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Towards a Model for Maritime Spatial Planning in Sweden
-a theoretical exploration of interest representation, stakeholder
recognition and equity

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Abstract

A wide range of different interests are competing for the use of marine space and marine resources and the demands on marine space are increasing. Traditionally, policies concerning the marine environment and spatial planning have been developed in a fragmented manner, which has made it difficult to assess and mitigate effects. The new EU maritime policy, adopted by Sweden, emphasises the integration of various sectors' aspects as a fundamental substantial objective as well as a crucial part of its implementation meaning that a development of the institutions and procedures of the current planning traditions is inevitable. An essential part of every effective institution is to uphold legitimacy and retain a level of consent and acceptance among concerned parties. Without these factors present, implementation will be jeopardized. Since the new maritime policy implies the confrontation of a range of different interest groups, a great task or challenge in developing an integrated marine planning tradition is about the valuation and representation of concerned interests.

The thesis has two empirical and one theoretical objective. Firstly, to outline the different interests claiming space in marine areas and identify possible conflicts. Secondly, to survey and make an analysis of the current Swedish planning tradition. The third, theoretically exploratory objective, is to outline a draft for a theoretical planning model, combining current research on democratic theory and pluralism, focusing on what challenges need to be met to secure a successful implementation of the substantial policy objectives.

The thesis shows that very few of the interests claiming space in sea areas are possible to combine and there is no objective definition of stakeholders. Following are a number of challenges that a future planning model have to consider; Whether or not to include binding elements, how to define stakeholders and finally how to determine who should be given admission to contribute to the knowledges upon which spatial planning is based.

Key words: Maritime Spatial Planning, Legitimacy, Interest representation, Stakeholder Recognition, Information providing, Equity

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1. Introduction

The importance of environmental issues has grown enormously during the last fifty years. More recently, a more specific focus on the state of the world's oceans has arisen, together with an acknowledgement of our seas and oceans as invaluable resources. They provide us with a wide range of so called ecosystem services, that serve to enhance human well-being (Millennium Ecosystem Assessment, 2005). The marine ecosystems are however facing several threats such as eutrophication, depletion of fish-stocks and biodiversity losses, which in turn severely threatens the services they provide. In order for us to continue to enjoy the services and resources provided to us by the marine ecosystems, there is a need for a proper management of those ecosystems.

There are a wide range of different interests competing for the use of the marine space and marine resources and the demands on marine space are increasing. Traditionally, policies and decision-making concerning the marine environment have been developed in a quite fragmented manner. Policies dealing with for example fisheries, energy-production at sea, tourism and shipping have been pursued separately, within each sector, often with conflicting objectives. This sectoral-wise management has made it difficult to coordinate, assess and mitigate the direct and cumulative effects of the different policies, further adding to the acknowledgement of a revised form of management of marine resources.

In response to this apparently inefficient policy fragmentation, the Commission of the European Communities published a Green Paper a few years ago with a vision for Europe's oceans and seas, which communicated a strive towards a new Maritime Policy (COM 2006:275). The Green Paper advocated an integrated approach in contrast to the traditionally separated policy arenas and activities affecting the marine environment. The need for a more coordinated policy for maritime activities was emphasised. After a long consultation process on the proposed policy, a little more than a year later, the so called Blue Book or the *Integrated Maritime Policy for the European Union*, was adopted (COM 2007:575). The integrated maritime policy emphasises the interlinkages amongst the wide array of activities taking place in sea-areas and that policies dealing with these activities need to be developed in an integrated manner if the quality and quantity of the marine resources are to be sustained and continue to bring value to Europe's citizens.

However, the EU Maritime Policy is not a binding document for incorporation in the member states. It functions more as a guidance or recommendation for certain courses of action. As a step forward towards a more binding form of integration of concerns for marine environment, the European Parliament and the Council adopted the so called Marine Strategy Framework Directive

(MSFD, Directive 2008/56/EC) in 2008. The directive is put forth as the environmental dimension of the European Maritime Policy and all member states of the European union have the obligation to transform the directive into national legislation (SEPA 2009b). The aim of the MSFD is to achieve good environmental status in all of Europe's marine ecosystems by 2020 (Europa Webpage 2008).

The importance of an integrated approach towards management of the marine environment has thus been widely recognised, but a recognition does unfortunately not contribute much without more concrete measures. Together with the Maritime policy an action plan was published, within which a number of cross-sectoral tools for integrated policy making was presented (SEC 2007:1278). Respectively in the directive, through annex VI, a list of proposed measures for how to achieve its objectives was provided. One particular type of measure appears in both documents and has achieved further attention in the form of a roadmap developed by the Commission (COM 2008:791 final). That specific measure is so called Maritime Spatial Planning (MSP), which is considered to be a good tool for integration to help improve decision-making and make it more collaborative. Whereas spatial planning for terrestrial areas has long been a widely used and acknowledged measure for handling social and environmental problems on land, a similar planning instrument for marine areas is yet to be more widely employed (Douvere 2008).

Sweden is especially interesting from the perspective of marine resources management, since it has a large coast and sea-area compared to many of Europe's countries. In addition to this, Sweden neighbours the Baltic-sea which, because of a range of special characteristics, is one of the most sensitive sea-areas within Europe (HELCOM 2009). Following the recommendations from the Commission of the European communities on adopting a national integrated maritime policy, the Swedish government in march 2009 put forth a proposition on *A cohesive Swedish maritime policy* (Prop.2008/09:170). The proposition emphasised the need for a cross-sectoral approach for managing marine resources and a need for a coordinating authority with responsibility for sea- and water-management issues. In line with the EU maritime policy and the marine directive, the Swedish policy highlighted maritime spatial planning as a tool for an integrated approach (ibid p20-21). With basis in a Swedish Government Official Report on a developed marine environment administration (SOU 2008:48), the proposition states that there is a need to create a more suitable system for planning of Swedish sea-areas.

In Sweden today, the municipalities have the main responsibility for physical or spatial planning in Sweden. Municipalities also have the formal responsibility for planning of coastal areas as well as sea-areas along the municipal coast-line and within the boundaries of the so called territorial sea (SOU 2008:48, p152. For further definition of territorial sea see United Nations

1982). According to the mentioned report (SOU 2008:48), the municipal planning of sea-areas is very often incomplete and in light of today's growing environmental problems and competing interests in sea-areas, is seen as insufficient. The planning is also very ambivalent due to the municipalities' different levels of ambition for planning of sea-areas, which can depend on many different factors such as proximity to marine research centres or whether or not there is an archipelago in the municipal sea-area (NBHBP 1995). So to this point, planning of marine areas has not become a widely adopted tool for integrating marine environment in policy making and thus the EU maritime policy has in this sense not yet been successfully implemented.

As a result of the issue of insufficient municipal planning efforts in marine areas, the current planning tradition for this type of planning has been questioned (SOU 2008:48). In the Swedish Government Official Report on a developed marine environment administration, one section dealt specifically with the issue of maritime spatial planning in Sweden (ibid chapter 4). It was suggested that the responsibility for planning the territorial seas and areas within the so called baseline, which as mentioned has been a responsibility in the hands of municipalities, should be shifted to regional authorities (SOU 2008:48, p155). In the government proposition (Prop.2008/09:170) for *A cohesive Swedish maritime policy* it was suggested that at least the territorial sea-areas should preferably be planned with a more regional focus. Also, it was emphasised that, in reality, there is a lack of forms of planning beyond the municipal level. Shifting planning responsibility to regional level subsequently suggest an intrusion on the prevailing municipal planning monopoly and a loss of power for the municipalities.

Although a shift of responsibility for planning is not in any way decided upon, the issue of maritime spatial planning and its future form has definitely grown to become an issue put on the agenda. One indication is that, in the end of 2009, the Swedish government appointed a committee of inquiry assigned to propose a model for planning of the Swedish sea-areas, with particular focus on the territorial sea and the exclusive economic zone (Dir 2009:109). The current planning tradition in Sweden is thus not seen as entirely suitable or sufficient when it comes to maritime spatial planning and the question still remains on what challenges the current tradition stand before and in what ways it should be revised.

In this thesis, a theory exploring approach will be used to examine Maritime Spatial Planning with the prospect of developing a theoretical draft for a sector-integrative planning model for maritime spatial planning in Sweden. More specifically, the thesis aims to highlight the challenges that the current planning tradition stands before in planning of marine areas. The thesis take departure from current research on democracy and combines it with research on pluralism and corporatism to highlight the importance of aspects of procedural fairness and supply of information

in political processes for issues of legitimacy and effective implementation of policies. While theoretical, the aim with the development of a model for Maritime Spatial Planning is yet to provide a level of practical applicability and to design the model to have real world relevance by relating it to traditional planning practices, principles and preconditions.

2. Problem description

There are a wide range of different interests competing for the use of the marine space and marine resources and the demands on marine space are increasing. Traditionally, policies and decision-making as well as physical planning concerning the marine environment have been developed in a quite fragmented manner. Policies and planning dealing with for example fisheries, energy-production at sea, tourism and shipping have been developed separately, within each sector, often with conflicting objectives. This sectoral-wise planning and management has made it difficult to coordinate, assess, and mitigate the direct and cumulative effects of the different policies. The new EU maritime policy, adopted by Sweden and other European countries, emphasises the integration of various sectors' aspects as a fundamental substantial objective as well as a crucial part of its implementation. Acknowledging that the new EU maritime policy as a substantial objective, and in its implementation, presupposes the integration of various sectors' aspects, a development of the institutions and procedures of the current planning traditions is inevitable.

An essential part of every effective institution is to uphold legitimacy and retain a level of consent and acceptance among concerned parties. Without these factors present, implementation of decisions will be jeopardized. Since the new maritime policy implies the confrontation of a range of different interest groups, a great task or challenge in developing an integrated marine planning tradition is about the valuation and representation of concerned interests. From this background, this thesis has a threefold objective; two more empirically oriented objectives and one theoretical.

The first empirical objective is to outline and analyse the different interests claiming space in Swedish waters, highlighting possible conflicts. The second empirical objective, is to survey and make an analysis of the current planning tradition in Sweden with focus on the underlying principles of institutions and procedures. The third, theoretically exploratory objective, is to outline a draft for a theoretical planning model, which combines current research on democratic theory, pluralism, and corporatism. More specifically, the aim is to bring about a theoretical model relating aspects of procedural fairness, equal opportunities for influence, admission to information providing and knowledge generation processes, to legitimacy, consent and acceptance. The focus of the theoretical exploration will be on what is required from a partly new model of planning of Swedish marine areas, in order for it to have a reasonable chance of contributing to the implementation of the substantial policy objectives. What are the challenges that the current planning tradition stand before in order to handle the planning of marine areas? The theoretical exploration will be specified

by the following questions: What are the criteria for inclusion of interest groups in various phases of the planning process? Are stakeholders recognized and defined objectively and/or subjectively? How are different interest groups valued? Do certain interest groups enjoy privileged standings as information providers to policy makers? If yes, which are the arguments for such an order?

