 November – 29 December 2014**, https://southseacoastalscheme.org.uk/resources/winter-2014-consultation-report/?_sft_post_tag=consultation
- Portsmouth City Council (2017) **Southsea Coastal Scheme Autumn 2017 Engagement Report**, https://southseacoastalscheme.org.uk/resources/autumn-2017-engagement-events-report/?_sft_post_tag=consultation
- Portsmouth City Council (2019a) **Southsea Coastal Scheme Environmental Statement**, <https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PUQQYOMOHVP00>
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- Marine Management Organisation (2020b) **MLA/2019/00316 Environmental Impact Assessment Deferral Decision**, <https://www.gov.uk/check-marine-licence-register>
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Documents covering geographic area but with no direct reference to “sub-frontage 4”

- Portsmouth City Council (2010) **Southsea Seafront Strategy 2010 – 2026**, <https://www.portsmouth.gov.uk/services/development-and-planning/planning-policy/southsea-seafront-strategy/>
- Portsmouth City Council & Environment Agency (2011) **Portsea Island Coastal Strategy Study**, <https://coastalpartners.org.uk/project/portsea-island-coastal-strategy>
- Portsmouth City Council (2018c) **Seafront Masterplan SPD Review Consultation**, <https://www.portsmouth.gov.uk/services/development-and-planning/planning-policy/seafront-masterplan/>

- Portsmouth City Council (2019d) **Seafront Masterplan Engagement Report Feb-Mar 2019**, <https://www.portsmouth.gov.uk/services/development-and-planning/planning-policy/seafront-masterplan/>

Welsh National Marine Plan

Welsh Nation Marine Plan

Documents directly related to the WNMP, it's vision, objectives and policies and the timeline for its development:

- Welsh National Marine Plan (WG 2019g), <https://www.gov.wales/welsh-national-marine-plan>
- Welsh National Marine Plan: vision, objectives and policies (quick reference) (WG 2019f), <https://www.gov.wales/welsh-national-marine-plan-vision-objectives-and-policies-quick-reference>
- Welsh National Marine Plan: timeline (WG 2019e), <https://www.gov.wales/welsh-national-marine-plan-timeline>

Supporting Documents

The main supporting documents published with the WNMP, as part of the legislative requirements of MCAA:

- Statement of public participation for the Welsh National Marine Plan (WG 2018b), <https://www.gov.wales/statement-public-participation-welsh-national-marine-plan>
- Welsh National Marine Plan: sustainability appraisal (WG 2019a), <https://www.gov.wales/welsh-national-marine-plan-sustainability-appraisal>
- Sustainability Appraisal: Post Adoption Statement – Welsh National Marine Plan (WG 2019c) *(Not a legislative requirement, but a really useful document!)*, <https://www.gov.wales/sites/default/files/publications/2019-12/welsh-national-marine-plan-sustainability-appraisal-post-adoption-statement.pdf>

Assessments and Evidence

These are the main evidence reports. There are others, but these are the crucial ones. Note that these were developed at early in the WNMP process:

- Wales marine evidence report (WMER) (WG 2015b), <https://www.gov.wales/wales-marine-evidence-report-wmer>
- Strategic scoping exercise for the national marine plan (WG 2015a), <https://www.gov.wales/strategic-scoping-exercise-national-marine-plan>
- Development of a coastal community typology (WG 2016c), <https://www.gov.wales/development-coastal-community-typology>

WNMP Consultation

The Statement of Public Participation provides details of other consultation and engagement exercises. These documents relate to the statutory consultation on the draft WNMP:

- Consultation Document: Draft National Marine Plan (WG 2017b), <https://www.gov.wales/sites/default/files/consultations/2018-02/consultation-doc-en.pdf>
- Summary of responses: Draft National Marine Plan (WG 2018c), <https://www.gov.wales/sites/default/files/consultations/2018-07/draft-welsh-national-marine-plan-summary-of-responses.pdf>
- Consultation Outcome: Draft National Marine Plan (WG 2018a), https://www.gov.wales/draft-welsh-national-marine-plan?_ga=2.185068841.1642956463.1692262124-489113722.1692262124&_gl=1*_h2bqfk*_ga*NDg5MTEzNzlyLjE2OTlyNjlxMjQ.*_ga_L1471V4N02*MTY5Mjl2MzAxNi4xLjEuMTY5Mjl2NDE2Ny4wLjAuMA
- Welsh National Marine Plan: summary of changes following consultation on draft plan (2019b), <https://www.gov.wales/welsh-national-marine-plan-summary-changes-following-consultation-draft-plan>
- Debate: The Draft Welsh National Marine Plan (Senedd 2018a), <https://record.senedd.wales/Plenary/4893#A40673>
- Plenary – Fifth Senedd 09 January 2018 (Senedd 2018b), <http://www.senedd.tv/Meeting/Archive/067801a5-5116-4387-86bd-57184a8a04cf?autostart=True#>