3. Thesis outline

This thesis consists of three main parts. The first is chapter 4, which describes and analyses the wide array of interests with claims in Swedish sea-areas. Chapter 4 will also outline the effects of the different interests on the marine environment and identify possible conflicts amongst the numerous interests at hand. Ending chapter 4 is a figure (Figure 1. page 22) presenting a comprehensive oversight of interest claims, expert authority of the particular interest, interest groups and possible conflicts amongst different interests.

In the following section, chapter 5, an analysis of the current planning tradition in Sweden is presented. It outlines the preconditions and principles that characterise the institutions and procedures of the current planning tradition and particular focus is put on issues of interest representation, provision of information to the planning process, knowledge generation and regulating principles for the very planning process.

Chapter 6 is where the theoretical objective of the thesis is developed. The previous chapters, 4 and 5 play a central role in chapter 6. They function as the empirical foundation for the theoretical exploration, exemplifying where the greatest challenges for a new planning tradition for marine areas might occur. In chapter 6, current research on democratic theory, corporatism and pluralism is used to outline a draft for a theoretical planning model. A theory-driven line of argument is presented regarding what would be required of a partly new model for planning in order for it to have a good chance of contributing to the successful implementation of the political objective of an improved status of the marine environment.

The finishing chapter 7 consists of a concluding discussion that brings together the main points of the three objectives of the thesis and explores the prospects for future research in the field.

3.1. Procedure and delimitations.

As outlined in the problem description, this thesis has a threefold objective, two empirically oriented objectives and one theoretically oriented. The thesis outlines a theoretical draft for a sector-integrative planning model for maritime spatial planning in Sweden. Consequently the thesis get to grips with, theoretically, some of the challenges that needs to be overcome in order to secure a successful implementation of the political objectives for the marine environment. In turn, this implies that the thesis employs a theory exploring approach. Since the overarching focus of the

thesis is on institutions and procedures in planning and their underlying principles, and the theoretical aim is exploratory, the attempt has been to get an in-depth picture; it is thus not within the scope of this thesis to come up with generalisable conclusions.

The first empirical objective of the thesis is outline an analysis of the different interests claiming space in Swedish waters and identifying possible conflicts, which is attended to in chapter 4. The aim of the chapter is to get a comprehensive view of the diverging interest wanting to use marine space in different ways and how they affect the marine environment. Here, the objective has implied a search for messages of manifest character in the source material and interpretations of more latent messages were not done.

A first idea of what interests have claims in the sea-area comes from reviewing an evaluation of the first generation of comprehensive plans (NBHBP 1995), together with own reflections and understanding. The principal source material used to get a comprehensive view and outline and analyse the existing interests, is written material, mainly from sector-responsible authorities. The authorities are judged to be relevant information providers, especially on current status of the different interests and statistics on the scope of the interests' activities, since they have the responsibility of holding recent data on the situation in Sweden. They are authoritative and are the very instances that authorise interests, which further contributes to their relevance for this thesis since identification, valuation and representation of interests are central concepts. Even if Swedish authorities have a culture of independence and self-reporting, there is always reason to be cautious, especially regarding information that can be suspected of being manipulated to their advantage (Thurén 2005, p67). In this case, most information used is basic data on for example, number of fishing vessels or shipping tonnage, data that there is little reason to believe that the authority have an interest in manipulating in any direction.

More caution however has to be kept regarding information on environmental effects of different activities. As an example, information on negative effects of discharges from nuclear power plants on the marine environment, was found on the web-page of the biggest power company in Sweden. Generally, there is more reason to believe that a statement is true if it is not expressing something that directly serves a someone's self- interest (Thurén, p73). Here, the company is very open with the negative environmental effects of their activities, increasing the likeliness that the statements are true compared to if they would deny all negative effects. However, the power company could have an interest in giving a picture of the environmental effects as less severe than they actually are, which is hard to determine with only one source, therefore, a complementing source with opposite tendency, the Swedish Board of Fisheries, is used to confirm the information

(Thurén 2005, p67). In other cases, information on effects on marine environment from sector authorities, is complemented with recent research reports and articles dealing with the specific topic such as the effects of aquaculture (Alanärä & Andersson 2000) or wind power establishments (Kautsky 2010). Essential to keep in mind in all this, is that the aspects of most importance here are the conflict between interests, not the scope of each of their effects.

It is not considered fruitful to go into too much detail on every single activity taking place in marine areas, so some interests, or perhaps more correctly, some types of activities are compounded into the same category, since their use of the sea-area is quite similar. The important thing is to distinguish between the interests that might be conflicting, since this is what in the end has an effect during the development of spatial plans and contributes to creating the biggest challenges in the process.

To determine the possible conflicts between interests, the information and knowledge obtained on the establishment, operation and environmental effects of different interests' activities is used. The other main basis for the judgement on possible conflicts is the three-dimensional character of the sea, with its surface area, sea bed and the very body of sea-water. The different interests, through their activities, use these three dimensions in different ways and to give an idea of how the judgement was done: shipping for example takes place on the sea surface, but also has a level of pollution to the body of water, possibly affecting water living organisms; energy distribution on the other hand is a sea-bed establishment and establishments of wind power plants more or less uses all the three dimensions of the sea, similarly to some forms of fishing-practices. Possible requirements of safety zones and other similar demands is also used as a factor when making the judgement on potential conflict. Each interest category is cross-checked with the others, based on the criteria described above, and compiled into a comprehensive table to get a more clear overview (Figure 1. page 22).

The second empirical objective is to survey and analyse the current planning tradition in Sweden with focus on the underlying principles of the institutions and procedures, where Sweden makes an interesting case because of its so far unsuccessful implementation of the substantial policy on marine environment. Here the search, in principle, is both for the manifest message of the formally expressed planning procedures in the current tradition and the more latent message of underlying principles of the institutions and procedures (on manifest and latent messages see Esaiasson et.al. 2007, p250).

The principal material for obtaining this empirical objective is current national legislation on planning, mainly the Planning and building act (PBA, SFS 1987:10) and the Environmental Code

(SFS 1998:808). The legislation is deemed proper material since it is the foundation that sets the frame for the current planning tradition at the same time as stating formal procedures and requirements on planning. Furthermore, it can be seen as a reflection of underlying principles or intentions. In addition to the legal text on planning, reports from the central authority responsible for planning, the National Board of Housing, Building and Planning (NBHBP), is used. The authority has great and long experience in issues of planning and issues many reports with advice on planning practices compiled from different municipalities. The NBHBP does not have any formal rights in the planning process, but its reports aims to improve and facilitate it. This makes them interesting for the objective at hand as well as the fact that they provide guidance on the planning legislation, which in some parts can be difficult to comprehend. The authorities' guidances function as a contributor to the interpretations of the legislation. Guidance on legislation from the Swedish Environmental Protection Agency (SEPA), regarding the process of strategic environmental assessments (SEA) is also used for this empirical objective, foremost as a source of information on the consultation procedure on SEAs.

As you now have noticed, the focus of this part of the thesis is delimited to the formal expressions of the current planning tradition and the principles that can be discerned through them. Informal processes taking place in current planning, are left out. They could perhaps have an influence on the result of the planning tradition as such, but the formal expressions of institutions, procedures and principles are considered of higher importance to the objective of this thesis since they are more easy to manage and change and open for all to take part of, so there is a higher probability that they have an effect on different interest groups' and other participants' valuation of the fairness of procedures and institutions, and subsequently the implementation of the political objectives.

When it comes to the analysis of the current planning tradition, the focus is, as mentioned, on institutions and procedures and their underlying principles. Especially, opportunities for interest representation, admission of interest groups to knowledge generation and provision of information and formal mechanisms prioritising between interests or valuing some interests more than others, are considered interesting aspects. These type of aspects are actively searched for in the material.

The final and theoretical objective of the thesis mainly takes departure from two recent dissertations in political science. First, Marcia Grimes' (2005) work on the role of procedural fairness in fostering consent. To foster consent, subsequently is a way of removing obstacles for a successful implementation of political objectives. The case of marine resource management or more specifically, maritime spatial planning, involves a wide range of different interest groups claiming

space in marine areas to perform their activities, they are central and will most probably continue to be so. Uhrwing (2001) thoroughly elaborates on what the criteria are for interest groups to be given admission to political decision-making procedures. Adding this dimension to Grimes makes the case of maritime spatial planning, where interest groups play a central role, and its so far unsuccessful implementation very interesting. This final objective of the thesis is achieved through using the works of Grimes and Uhrwing to highlight what is found in the the preceding empirical chapters in order to distinguish what will be required from a partly new planning model in order for it to have reasonable chances of contributing to the implementation of policy objectives. Through the use of Grimes (2005) and Uhrwing (2001) this thesis obtains a scientific relevance by connecting current research on democracy with research on pluralism, corporatism and the role of interest organisations.

The two dissertations are also relevant because of their empirical content, since they both deal with the management of natural resources. Uhrwing (2001), explores three cases of environmental policy in Sweden; sustainability in the Swedish mountains, producer responsibility in the car industry and the phase-out of nuclear power. Grimes (2005) takes on the case of the construction of double-track railway along the Swedish west coast, which is not only a case of environmental management, but also more specifically of spatial planning.

There are of course other theoretical perspectives that may be interesting to consider when investigating the issue of spatial planning. However, the focus on current research on democracy and pluralism is relevant for a couple of reasons. There are a wide array of interests claiming space in marine areas and sector interests have a key role to play in maritime spatial planning. Interests groups and the mechanisms granting them admission to political decision-making processes thus appears as of relevance. The implementation of the substantial policies has so far been difficult, implying that this is a challenge of interest. The democratic research of Grimes (2005) outlines important aspects of effective implementation of policies, which shows its relevance for this following elaboration on maritime spatial planning. Combining these two types of research is in this thesis considered to in a good way be able to highlight the challenges that the current Swedish planning tradition stand before.

4. Interests claiming space in Swedish sea areas

As mentioned, there are a wide range of interests holding claims on sea space. Here, the array of interests present in Swedish sea-areas are identified and described to get a more complete picture of what stakes are at hand and how each of these interests affect the marine environment. After all, a well managed marine environment is a precondition for many of the activities taking place in it.

4.1. Extraction of resources from sea-areas

Many interests in the marine areas are related to the exploitation of resources. One of the most traditional exploitative activities taking place in Swedish marine waters is fishing. The first provisions regarding regulation of fishing in Sweden that have been found are as early as from the fifteenth century, which indicates that commercial fishing began somewhere around that time (Swedish Board of Fisheries 2008). According to the most recent survey made of the Swedish fishing-fleet there are 1527 fishing-vessels holding a licence to fish in the sea for commercial purposes. This is a decrease of vessels with around 20 percent since the beginning of the 21st century. The number of registered commercial fishermen has also decreased during the 21st century from 2315 to 1865. The Swedish fishing fleet consists of many smaller fishing-vessels fishing with so called passive fishing gear (e.g. nets and cages) and a few larger fishing-vessels using different trawling techniques (Swedish Board of Fisheries 2009a, p154).

Rapid technological development have increased the intensity of the fisheries and made them much more efficient. Even though the number of fishermen today is only around ten percent compared to the beginning of the 20th century, the catches are three times as large (ibid, p 157). This efficiency increase has and does put enormous pressure on the fish-stocks. Cod, which historically has been a dominating top-predator in Swedish marine areas, has suffered from overfishing and during the late 1980's there was a sharp decrease in landings from which the stock not yet has recovered (Persson 2009, p3). Depletion of fish-stocks has adverse effects, not only the mere decrease in biomass of that very species, but it also alters the conditions within the food-web and can have unforeseen effects on the marine ecosystem as a whole (Pauly et.al 2000, p697). Other possible adverse environmental effects related to fisheries are by-catches of non-target species, damages to habitat of marine species from destructive fishing methods as well as pollution from fishing-vessels (including garbage) containing high levels of nutrients or toxins (Swedish Board of

Fisheries 2009a, p116, FAO 2010). It is however important to point out that that far from all forms of fishing is destructive, the use of sustainable fishing practices and sustainable management of fisheries is developing continuously and its use is increasing.

Even if the profitability of the Swedish fisheries is decreasing (ibid p157), they represent a strong interest and will most probably continue to be an important interest in the Swedish sea areas in the foreseeable future wanting to use areas where species important for commercial fishing are concentrated. The Swedish Board of Fisheries has appointed areas of national interest for commercial fishing, with main basis in which areas that can generate the most profit, which to a large extent also represents a concern for the sustainability of the stocks since a long term profit is more easily yielded by a sustainable stock (Swedish Board of Fisheries 2006a). Important to keep in mind is that fishing is an activity that is not always possible to combine with other interests in the marine space, such as wind-power establishments and fisheries can be negatively affected by certain activities, such as discharges from industry and agriculture.

The sea-area can also be used to produce fish and shellfish in so called aqua- or mariculture. During 2008 the aquaculture industry in Sweden produced around 6000 metric tonnes of food fish, mainly rainbow trout, and almost 2000 tonnes of cultivated blue mussels. This production amounted to a value of SEK 224 million. In addition to the fish produced for consumption, around 1200 tonnes of fish for stocking was produced, where rainbow trout again is the dominating species, but also trout and char are common (Swedish Board of Fisheries & SCB 2008, p16). The most used method for aquaculture in Sweden is raising fish in enclosures, which are usually situated close to the coast (ibid p9). Aquaculture is often seen as a substitute for conventional commercial fishing. It is believed to reduce some of the pressure on naturally living fish stocks. In addition to this positive effect, cultivation of blue mussels can improve the quality of the marine environment. The mussels filter the sea-water and take up excess nutrients, a main cause of eutrophication, which has been a big problem in the Baltic Sea (Swedish Board of Fisheries, 2007). Aquaculture is however not only related to positive environmental effects. Some negative aspects relate to the use of antibiotics and the escape of raised fish, which not only is an economical problem but also can pose a risk to existing natural fish stocks and the biodiversity of the marine ecosystem. In addition to this, fish-farming requires vast amounts of feed for the raised fish, which is produced from wild fish thus putting additional pressure on naturally existing fish stocks (Swedish Board of Fisheries, 2006b & Naylor et.al. 2000). Fish-farms also have a level of nutrient discharge which can spur the problem of eutrophication (SEPA 2008a). Aquaculture can thus have an effect on commercial fishing and it is an activity that is not possible to spatially combine with for example shipping lanes or wind farms. It can also stand in conflict with interests using the sea as a recipient, such as sewage

treatment plants and industries (Alanära & Andersson 2000).

Not only edible resources are extracted from the marine environment. In some areas there are also certain types of non-organic material of interest for extraction from the sea-bed, such as sand or gravel (NBHBP 1995, p38). Geological Survey of Sweden has the responsibility to explore and map sea-bed conditions in Sweden (SGU 2010). The information is used as a foundation for planning and making decisions on conservation and exploitation of the sea-bed as well as during planning of constructions in marine areas. It makes it possible to outline which areas are most suitable for different purposes, such as extraction of material. There are also for example some sea bed areas in Sweden that have been pointed out as possible to use for Carbon capture and storage (CCS) due to their geological characteristics, but the costs are yet very high and there are many uncertainties regarding the environmental effects (IVA & KVA 2003). Extraction of materials from the sea-bed in certain areas stand in conflict with many other interests such as conservation interests and fishing, since dredging for material makes the sea water muddy and unsuitable as a fish habitat. It also stands in conflict with construction of wind or wave-power plants, which are sea-bed establishments. Areas suitable for extraction of valuable material are considered important by the Swedish government and might come to be protected to be able to use them for these purposes in the future, which would rule out most other uses of those areas (Prop 2008/09:170, p83).

4.2. The sea as a transport route for goods and people

Another activity making use of the sea-area, at the same time as representing another strong economic interest, is shipping. This type of activity claims sea-space in form of ports and shipping lanes and large industries are a the biggest users. At the end of 2009, there were 207 merchant ships under Swedish flag with a tonnage of 2,2 dwt (dead weight tonnes). In addition to the ships under Swedish flag, there were 468 ships under the control of Swedish shipowners with a tonnage of 11,7 million dwt (Swedish Maritime Administration 2009, p5). There are also passenger ships and ferries operating on Swedish shipping lanes. The Swedish Maritime Administration account for the safety and the navigability of shipping and have the responsibility for a range of activities relating to shipping such as coordinating sea rescue, publishing nautical charts for Swedish waters, planning, marking and improving shipping lanes and providing vessel traffic service. The main sources of income for the Maritime Administration are charges for shipping lane and navigation paid by merchant ships and the selling of nautical charts (Swedish Maritime Administration 2010). The shipping industry can affect the marine environment in different ways, mainly in the form of

different types of pollution where the most important are sulphur and nitrogen oxides as well as green-house gas emissions which have more indirect effects on marine ecosystems. Pollution can also be related to accidents at sea, for instance with oil-tankers or illegal discharges of oil or chemical substances. In addition, unwanted alien species can be discharged with ballast water, which is a threat to biological diversity (Swedish Maritime Administration 2009, p57). Shipping can be difficult to spatially combine with other activities in the sea like fishing and wind or wave power establishments. Also ports, which constitute an important component of the shipping industry can be hard to combine with, for example aquaculture.

4.3. Production and distribution of energy

Seen from the perspective of the era of climate change discussions, one use of sea-area stands out as particularly interesting. That is, its use as a place for renewable energy production and energy distribution. Sea-based wind-farms as well as wave-power establishments require a relatively large area. The Swedish government adopted a national planning objective in June 2002 stating that wind-power should have a yearly production capacity of 10TWh by 2015 and sea-based wind-farms are seen as important in reaching this objective, since the wind is stronger and it is possible to build bigger power plants at sea. The Swedish energy agency (Energimyndigheten) suggested a planning goal for 10TWh sea-based wind power (Prop.2008/09:170). The planning objective is not an objective for expansion, but for how much wind-power that should be planned for within the frames of spatial planning with an aim to highlight its importance. Governmental support for municipal planning of wind-power projects is also available (SFS 2007:160), which indicates a political will and a strong interest to invest in wind-power. Wave-power is yet in a development-phase but can still be important to plan for in order to avoid future conflicts of space. Conflicts in sea-based wind-power projects can arise with local communities in different ways suspecting they will be disturbed by the facilities, but compared to land-based wind power the risk of conflict is not as high. Local culture and nature values can be affected as well as animal life in form of different kinds of birds and bats (Kungälv municipality 2009). Marine animals are also affected, particularly during the construction phase. During the operational phase, sound from wind power plants can disturb certain fish species. On the positive side, the foundations of the power plants can create reef-like environments suitable for some marine species (Kautsky 2010, p21). Considering this, wind-power establishments can however be difficult to combine with fishery, shipping and areas of recreational value for outdoor life and tourism.

Facilities for distribution of energy or different pipelines are also present in marine areas and often require safety-zones, which can mean restrictions for interests of shipping and fishery (NBHPB 1995, p38). Occasionally, during the process of establishing pipelines, conflicts of interest can arise if ship-wrecks are found that are older than 100 years, since they are considered ancient remnants and thus are protected by the Swedish law on cultural heritages (SFS 1998:950). Ship wrecks can be interesting as cultural heritages, but can also be of interests depending on their cargo. They can for example contain valuable cargo, such as iron ore, copper or other valuable metals. Some ship wrecks however contain more hazardous cargo such as old ammunition or environmentally hazardous substances or material (NBHPB 1993, p81). Munition, such as old mines and mustard gas, has in some marine areas also simply been dumped (Global Maritime 2009, p52-54). This type of material and old cargo can pose a risk to the surrounding marine environment and possibly cause tremendous damage for instance during construction of pipelines or when fisheries are bottom-trawling. The national maritime museums keep listings of culturally and historically interesting ships and their whereabouts (National Maritime Museums in Sweden). Protected coastal cultural or ancient heritages can also consist of lighthouses or old fishing villages, with their characteristic landscape of old boat-houses and landing stages (NBHPB 1995, p38).

4.4. The sea as a recipient

Furthermore the sea functions as a mere recipient of a range of different discharges. The discharges are often nutrient rich, such as run-off and leakages from fertilized agricultural lands or forestry and insufficiently treated sewage water, all of which contributes to eutrophication and can bring possible negative effects on biological diversity. Nuclear power plants also use the sea as a recipient and today in Sweden there are three active nuclear power plants (Vattenfall 2009a & E.ON 2010). The nuclear power plants use large amounts of sea water as cooling water, which when it is discharged, is about ten degrees Celsius warmer and contains some amount of both radioactive substances and chemicals (Vattenfall 2009b). Fish eggs, larvae and juvenile fish suffer from high level of mortality when they are passively taken into the cooling water system at its inlet, but the overall effects on population levels are somewhat uncertain. Some effects on species composition have been traced to the increase in water temperature in proximity to the power plant, due to discharge of water from the cooling system. Some cold-water species migrate from the area and some new species, warm-water species previously unfamiliar in those areas, are increasing which has effects, although somewhat uncertain, on biodiversity (Swedish Board of Fisheries 2009b, p25-28). Using the sea as

a recipient can thus be a threat to nature conservation in marine areas as well as to interests, such as fishing, that use the resources affected by the discharges.