Marine Planning Approach in Wales

Early documents related to the development of the marine planning approach in Wales, and a summary of the approach. Relevant as the context for the WNMP:

- Sustainable development for Welsh seas: Our approach to marine planning in Wales consultation document (WG 2011a), <https://www.gov.wales/sites/default/files/consultations/2018-01/110216marineconsultationen.pdf>
- Sustainable development for Welsh seas: Our approach to marine planning in Wales consultation: Summary of responses (WG 2011b), <https://www.gov.wales/sustainable-development-welsh-seas-our-approach-marine-planning-wales>
- Sustainable development for Welsh seas: Our approach to marine planning in Wales consultation: Full responses (WG 2011c), <https://www.gov.wales/sustainable-development-welsh-seas-our-approach-marine-planning-wales>
- Understanding the benefits and opportunities of marine planning (WG 2017a), <https://www.gov.wales/understanding-benefits-and-opportunities-marine-planning>

Rivers Wye and Usk Byelaws

Documents which directly relate to the decision being analysed in this case study.

NRW (2021a) Fisheries Byelaws Consultation 2021 – River Usk and River Wye in Wales,

<https://ymgyngori.cyfoethnaturiol.cymru/evidence-policy-and-permitting-tystiolaeth-polisi-a-thrwyddedu/wye-and-usk-byelaws-2021/>

Main webpage with details of the 2021 Byelaws, as proposed. Many documents, including the draft and confirmed byelaws. Most useful documents for the case study are as follows:

- NRW (2021b) Executive Summary - Usk and Wye byelaw proposals, https://ymgyngori.cyfoethnaturiol.cymru/evidence-policy-and-permitting-tystiolaeth-polisi-a-thrwyddedu/wye-and-usk-byelaws-2021/user_uploads/executive-summary-usk-and-wye-english.pdf
- NRW (2021c) Usk and Wye byelaws Frequently Asked Questions, https://ymgyngori.cyfoethnaturiol.cymru/evidence-policy-and-permitting-tystiolaeth-polisi-a-thrwyddedu/wye-and-usk-byelaws-2021/user_uploads/faqs-usk-and-wye-byelaws-english-.pdf
- NRW (2021d) Technical case for Usk and Wye byelaw proposals, https://ymgyngori.cyfoethnaturiol.cymru/evidence-policy-and-permitting-tystiolaeth-polisi-a-thrwyddedu/wye-and-usk-byelaws-2021/user_uploads/technical-case-for-usk-and-wye-byelaw-proposals.pdf

Environment Agency (2022a) River Wye (England) Rod and Line Salmon and Sea Trout Byelaws

2021: Results updated 14 Mar 2022, <https://consult.environment-agency.gov.uk/west-midlands/river-wye-england-rod-and-line-byelaws/>

Provides details of the EA's consultation and decision-making for the 2021 Byelaws. Useful documents include:

- **Environment Agency (2021b) River Wye Salmon and Sea Trout Byelaws England 2021 – Statement in support of confirmation,** https://consult.environment-agency.gov.uk/west-midlands/river-wye-england-rod-and-line-byelaws/user_uploads/2021-11-24-river-wye_byelaw_statement-of-support.pdf
- **Environment Agency (2022b) River Wye (England) Rod and Line Salmon and Sea Trout Byelaws 2021: Published responses,** https://consult.environment-agency.gov.uk/west-midlands/river-wye-england-rod-and-line-byelaws/consultation/published_select_respondent

All Wales Byelaws (contextualising the Wye and Usk Byelaws)

Documents relating to the earlier, and related, All Wales 2017 Byelaws. This includes the consultation documents and the local inquiry which was held after the consultation.

NRW (2017a) Salmon and sea trout catch controls 2017 consultations:

Website for the 2017 All Wales Byelaws. Contains multiple documents; most relevant/useful listed below:

- NRW (2017b), Fishing control proposals Briefing note update 16-03-2018, <https://cdn1.cyfoethnaturiol.cymru/media/685208/fishing-control-proposals-briefing-note-update-16-03-18.pdf?mode=pad&rnd=131714578489770000>
- NRW (2017c), Compiled Note On Responses To Representations, <https://cdn1.cyfoethnaturiol.cymru/media/684347/180112-generic-theme-response.pdf?mode=pad&rnd=131653314078470000>
- NRW (2017d), Executive summary, <https://cdn1.cyfoethnaturiol.cymru/media/682238/executive-summary-english-final.pdf?mode=pad&rnd=131625760735030000>
- NRW (2017e), Technical case supporting a public consultation on proposals for new fishing controls to protect salmon and sea trout stocks in Wales, <https://cdn1.cyfoethnaturiol.cymru/media/684367/technical-case-structure-final.pdf?mode=pad&rnd=131654078133270000>
- NRW (2017f), Frequently asked questions, <https://cdn1.cyfoethnaturiol.cymru/media/682256/faqs-english-final.pdf?mode=pad&rnd=131625760737530000>