4.5. Aesthetic, recreational, cultural and identity-shaping values of sea-areas

The sea also holds pure aesthetic and recreational values making it a suitable and attractive place for outdoor life, which for example is used by the tourism industry, another strong economic interest. The landscape, culture and identity of many old fishing communities are also features attracting many tourists and holding a historical value of its own. Outdoor activities among others include fishing, surfing, canoeing and swimming as well as leisure boating and passenger cruises. All of the activities require a certain amount of sea-space, but most of them are concentrated to coastal areas. Especially protected areas often have a higher aesthetic and recreational value that attracts people wanting to enjoy untouched nature. Activities connected to outdoor life and tourism can be difficult to combine with certain activities. As an example, big wind-farms or busy shipping lanes can reduce the recreational or aesthetic value of a sea-area thus making it less attractive. Conservation efforts can however go very much hand in hand with outdoor activities and tourism, at least with specific types of tourism such as so called eco-tourism (SEPA 2008b).

Tourism can however also be damaging to the coastal and marine environment, if it for example is unregulated or if available regulations are not respected, which can be especially devastating in sensitive areas. Also, it can not be overlooked that tourism can be one of the most exploitative activities in coastal areas, since there for instance often is a high demand for tourism establishments and hotel complexes with sea-view or close-to-beach characteristics. This combined with the tourism industry's strong economic power can perhaps make municipalities value such establishments higher than conservation in certain areas.

The aesthetic and recreational values of coastal and sea-areas can be especially important for people in coastal communities. Many coastal communities and small-scale fishing communities hold a very strong culture and identity that is comprised not only by its geographical position close to the coast, but by its characteristic buildings and atmosphere combined with a long tradition and history (COM 2009.163 final, p15). Any changes to such areas can thus be a potential source of conflict, much perhaps depending on how changes are introduced and how a process of changing an area is handled.

4.6. Protection of ecosystem services and biodiversity

There are as mentioned also conservation interests related to marine areas, where retaining the functions of the marine ecosystem, the so called ecosystem services, and preserving biodiversity are central issues. Keeping the marine environment sound and providing it with a level of protection can be a prerequisite for many of the other interests active in the marine area. Some coastal and sea-areas in Sweden are by the Swedish government considered to be of national interest and should be protected according to law (SFS 1998:808, chap 4). The national Swedish government as well as the county administrative boards and municipalities can appoint certain areas as valuable to protect and those areas then receive varying level of protection, such as national parks, nature-reserves and Natura 2000 areas depending on the evaluated need (ibid chap 7). Furthermore, there are environmental organisations concerned with nature protection, often lobbying for stronger protection of certain areas and adhering to the importance of biodiversity for ecosystem function (the largest in Sweden being SSNC, Swedish Society for Nature Conservation. Svenska Naturskyddsföreningen). The most obvious counterparts to environmental organisations are exploitative interests.

4.7. Claims of Total defence

Finally, the Swedish military claim certain sea and coastal areas for mobile activities and fixed facilities, such as areas for military exercises or sensors and cables with appurtenant safety zones. Areas given the status of national interest for total defence are of a different status than areas appointed as national interest for other sectors. If there in some areas is a conflict between different governmentally appointed national interests, interests of national defence will in most cases take precedence over the others (NBHPB 2010, p23 & SFS 1998:808). For example, many areas suitable for wind-power establishment coincide with interests for national total defence and even if the government supports wind-power establishment, a conflict with total defence interests makes it difficult to establish wind-power in that particular area (NBHPB 2010, p10).

As this section has attempted to show, there are a range of interest present in the marine area some of which are possible to combine, but many stand in stark conflict with each other (see Figure 1, next page.) In order to secure effective implementation, a planning system must be able to handle possible conflicts of interests and secure a representation of interests at hand.

| Interest claims | Function/Use of Marine area | Expert authority | Central Interest organisation/s | Conflicting interests |
|--|--|---|--|--|
| 1. Fishery | Extraction of wild fish and shellfish. | Swedish Board of Fisheries. | Federation of Swedish Fisheries, Economic Society of Swedish Fishermen, Swedish Society for Nature Conservation (SSNC) | 2, 3, 4, 5, (6, 7, 11, depending on fishing methods),(8), 12. |
| 2. Aquaculture | Extraction of cultured fish and mussels. | Swedish Board of Fisheries. | Swedish federation of Aquaculturers. | 1, 3, 4, 5, (6), 8, 9, 12 (can be both positive and negative to 11). |
| 3. Extraction of sea-bed material | Extraction of non-organic valuable material from sea-bed e.g. sand and gravel. | Geological Survey of Sweden. | - | 1, 2, 4, 5, 6, 7, (May contribute to 8), 9, 10, 11, 12. |
| 4. Shipping | Shipping of goods on Swedish shipping lanes and use of Swedish ports. | Swedish Maritime Administration. | Local shipping associations, Maritime Forum. | 1, 2, (3), 5, (9, some activities), 11, 12. |
| 5. Energy production | Construction and operation of wind-power plants (future also wave-power). | Swedish Energy Agency, Geological Survey of Sweden. | Swedish Society for Wind Power, SSNC, Swedish Ornithology Association. | 1, 2, 3, 4, (6), 7, 9, (10), 11, 12. |
| 6. Energy distribution & pipelines | Cables and pipelines for e.g. gas and water distribution. | Swedish Energy Agency. | Local associations for energy distribution, SSNC. | (1, 2), 3, (5), 7, (11,12). |
| 7. Cultural heritage protection | e.g. Ship wrecks of historical or cultural value or with valuable cargo | Swedish National Heritage Board, National Maritime Museums of Sweden. | (SSNC.) | (1,2), 3, 5, 6, (May add or reduce 9), (12). |
| 8. Sea as a recipient | Recipient of different discharges. e.g. pollutants, cooling water, nutrients. From agriculture, industry, forestry and sewage water. | Swedish Environmental Protection Agency (SEPA), Swedish Board of Agriculture, Swedish Forest Agency, Swedish Energy Agency. | Swedish Society for Nature Conservation. | 1, 2, 9, 10, 11, (12). |
| 9. Sea as holder of recreational and aesthetic values | Outdoor life & Tourism includes e.g. fishing, surfing, canoeing, swimming, leisure boating, passenger cruises etc. | Swedish Environmental Protection Agency (SEPA), Swedish Agency for Economic and Regional Growth | Local development societies, Regional tourism organisations, SSNC, Swedish Eco-tourism society, Activity-bound societies (fishing, surfing etc.) | (1), 2, 3, 4, 5, 8, (depending on type of activity 11), 12. |
| 10. Local communities | Strong identity and culture in old coastal and fishing communities connected to retaining the traditional atmosphere. | Local authorities, Swedish National Heritage Board. | Local development societies, National federation of archipelagos. | (1, 2, 4), 5, 8, 12. |
| 11. Nature conservation | Protection of marine ecosystem functions and biodiversity. | Swedish Environmental Protection Agency (SEPA), Local authorities. | SSNC. Swedish Ornithology Association. | (1, 2), 3, 4,5, 6, 8, (9), 12. |
| 12. National Defence interests. | Areas for military exercises etc. | National Defence (Armed Forces), The Swedish Fortifications Agency. | - | 1, 2, 3, 4, 5, (6, 7), 8, 9, 10, 11. |

Figure 1. Interest claims in Swedish sea areas and conflicts with other interests. Conflicting interests show interest whose activities are difficult to have operate in the same area or in some way harms the interest at hand. Some conflicts are not clear-cut, e.g. where interest might be possible to combine depending on different factors, and thus are put in brackets. The columns with interest organisation include central interest organisation that are considered probable to take part in a planning process e.g. during the consultation phase. For Swedish translations of organisations and authorities see Appendix 1.

5. Prevailing planning tradition in Sweden

In order to develop an applicable draft for a theoretical model for maritime spatial planning in Sweden it is important to establish what preconditions and principles that characterise the institutions and procedures of the current planning tradition in Sweden. The particular focus will be on provision of information to the planning process, knowledge generation and regulating principles regarding the process itself. Focus will thus also be put on discerning principles of fairness, for example regarding interest representation and other forms of processes for granting interests admission to the planning process.

The Planning and Building Act (PBA, SFS 1987:10) and the Environmental Code (SFS 1998:808) constitute the legal basis for spatial planning in Sweden. The Environmental Code functions as an overarching legislation over the majority of regulations in any way affecting the physical environment, such as the PBA. The PBA in turn is a framework for physical planning of the use of land and water areas and for building.

5.1. The municipal planning monopoly

In Sweden, the municipalities have a so called planning monopoly and already in the second paragraph of the first chapter to the PBA it is stated that planning the use of land and water is a municipal matter (SFS 1987:10, chap 1§2). What the planning monopoly means is that the municipalities have the exclusive right, but also responsibility, to decide how to use land and water areas within its boundaries. No changes of land-use can take place that does not have the basis in a municipal planning document (COMMIN 2007, p5). The national government, government agencies and regional level organs all produce sectoral plans, but in difference to municipalities none of the instances produce multi-sectoral plans for the use of land and water.

Municipal plans can only be overrun by national government if they stand in conflict with national interests specified in law, if they risk the interests of neighbouring municipalities, if environmental quality standards are not being adhered to in the plan or if the plans poses a risk to health and security (SFS1987:10 chap 12). There are also some exceptions to municipal planning when it comes to the establishment of facilities especially important from a national interest point of view, but it is unusual that municipal plans are overruled by higher authority after being adopted. The municipalities thus have extensive power over their own territory in the prevailing planning

system.

5.2. Principal current planning instruments – Comprehensive and Detailed development plans

The main instruments available to the municipalities in physical planning are comprehensive plans and detailed development plans. According to the PBA, a municipality have to have a comprehensive plan for the entire surface within its territory that is up to date. It is thus a statutory obligation for municipalities to develop comprehensive plans (Morf 2006, p115). The requirement stating that the plan has to be up to date more specifically means that the municipal council, at least once during a term of office, has to actively make a decision on whether or not the content of the plan can still be considered up-to-date. There are also two instruments creating possibilities to adopt smaller changes to a comprehensive plan, thus avoiding having to change and adopt an entirely new plan. Either, additions to a plan can be made, or developments of parts of the comprehensive plan can be made to make it more detailed in a so called *deepened* comprehensive plan (NBHBP 2008). These are tools to add new issues to the comprehensive plan or help clarify political standpoints, in order to increase its function as a guiding document and to be able to keep the plan up to date before the municipality has had the time to revise it (ibid p 4 & 6).

The comprehensive plan is not a binding document, neither for the municipality or its citizens (SFS 1987:10, chap 1 &4). It is rather aimed, as briefly mentioned, to function as a guidance for decision-making regarding land and water-use as well as the built environment, for example in the process of developing more detailed plans. The municipal comprehensive plan is more and more becoming a strategic document meant to show the municipalities' development goals and intentions with different areas within its boundaries. This gives an indication to citizens, companies and others on where it may and may not be allowed to set up new buildings or other establishments in the future and it also gives the municipalities a possibility to early on identify possible conflicts of interest and decide which areas within the territory that are prioritised for what type of activities (Nyström 2003,p 158-59). Since the comprehensive plan is not legally binding, it means that the municipality can not be held accountable for not fulfilling objectives set up in a comprehensive plan. However, considering the status and the function of the comprehensive plan, being a strategic document with a long term focus that covers the entire municipal territory, it is perhaps only reasonable that the plan is also given a level of flexibility to make it possible to adapt to changing conditions and new information.

Public interests found in chapter two of the PBA that shall be considered when making

decisions on land and water use have to be accounted for in municipal comprehensive plans. These for instance state that a land or water-area should be used for the purpose it is most suitable for, taking nature as well as cultural values into consideration (SFS 1987:10, chap 2).

5.2.1. Appointing areas of national interest

In addition to the public interests stated in chapter two of the PBA, comprehensive plans also specifically have to show how municipalities provide for interests that by the government are considered valuable and shall be granted the status of national interests (SFS 1987:10 chap 4). The national interests are stated in chapter three and four of the Environmental Code, making it one of the central sections in the Environmental Code that relates to the PBA (SFS 1998:808). Chapter five in the Environmental Code, regarding environmental quality standards, is also important for the process of comprehensive planning since the plan has to state how the municipality intend to fulfil the standards set up by the national government. So even if the municipalities have the exclusive right to plan the use of land and water within their territory, there are some requirements set up by higher authority that have to be met. Areas of national interest are a form of prioritisation coming from national government level. This is a way to secure that possible differences between different parts of Sweden, regarding environmental considerations are kept at a minimum and that values for the nation as a whole are not overlooked for the benefit of local values.

The appointing of areas that shall be given the status of national interests can be related to the issue of different group's admission to provide information to the decision process. A range of different governmental authorities, in accordance with a specific ordinance to the Environmental Code (SFS 1998:896, 2§), have the responsibility to provide basic data and information on what areas that are to be considered as national interest from their sector's point of view. For instance, the Swedish Board of Fisheries have the responsibility to provide information on areas that are considered national interests for fisheries and Geological Survey of Sweden shall provide information on areas that are national interests when it comes to deposits of important substances or material. Other authorities that are relevant in coastal and sea-areas that have sectoral responsibilities for providing information are: The Swedish Environmental Protection Agency (SEPA) for areas of national interest for nature conservation and outdoor life, the Swedish National Heritage Board on areas of national interest for protection of cultural heritages, Swedish Energy Agency on areas on national interest for the production and distribution of energy, the Swedish Armed Forces and the Swedish Agency for Economic and Regional Growth. Even if it is stated as a

responsibility for these authorities to supply the information and knowledge, it is also something that gives them the right to affect the direction of the planning and have an influence on the planning process.

The process of appointing an area to be of national importance is undergone in consultation with the National Board of Housing and Planning, other relevant governmental authorities and the County Administrative Boards in that particular area (SFS 1998:896, 2§). Even so, it is important to note that having this responsibility distributed to the different sector authorities does reflect a certain trust or even reliance on expert knowledge in the planning system. In the planning process as such, it is the responsibility of the County administrative boards to help municipalities with their planning efforts in terms of supplying advice and information. They also, as the extended arm of the national government, have the responsibility to make sure that areas given the status of national interests are taken into consideration in the comprehensive planning (SFS 1987:10, chap 4, 5§).

When an area is considered of national interest from two or more different sector perspectives, when there is a conflict of interests, the Environmental Code states that the interest that in the most proper way promotes the long-term conservation of land, water and the remaining physical environment, shall be prioritised (SFS 1998:808 chao 3, 10§). No further guidance is given through legislation more than that interests for total defence shall be given precedence. The prioritisation between interests thus becomes a matter of judgement for those responsible for planning and the information available for making this judgement is the information provided by different sector groups on their respective interests. So, being given the right to provide information on areas of national interest in several ways implies a quite powerful position with regard to influence over the planning process.

5.3. Detailed development plans

The other main instrument mentioned in the PBA, is the so called detailed development plan which functions as a more operational instrument. In difference to the comprehensive plans, detailed development plans cover a limited area of the municipal territory and are legally binding (SFS 1987:10, chap 5). A detailed development plan constitute a more detailed regulation focusing on construction and land and water-use, and it more directly allocates a certain area to a certain activity or interest. The detailed development plan is always given a limited time to expiry, between five to fifteen years, and during the period of validity it serves as a strong protector of land-owner rights and documentation of municipal responsibilities (COMMIN 2007, p5). However, before it has

expired the time of validity can be extended with a maximum of five years at a time (SFS 1987:10).

Detailed development plans sometimes require the set up of a programme prior to its development. The programme aims to deal with more strategic issues of the detailed development plan. The set-up of a programme can for example be required if the change of land or water-use in the intended detailed development plan does not have support in the more overarching comprehensive plan (Morf 2006, p126).

5.4. Consultation, Exhibition and Appeal – being granted admission to the planning process

If the set-up of a programme is deemed necessary prior to a detailed development plan, a consultation on the content of the programme shall be held. The actors that shall be invited to the consultation are identical for the consultation on the programme and the consultation on the initial proposal for a detailed development plan, that is, the County Administrative Board, Swedish mapping, cadastral and land registration authority and municipalities concerned by the programme or plan draft. Injured parties, tenant-owners and tenants concerned by the plan as well as other authorities, associations and individuals having an essential interest in the programme shall be given an opportunity for consultation (SFS 1987:10, chap 5, 20§). A detailed development planning process can thus, if a programme phase is required, include two consultation phases, one for the programme and one for the proposed plan. The intention is that if certain strategic issues have not been dealt with in a former comprehensive plan, these issues have to be raised in a programme consultation, where they could be discussed in public, before proposing a detailed development plan (Morf 2006, p126). In the comprehensive planning process, the legislation requires municipalities to consult with the County Administrative Board, regional planning authorities and other municipalities concerned by the plan. An opportunity for consultation shall also be given to other authorities, associations and individuals having an essential interest in the proposed plan (SFS 1987:10, chap 4, 3§).

Some minor differences can thus be discerned regarding what groups are admitted to the consultation phases in the two main types of planning instruments used in the prevailing Swedish planning tradition. While consultations on programmes and the legally binding detailed development plans usually primarily are intended for affected stakeholders, the consultation phase in comprehensive planning is more or less open for all, even if the legal-text also in this case emphasises those having essential interest (*ibid*). There are however no clear-cut definitions of what an injured party, affected stakeholder or having essential interest actually means, which leaves quite

a lot of room for interpretation on the side of the planners, giving them the power to include or exclude interests. Conclusively, in both cases there are, at least in theory, opportunities to get involved in the process and influence it at a very early stage. One important purpose of having an early inclusion of interests is to be able to discern and mitigate conflicts as early as possible, but on the other hand that presupposes that all possible conflicts do arise at that point.

It is stated in the PBA that the intention with the consultation process is to improve the foundation on which decisions are based and to create a possibility for influence (SFS 1987:10, chap 4, 4§ & chap 5, 21§). It is also a way to provide interests groups with an insight into the process (NBHBP 2002, p23). These stated intentions indicate that the consultation phase functions as a forum for information gathering and that parties that are allowed to take part in the consultation phase at the same time are given admission as information providers to the planning process. Getting admittance to the planning process at such an early stage as the consultation phase is very valuable since decisions made early in the process will affect how the rest of the process crystallizes. An opportunity to affect the direction of the planning process signals a quite powerful position and depending on what interest groups are represented, the outcome of the process could end up quite different. One principle reflected in the legislation regarding the consultation process is that admittance to the consultation phase follows with being a so called concerned party, especially in the consultation phase for detailed development plans. The notion of concerned party is also used in comprehensive planning. There is, as mentioned, no clear definition in the legal text of what being a concerned party in reality means, which would probably risk making the regulations very static. Guidelines from authorities and experienced planners can be helpful tools in determining what interests to include, but guidelines also have the risk of being biased to the benefit of certain interests. The legislation describing the consultation process can be seen as reflecting a willingness for transparency, openness and inclusion since it, at least in theory, is a procedure open to all, which in turn can be regarded as a way of attempting to secure a level of interest representation.

After the consultation phase, opinions and suggestions expressed are compiled and accounted for in a consultation report, where particular emphasis has to be put on views or opinions that have not been considered, together with a written explanation on why they were not taken into consideration (NBHBP 2002, p26). This also can be seen as reflecting a will to keep the process open and inclusive and justifying the basis for decision-making.

5.4.1. **Public exhibitions**

A public exhibition takes place before the final political decision to adopt a plan is made and it is the last public presentation before the adoption. A comprehensive plan exhibition have to last at least two months and during this time anyone who so desires can leave written opinions on the planning documents. Hence, this is a phase in the process that, in principle, is open to all. It is statutory that the exhibition is publicly announced before it takes place, so that it is clear where and when the exhibition takes place as well as where the written opinions shall be sent (SFS 1987:10, chap 4, 6-7§§). Detailed development plans also require public exhibitions but the exhibition time is somewhat shorter, around three weeks. These plans also have to be announced in advance and the announcement has to state clearly that if one has not sent a written opinion during the exhibition phase one might lose the right to appeal the political decision to adopt the plan (SFS 1987:10, chap 5, 24§). The exhibition phase reflects yet another opportunity for interest groups to express opinions on the proposed plan and in similarity to the consultation process a report is put together after the exhibition that contains the opinions that have been expressed and motivations for the opinions that have not been provided for (NBHBP 2002, p30).