NRW (2019) Local inquiry into NRW's proposals for new rod and net fishing byelaws,

<https://naturalresources.wales/about-us/news-blog-and-statements/statements/local-inquiry-into-nrw-s-proposals-for-new-rod-and-net-fishing-byelaws/?lang=en>

Contains numerous inquiry documents (proofs of evidence etc).

The Planning Inspectorate (2019) Inquiry Report is available from the Welsh Gov website and provides a summary of proceedings and the conclusions of the inquiry,

https://www.gov.wales/sites/default/files/inline-documents/2019-07/190716%20-%20LG%20-%20Written%20Statement%20-%20Marine%20%26%20Fisheries%20Inspector%27s%20Report%20-%20English_0.pdf

The Welsh Government also published a **Written Statement [on the] Outcome of the Local Inquiry on Natural Resources Wales' proposed 'All Wales Salmon and Sea Trout Byelaws'** (Welsh Government 2019), <https://www.gov.wales/written-statement-outcome-local-inquiry-natural-resources-wales-proposed-all-wales-salmon-and-sea>

Salmon and Sea Trout Plan of Action for Wales

The main policy document setting the context for the decision.

NRW (2020a) Salmon and sea trout plan of action for Wales 2020: overview,

<https://naturalresources.wales/about-us/what-we-do/strategies-and-plans/salmon-and-sea-trout-plan-of-action-2020/salmon-and-sea-trout-plan-of-action-for-wales-2020-overview/?lang=en>

Details of specific targets and measures: **NRW (2020b) Salmon and sea trout plan of action for Wales 2020: areas for action,** <https://naturalresources.wales/about-us/what-we-do/strategies-and-plans/salmon-and-sea-trout-plan-of-action-2020/salmon-and-sea-trout-plan-of-action-for-wales-2020-areas-for-action/?lang=en>

Scottish Sectoral Plan for Offshore Wind Energy

- Scottish Government (2020a) **Scottish Marine Sectoral Plan for Offshore Wind Energy**, <https://www.gov.scot/publications/sectoral-marine-plan-offshore-wind-energy/>
 - Scottish Government (2020b), Draft Sectoral Marine Plan for Offshore Wind Energy 2019: consultation report, <https://www.gov.scot/publications/draft-sectoral-marine-plan-offshore-wind-energy-2019-consultation-analysis-report/>
 - Scottish Government (2020c), Published responses, <https://consult.gov.scot/marine-scotland/draft-sectoral-marine-plan-for-offshore-wind/>
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- Scottish Government (2019b), **Habitats Regulations Appraisal**, <http://www.gov.scot/ISBN/9781839603754>
- Scottish Government (2019c), **Socio-Economic Impact Assessment (SEIA)**, <http://www.gov.scot/ISBN/9781839603792>

Sullom Voe Harbour Area Masterplan

- Shetland Islands Marine Planning Partnership (2021) Shetland Islands Regional Marine Plan, <https://www.shetland.gov.uk/downloads/file/3629/sirmp-2021-amended-version>
- Shetland Islands Council, SVHA Masterplan (2022a), <https://www.shetland.gov.uk/downloads/file/6247/sullom-voe-master-plan-publication-version-july-2022>
- Shetland Islands Marine Planning Partnership (2021), Strategic Environmental Assessment, <https://www.shetland.gov.uk/downloads/file/6709/sullom-voe-harbour-area-master-plan-strategic-environmental-assessment->
- NAFC (2022) Habitats Consultation Report, <https://coins.shetland.gov.uk/submissiondocuments.asp?submissionid=27603>
- Shetland Islands Council (2022b), Consultation Report <https://coins.shetland.gov.uk/submissiondocuments.asp?submissionid=27603>
- NAFC (2021) Sullom Voe master planning report, <https://www.shetland.uhi.ac.uk/t4-media/one-web/shetland/research/document/marine-spatial-planning/sullom-voe-master-plan/Sullom-Voe-Master-Plan-Report-2021.pdf>
- Shetland Island Council (2022c), SIC Development committee meeting minutes, Agenda Item 3, Reference number DV-15-22-, <https://coins.shetland.gov.uk/submissiondocuments.asp?submissionid=27603>
- C2W (2019), Report of Master Plan Round One Engagement for Sullom Voe Harbour

Appendix 2. Process Mapping with Value/Entry Point annotation