5.4.2. **Appeal**

In addition to consultations and public exhibition of plans, there is one final chance for interest groups and their representatives to exert influence on the planning process according to the current planning tradition in Sweden. That final instrument is the possibility to appeal a plan after it has been adopted. There are quite strict regulations on who has the right to appeal a politically adopted plan. The possibility to appeal the very content of a plan is only available for operational plans, such as the detailed development plan, which as mentioned is legally binding when adopted (Morf 2006, p126). It is first and foremost affected stakeholders, who at earlier stages in the planning process, at latest during the exhibition and in written form, have raised their concerns about the content of the plan but not been taken into further consideration in the plan, that have the possibility to appeal (SFS 1987:10 chap13, 5§).

A detailed development plan can also be appealed by certain non-profit environmental associations on the assumption that the plan can be presumed to bring considerable environmental effects due to the interests that, trough the plan, are given the right to perform certain activities in the area (SFS 1987:10 chap13, 6§). So, trough the appeal procedure, environmental organisation are in a way given a special status when it comes to minimising the risk of the plans having

considerable negative environmental effects. A detailed development plan has to be appealed within three weeks and the County administrative board functions as appeal instance (COMMIN 2007, p15). Hence, there are a number of prerequisites one has to fulfil to be given the possibility to appeal a detailed development plan and as implied, the right to appeal is lost if you have not expressed your opinion earlier in the process, which in turn more or less implies that you have actively followed the planning process.

Regarding municipal comprehensive plans, the possibilities for appeal are quite different, because you do not have the same right to appeal the very content of the plan. It is the political decisions on plans or the procedure leading to the adoption of a plan that can be appealed, and every member of the municipality, residents as well as landowners has the right to do so (SFS 1987:10 chap 13, 1§ & SFS 1991:900, chap 1 &10). This means that, if appealed, the political decision and the handling or procedure has to go through a so called test of legality, where the instance of appeal (The administrative courts) checks for example if the municipality perhaps has exceeded its authority or if the decision has or has not been made in valid order (SFS 1991:900, chap 10). If that is the case, the decision made by the municipal council can be repealed and a new political decision to adopt the plan has to be made in a formally valid order.

5.5. The role of the Environmental Code

As initially mentioned, the Environmental Code has a strong influence on the planning process. First of all it sets the frames for how land and water-areas can be used through its third and fourth chapter, where the public and specific provisions on the handling of land and water areas are stated (see SFS 1998:808 chap 3 & 4 and SFS 1987:10 chap 2, 1§). The Environmental Code for instance states that areas should be used for the purposes they are most suited for and that large areas, not yet or only insignificantly exploited, as far as possible should be protected against measures that could tangibly affect their character (SFS 1998:808 chap 3, 1§ & 2§). It is also the Environmental Code that provide the foundation for areas that are considered of national interest from different perspectives and thus is the legislation that gives guidance on how to prioritise when developing spatial plans where many differing interests have claims. In planning, the environmental quality norms according to chapter five in the Environmental Code, also shall be considered and municipalities shall facilitate the achievement of the norms which adds to the frame for planning set by the Environmental Code.

5.5.1. Strategic Environmental Assessments

Another important connection between the two central pieces of legislation that concerns spatial planning are the regulations concerning so called strategic environmental assessments (SEA) or environmental impact assessments of certain plans and programmes referred to in chapter 6, 11-18§§ of the Environmental Code. These paragraphs in the Environmental Code are referred to in the PBA, both regarding comprehensive plans and detailed development plans (SFS 1987:10 chap 4, 2a§ & chap 5, 18§). The Environmental Code states that when an authority or a municipality sets up a plan or programme required by law a SEA shall be conducted, if the implementation of the plan or programme can be assumed to have considerable environmental effects (SFS 1998:808 chap 6, 11§). There are thus three basic criteria for determining if a SEA is needed and from what we have already learned, two of these criteria directly applies to the planning instruments discussed above; they are set up by the municipality and the process of developing the plans are statutory.

Whether or not a SEA has to be conducted for a comprehensive plan or a detailed development plan can in the end be difficult to determine since the third and last criteria, if the implementation of the plan or programme can be assumed to have *considerable environmental effects*, to some extent is a matter of judgement. The ordinance on environmental impact assessments gives some guidance by stating criteria on which to base the judgement, like if the plan includes or set the preconditions for establishments that require licensing according to the Environmental Code, such as marinas, hotel complexes and industrial developments (SFS 1998:905, 4§ & appendix 3). A comprehensive plan in principle always have to undergo a SEA (SEPA 2009a, p32). For detailed development plans, a SEA may not be required even if it meets the criteria referred to above, for example if it only covers a small area or minor changes. In those cases the plan shall only be judged to have *considerable environmental effects* if it meets some more general criteria stated in annex 4 of the ordinance, for example regarding its total environmental effects, the duration, frequency and probability of environmental effects and the importance and vulnerability of the area (SFS 1987:10 chap 5, 18§, SFS 1998:905, 4§ & appendix 4). There is guidance in the legislation and handbooks from the Swedish Environmental Protection Agency to help in these matters (SEPA 2009a & SFS 1998:905, 4§, appendix 4). When the judgement is based on appendix 4 in the ordinance on environmental impact assessments (SFS 1998:905), the planning process have to commence by assessing the need for an SEA and consultations are held with concerned County administrative boards, municipalities and other authorities (SEPA 2009a, p 52). The public does not participate in the consultation on the needs-assessment, but information on the consultation should be made available to the public (ibid p54). Anyhow, the judgement of whether

or not and SEA is required, if a plan will have *considerable environmental effects* or not, is and interpretation of the criteria in light of a description of the actual situation in the marine environment. Depending on who gets access to add or modify that description of reality, the judgement of whether or not an SEA is required might diverge considerably.

The requirement for conducting SEAs for plans and programmes is quite new, but the experiences available shows that an integration of the processes of planning and conducting the SEA is more or less a prerequisite to fulfil the objective of the SEA (SEPA 2009a, p24). The SEA has to be initialised as soon as a planning process begins so that new knowledge arising in the SEA process can feed into the planning process. This also implies that the required consultations during different phases in the planning and SEA processes needs to be coordinated. For the SEA, consultation is not only required during the assessment of the need for a SEA, but also when determining the scope and level of detail of the SEA and when the SEA is finished. The finished SEA is presented together with the plan proposal and a joint consultation is held (SEPA 2009a, p54). The Environmental Code similarly to the PBA sees the consultation as a source of information for making better decisions as well as it is a tool for securing democratic aspects. Comparing the PBA and the Environmental Code with respect to the consultation phases, more emphasis is put on the view of the public in the text of the Environmental Code (see eg. SFS 1998:808 chap 6, 14§). The PBA instead has a stronger focus on affected parties, which would imply that planning processes that do not go through a SEA loses some of the focus on opinions from the public compared to planning processes with integrated SEAs. This can be seen as a reflection of the consideration of environmental issues as a public affair and spatial planning, perhaps not surprisingly, reflecting the right to have a say in matters affecting your own 'backyard'. Whether or not an SEA is required thus in the end to some extent affects who is given admission to the political decision process.

Important to mention with regards to consultations is also the role of environmental organisations. They are by municipalities, county administrative boards and environmental courts often seen as a good source of knowledge and information regarding environmental issues and these groups are often given the role as experts in environmental assessment procedures, which can be seen as a way of granting them admission to the decision making process (SEPA 2009a, p52). As mentioned earlier, non-profit environmental organisations are also given special admission to the planning process through their granted right to appeal political decision on detailed development plans, when they can be considered environmentally harmful, with the exception of decisions on total defence (1998:808, chap 16, §13). This can be seen as a reflection, in the current tradition, of a higher prioritisation of environmental protection interests compared to other interests which to

some extent causes a situation where interests are unequally represented.

5.6. Maritime spatial planning challenging the current planning tradition

Today, the planning of coastal and sea-areas that actually has taken and does take place in Sweden, does so within the frames of the so called municipal comprehensive planning, which as mentioned earlier is non-binding. Since municipal spatial planning has been present for decades, even though very much revised during the years, the procedures for spatial planning are well established, such as forms of public and stakeholder participation discussed earlier (Morf 2006, p123). However, since there has been a lack of planning of sea-areas, there is also a lack of experience with procedures for this type of planning. Even though the comprehensive plan is the form of planning that so far has been used for these matters, it is not considered fully suitable for planning marine areas. Issues concerning marine areas often stretch across municipal boundaries and procedures for planning on levels above the municipal level are not well-tried or developed. In addition to this, there is a new and growing focus on integration of marine concerns together with a recognition of a need to have binding elements in future maritime spatial planning, which is not a part of the traditional form of comprehensive planning (Dir 2009:109). This means that the procedures and principles of detailed development planning, which is a legally binding planning form, can be very interesting and important to consider for future maritime spatial planning institutions and procedures as well. The introduction of binding elements in a new planning tradition would make the legitimacy of institutions and procedures and the issue of consent and acceptance of political decisions even more pressing. With legally binding elements, there are more strict restrictions on interests and the demands put on specific characteristics in a new model for planning would increase and fairness principles would more clearly have to be reflected in the processes of interests representation, knowledge generation and admission to information providing. All of this indicates that there is a political driving force and need towards maritime spatial planning and the development of a partly new form or model for planning of sea-areas in Sweden.

6. Towards a model for Maritime Spatial Planning in Sweden

A system of maritime spatial planning can bring a number of advantages. It is one of few frameworks that in an integrated manner can deal strategically and comprehensively with all activities taking place within a marine area, thereby showing connections between uses stemming from different individual economic sectors, which is a pressing issue in the prevailing Swedish planning tradition (Douvere 2008). Maritime spatial planning can visualise and define spatial and temporal conflicts as well as compatibilities in marine areas, making them easier to predict and manage. This refers to conflicts both between different interests or users of marine space and conflicts between users and the marine environment. Another benefit brought by maritime spatial planning, at least if it is coupled with binding elements, is a higher investment certainty for marine developers and other marine resource users (Douvere 2008, p763). Maritime spatial planning allocates space for specific activities such as wind power developments, which means for example that uncertainties concerning permits will be limited. It can help to optimize the use of the sea, by encouraging that activities take place where they bring most value and also help secure the long-term resource use.

The main aim of having a developed system for maritime spatial planning is securing the more substantial values of a sustainable marine environment. Spatial planning of marine areas can be seen as a political decision making process, which in this case to a large extent implies a restriction of freedom of access to some areas as well as a restriction of certain types of activities, but also rights to certain types of development in specific areas. There is a defined and limited amount of available space that a system for maritime spatial planning attempts to allocate amongst a wide range of interests. The claim for ocean space very often exceeds the available amount of space which inherently means that, in a maritime spatial planning process, like in other political decision processes, there will be winners and losers. It is practically impossible to satisfy all present interests at all times and some will inevitably benefit from certain decision outcomes more than others. This could imply conflicts and dissatisfaction with decision-making and subsequently a difficulty to implement the decisions without using coercive measures, which is a very costly, inefficient and short term way of getting actors to behave in a certain way (Levi et.al 2009, p355). Finding a way to overcome this difficulty and instead manage to foster consent and acceptance, even amongst non-satisfied interest groups, would help to more efficiently and successfully implement difficult decisions.

In addition, what areas are suitable for what type of activities is to more or less determined

by the prevailing knowledge base. However, as is the case with the marine environment and its ecosystem, there are many uncertainties on environmental effects and state of the environment and there might be as many ideas of what a suitable activity in a certain area is as there are interests available. What is key is what type of interests that are given access to provide information and knowledge to that knowledge-base and shape the description of reality.

6.1. A theoretical exploration of interest representation, stakeholder recognition and equity

In a democratic context, as the one we are dealing with here, a system for decision making and its authorities must be able to make and execute collective decisions (e.g. decisions aimed at protecting the marine environment, which is a common good) at the same time as adhering to basic individual rights and freedoms, such as the freedom of expression (Grimes 2005, p8). These rights and freedoms of course include being able to express dissatisfaction and object political decisions, which in the current Swedish planning tradition for example represents having a possibility to appeal a comprehensive or detailed development plan. Without these basic rights the system can not be considered democratic. However, if the right to object and obstruct the implementation of decisions is routinely used by people considering decisions unfavourable, the political system will have enormous trouble resolving common concerns as well as providing collective goods, which is one of its most central functions (Ibid). In worse case, the task of resolving disputes and the final authority over political decisions will be transferred into the hands of the judiciary, which would undermine the democratic character of the system, since the actors in the judiciary neither are democratically elected nor can be held accountable. A decision making system of institutions and procedures therefore needs an ability to gain acceptance of its decisions even from interest groups being on the losing end considering the decision outcomes to be unfavourable to them (Grimes 2005, p168).

There are different notions on what affects people's reactions to decisions, for example there are indications that legitimacy and approval of authorities and decisions are connected to the substantive outputs of a system. That is, self-interest considerations in how well a decision outcome serves one's own prosperity can shape opinions, especially if the effects of the decision are clear. Also, if a decision outcome diverge from a persons idea of distributive justice, dissatisfaction may arise and result in a lower willingness to accept a certain decision (Lind & Tyler 1988, p 151-53, see also Grimes 2005, p101,119). Even though assessments of the output of a system have been shown to have an effect, there are other factors that are more strongly associated with political trust and

compliance (Grimes 2005, p120).

Many scholars mean that the willingness to accept unfavourable outcomes of decision making processes, is associated with extent to which the procedural aspects of decision making are regarded as fair (e.g. Beetham 1991, Klosko 2000 & Tyler 1990). Grimes (2005) develops the causality between these variables and manages to show that decision making procedures can be designed in ways that satisfy citizen's expectations of procedural fairness and in doing so also fosters consent to political institutions and their decisions. Consent in this regard implies *“acceptance of political institutions and decisions based on an informed understanding of the workings and content of what is being consented to”* (Grimes 2005, p29). Consent based upon a procedural assessment brings legitimacy for decisions and the decision making institutions.

What makes people more prone to accept decisions, even unfavourable ones, if they regard the procedures reaching up to the decision as proper and fair? In theory it requires a situation where decision making institutions satisfies principles that are justifiable to every member of a society. The idea of political equality, that decision making should reflect the equal value of different interests, is an important factor that connects the perception of fair procedures with consent (Grimes 2005, p33-34). Compared to more substantive outcomes, procedures can more easily adhere to the demands for political neutrality. It would be a very difficult and resource demanding task to justify every single decision outcome to all interests groups in society, but highly possible to design procedures in a way that reflects a treatment of different interests as if they are of equal worth (Grimes 2005, p37). Fair procedures thus signal that the decision outcomes of those procedures are justifiable.

A procedural factor often seen as an obvious contributor to consent and legitimacy is the possibilities available for influence. You are more prone to accept decisions restricting your freedom of action if you have participated in developing those decisions. A possibility to influence, express opinions and getting a right to object a decision, displaces some of the responsibility for the outcome of the decision on the participating parties. This can contribute to making participants more inclined to accept a decision, even if an interest group is disadvantaged by a specific decision (Grimes 2005, p46).

Since maritime spatial planning involves a range of different interests with claims on marine space, this also suggests the importance of securing a level of representation of those interest. Otherwise, it will in the long run be difficult to reach the objective of the marine policy and secure a sustainable use of the marine environment.

- What are the criteria for inclusion of interest groups in various phases of the planning process?

In political contexts, as this one, one important aspect of what people in general consider being a fair procedure, as mentioned in the previous section, is the opportunity to present one's views before a decision is made. This helps create feelings that a fair process has occurred in decision making. Central to this however is that the views expressed are given due consideration, implying that attentiveness is key and that a principle of the equal value of all interest groups is important in planning processes if they are to be considered fair (Lind & Tyler 1988, p 170-171). Turning to the current planning tradition in Sweden, described above, the first opportunity in the planning process where interest groups are formally invited to express their views, is during the consultation phase, where a plan proposal is the basis for those views.

In the consultation phase, the legislation states what different stakeholders that are to be invited, that is which interests that are given an opportunity to present their views. There is a strong tradition of County administrative board influence in spatial planning. The County administrative board has the more general responsibility to supply advice and information to the municipal planning process and also has a central role during the consultation phase in comprehensive planning, during the programme and proposal phase for detailed development plans as well as during consultations for determining the need of a SEA. Its main role during consultation is to function as a protector of government and national interests. It is the national government's representative in the local planning process, securing that the plan does not disregard important national interests to the benefit of local interests (SFS 1987:10 chap 4, 5§ & chap 5, 22§). The County administrative board is thus more or less given the role of a gatekeeper, having the power of opening the door to the planning process to some sector interests while closing it to others. The strong influence of the County administrative board during assessment consultations on the need of a SEA for a plan, adds to this gatekeeper role, since the determination of whether or not an SEA shall be conducted also affects who is given admission to the decision making process. This risks undermining principles of equal valuation and representation of all interests with claims in the area.

The board is an overarching regional authority and not a specific sector-authority, which is beneficial when seen from an sector-integration point of view. The opportunity to influence the prioritisation of some interests over others could however have a negative effect on the valuation of the fairness of procedures, if some interests are routinely promoted or disregarded, since this implies that interest groups are not equally valued and their views are not given due consideration, which as mentioned is important if the process is to be considered fair.

Moreover, the County administrative board is expected to coordinate issues concerning more than one municipality, which maritime spatial planning issues most definitely does. Conclusively, the main criteria for including and giving the County administrative board such a central role in spatial planning is that it has the mandate to express views on behalf of the national government and has an overarching function while at the same time holding relatively detailed knowledge on the geographical area at hand.

Other municipalities concerned by the plan proposal are also invited as stakeholders during the consultation phase, where concerned in this case mostly refers to being a neighbouring municipality. Proximity to the area dealt with in the plan, is thus equivalent to being concerned by the plan. This therefore seems to be a criteria for being included in the planning process.

Proximity to the area as a criteria for being included, also holds true for what in the legal text on comprehensive and detailed development planning is referred to as individuals and associations with essential interest in the plan proposal (SFS 1987:10, chap 4, 3§ & chap 5, 20§). Here, the referred to individuals holding essential interest, are often land- or house-owners in the planned area or people directly neighbouring the area. Concerned party, is also a concept often used as a criteria when describing who should be given the right to influence the planning processes and join consultations. It is however practically impossible to find any further definition in the formal expression of the planning tradition of what *essential interest* or *concerned party* actually means, but as implied, at least in case of individuals, a connection to the geographical area is more or less a prerequisite for getting access to the consultation process.

Since, spatial planning is a territorially bound decision process it might be reasonable to use proximity to the planned area as a criteria for inclusion. However, regarding interest groups, the case is quite different, since they often operate at a national level and might not have any obvious connection to a certain area, but still hold an interest in specific types of developments. This is where the lack of definition of concerned party or essential interest might become a bit troublesome. There is neither an established phase nor a developed method in the current planning tradition for determining which interest groups are of importance, should be granted a say in the process and be given the power to influence. Consistency of treatment across different groups is seen as a very important aspect of fair processes (Lind & Tyler 1988, p165). Without an established way of determining what interest groups should be included and a clear basis on which to base the judgement, it can be very difficult to be consistent in the treatment of interest groups. This potential lack of consistency might have an effect on the perceived fairness of the plan procedure and the acceptance of the plan, which in turn can make it difficult to implement.

Consistency in the treatment of interest groups could be obtained by having an established

procedure for assessing who should be given admission to the planning process, with predefined and agreed-upon criteria on which to base the assessment. This could also be a way of adding to the openness and transparency of the process, at least if the assessment procedure and the criteria on which it is based are publicly documented. A practical way to assess who should be given admission to the planning process is through so called stakeholder analysis. Stakeholder analysis has, by UNESCO, been highlighted as good way of defining who should be involved in maritime spatial planning and can provide insight in the interrelations between interests groups and possible conflicts between them (Charles & Douvère for UNESCO 2009, p45). Such a procedure for assessing stakeholders could also be used as a way of publicly justifying the decision on who shall be given admission to the planning process, which as we shall see can be very important for the acceptance of the final plan proposal.

Grimes shows that an aspect of procedural fairness that is important in shaping consent in terms of trust towards the decision-making authority and acceptance of the outcome of decisions, actually is public justification (Grimes 2005, p169). That, in turn, is a matter of continuous transparency and openness where the decision-making authority shows a willingness to be monitored and make themselves accessible and visible, which serves to show the public that the authority has a will to justify its decisions and the way in which the decisions are made (Ibid p48 & 176). Assessments of public justification has the strongest bearing on interest groups' trust towards decision-making institutions, like planning institutions. The extent to which the authority is visible and accessible to actors in the process, in terms of spreading information and arranging meetings and using other information channels, is an especially important aspect affecting interest groups' assessment of public justification. This indicates that the authority's handling of the process does have an influence on the public perception of procedural fairness (Ibid p169). Even when there is no face-to-face contact between the authority and the public, the effect of public justification holds. That even further emphasises the importance of a transparent procedure, since it could have wider implications on fostering trust in society which could have more long term positive effects.

Relating this to the planning process, all mechanisms that reflects a will, on behalf of the planning institutions, to open the process and justify its decisions can be beneficial to the future implementation of the plans. A mechanism in the current planning tradition that reflects such will to publicly justify decisions is the reporting done after the consultation and exhibition-phases. Both after consultations and public exhibitions, expressed views have to be compiled into a report that openly shows that consultations and exhibitions respectively have been held and the reports give accounts for what opinions that have been expressed. In the reports, special attention is given to opinions that have not been given consideration in the final plan proposal. A written explanation

have to be given in the report by the planners on why these opinions have not been taken into consideration. This certainly reflects a will to justify decisions openly, especially to stakeholders unfavoured by the decision, and show the basis for making the decision and as Grimes manages to show, this is beneficial for the assessment of the fairness of the planning process even for those who have not had face-to-face contact with the planning authority (Grimes 2005, p120).

There is, as mentioned, a final opportunity for interest groups to influence the plan proposal even after its adoption, that is to use the possibility to appeal. The criteria for being given admission to this possibility in the planning process, in the current planning tradition, depends on what type of plan is at hand. For the legally binding operational plans, the main criteria for having the possibility to appeal is that you earlier in the process have raised concerns on the content of the plan and those concerns have not been taken into consideration in the final plan. The admission to preceding phases in the planning process thus affects the opportunity to appeal, and as discussed earlier, even if proximity to the planned area often is used as a main criteria, it is not always evident what interests shall be given the right to be included in earlier phases of the planning process. Compared to land-use planning, maritime spatial planning does not involve individual private land-owners to the same extent, so there might be a need to widen or redefine the criteria used for determining who should get the right to be included in the planning process.

The possibility to appeal comprehensive plans is more open, but it is only the propriety of the very procedure that can be appealed, not the content of the plan itself. Again, a challenge for the current planning tradition becomes evident in what form maritime spatial planning shall have, in terms of whether or it should include binding elements and subsequently how this affects the current planning practices, such as interests representation in different phases of the process and whether or not it shall be possible to appeal the content of a maritime spatial plan or only the decision making procedure. If binding, the restrictions put on different interests will be significantly stronger, which will bring higher demands for interests representation for the plan to be accepted and effectively implemented. Also, if binding, maritime spatial planning procedures probably have to include a possibility to appeal the content of plans for it to gain a level of legitimacy, consent and acceptance. In the end, it needs to be determined what form of planning is most proper for maritime spatial planning to also be able to define what criteria are most appropriate for defining what interests to include in the planning process.

-Are stakeholders recognized and defined objectively and/or subjectively?

Providing for principles of fairness in a planning process implies using the same, equal, measures or criteria for recognising and defining stakeholders. This more or less means that objective definitions of stakeholder to a higher extent concurs with principles of fairness than subjective ones. In the current planning tradition, there are no specific and established mechanisms available for recognizing or defining stakeholders. There is some direction to be found in the legislation, but as discussed above, when it comes to defining concerned interest groups, this to a large extent becomes a matter of judgement from the side of the planners. Also when weighting different national interests, the planners are given room for judgement. To leave room for interpretation and judgement on interest representation, reflects a quite subjective way of determining who to grant admission. Seemingly similar planning processes could result in very differing outcomes when there is no specified procedure for defining what interest groups should be given the power to influence. It more or less means that depending on individual planners within planning authorities, who gets *Access to the Rooms of Power*, in this case the planning process, might differ immensely (Uhrwing 2001).

In order for a process to be considered fair it is generally required that all relevant interests are represented and seriously considered (Levi 1997, p204). Similarly, when a process signals principles of impartiality, it is more likely to be considered fair and thus obtain political legitimacy (Rothstein 2009). It is very difficult for actors outside the process to assess if principles of impartiality are reflected and whether or not all relevant interests have been seriously considered, if there is no open procedure or transparently predefined categories on how to determine who to grant admission to the planning process.

There will most probably always be some level of subjectivity when recognizing and defining stakeholders, but introducing and routinising transparent procedures for stakeholder analysis could contribute to the justification of what interests to include and thus gain acceptance for decisions made. Again, stakeholder analysis could be a step in the right direction, to avoid important interests being left out. It could for example be a good way of being able to identify interests with insufficient means, skills or knowledge to represent their own interests, which would imply a need fore empowerment (Charles & Douvere for UNESCO 2009, p45). Even if there would be transparent mechanisms for identifying stakeholders and general guidelines on how to make the judgement, there needs to be some level of flexibility to be able to adapt the mechanism for each planning process situation, since they very rarely are the same.

– **How are different interest groups valued?**

The stakeholders or interest-groups are as mentioned many and the different interests can be very difficult to combine in the same area. This, as previously discussed, implies that an equal representation of the wide array of interests is of high importance for the perception of the planning procedures as fair.

However, in a planning process, as in many other political decision processes, the interest-groups not only represent their specific interest, but also function as sources of information and expertise serving the very process itself. One reason for this is that politicians and public servants, in this case those dealing with planning, sometimes lack own resources for research and development of knowledge. The main reason nevertheless is, what Uhrwing (2001) refers to as the prevailing technocratic norm in political decision processes in Sweden. This means that politicians and public servants in Sweden regard the access to expertise and detailed information as crucial, even to the point that the use of expertise is seen as, not just the right way, but the only proper way of solving problems (Uhrwing 2001, p259). This is prevalent also in current planning, where a technocratic way of planning is believed to be the superior and most rational way of solving societal problems and dealing with issues of planning (Hansen & Tolnov Clausen 2004, p5).

This combination of a prevailing technocratic norm in the current planning tradition and a use of interest groups for serving the planning process with expert knowledge, creates a situation where the planning process is more dependent on some interests than others (Uhrwing 2001, p260-61). Interest groups with expert knowledge in the 'right' area are often considered of higher value to the planning process, since there might be a lack of expertise in a specific interest-area. This makes some interest groups more important to the planning process than others and through the role as information providers they get more access to the planning process and more possibilities or power to influence it (Uhrwing 2001, p261ff.). This mirrors an unequal opportunity for interest groups to be granted admission to the planning process, which stand in contrast to the fundamental democratic ideal of equal possibilities for influence. Conclusively, it is somewhat problematic that interest groups, in the planning process, to a great extent are valued according to the expertise they are believed to hold.

In the Swedish planning tradition, some sector interests are formally appointed in the legislation as information providers on specific knowledge areas, more precisely information on areas that should be granted the status of national interest. Another reflection of the valuation of interests according to the belief in their knowledge is apparent in the case of environmental

organisations. They get specific invitation to certain parts of the planning process since they are believed to hold expertise and superior knowledge on environmental issues. They are for example given a specific right to appeal decisions on certain plans, if the plans can be considered to have considerable environmental effects (see chapter 5 on the Swedish planning tradition). Their standing becomes even stronger in situations where plans have to go through a SEA process, which is mainly regulated by the Environmental Code. It is thus through the connection between the PBA and the Environmental Code that environmental organisations are granted their admission to the planning process by the belief in them holding expert knowledge. And very well, in a government official inquiry report it was found that municipalities as well as county administrative boards and environmental courts often regard environmental organisations as a good source of knowledge (SOU 2005:59, chapter 3). Environmentally oriented interest groups are believed to contribute to making assessment more thorough and often makes municipalities put more focus on nature- and environmental protection issues. With the involvement and influence of environmental interest groups, there is a stronger focus on issues of nature conservation and animal protection and they are given a somewhat privileged standing in the current planning tradition. It is thus evident, that interest groups are valued differently depending on what type of expert knowledge they are believed to hold, which results in unequal access to power over the planning process.

The adoption of the EU Maritime Policy, the cohesive Swedish maritime policy and the growing focus on Maritime spatial planning highlights the importance of a sound marine environment. The objectives of the policies mirrors a concern that issues of marine environment so far have been under-prioritised in the traditionally sectoral-wise policies. Developing new policies on the protection of the marine environment is a way of raising its prioritisation and showing that protecting the marine environment is now highly valued. Already at this point, where policies are developed and expressed, one could thus suspect that there will be a somewhat unbalanced interests representation to the benefit of interests of nature conservation, considering the aim of the policies. This unbalanced representation might be considered necessary in order to achieve the substantial objectives of the policies, but from a democratic perspective it may be problematic, if other interests regard the processes as unfair.

There is also an underlying valuation of interests in the type of access they get to the planning procedure. Uhrwing (2001, p 249-50) shows that the more open forms of access for interest groups, such as some parts of consultations, are of a more symbolic character. When the character of the access given to interest groups is more meaningful, with possibilities for actual influence, reflecting that they are more highly valued, the access is also considerably more restrictive. Turning to the planning process, this again implies that interest groups being granted the

role as information providers, those holding a certain level of expertise, are privileged since they are taking part in a more influential part of the planning process and are thus given more power.

- **Do certain interest groups enjoy privileged standings as information providers to policy makers? If yes? Which are the arguments for such an order?**

As discussed in the previous section, an important function of interest groups in the planning process is their role as information providers. It was also shown that interest groups are to a high extent valued based on the expertise they are believed to hold in relevant areas. This implies that some interest groups do enjoy privileged standings as information providers.

In the current Swedish planning tradition this is most clearly reflected in the case of information on areas of national interests. Some interest groups are formally appointed, in the legal text, as information providers on interests that are to be considered of national interest. Fisheries, material extraction and total defence are some examples of interest that have the responsibility, but also right to provide information on their sector respectively. In addition, environmental organisations also enjoy privileged standing as information providers, as discussed above. This further implies that some interest groups having claims in marine areas might not be represented at all as information providers, in worse case risking that the coming maritime spatial plans are based on incomplete information.

Focus of the type of interests that are highly valued and actually given admission to provide information to the planning process is often those holding knowledge on the more scientific characteristics of an area, such as its sensitivity and the supply of certain resources or more technical knowledge, such as on the effects of certain activities. Here, the argument would be that this type of knowledge best serves the planning process.

Having an inclusive planning process can mean an opportunity for creating an understanding for the societal objectives of the plan and a mutual understanding of the interests at hand, which can contribute to improving the quality of decisions made (Reed 2008). The contribution to improving the quality of decisions is highlighted in the planning legislation when describing the aim of consultations, where a stated central aim of consultations is claimed to be access to more information on which to base decisions. However, having a too narrow focus on technical and scientific knowledge in the planning process, may result in the loss of important knowledge that could improve the plan proposal. There is for example a risk that knowledge on societal and cultural values of the planned area are somewhat overlooked if the technocratic norm is allowed to prevail. Local interest groups often hold valuable knowledge on specific areas, based on a long history of

previous experiences. Opening the access to information providing and thus opening the traditional way of thinking about information could benefit the planning process immensely (Hansen & Tolnov Clausen 2004; Reed 2008).

The privileged standing of some interest groups in the planning process because of their access to expertise is closely connected to interest groups access to resources. Uhrwing (2001, p 255) shows that resourced interest groups have bigger opportunities to be granted admission to decision making. Access to resources is more or less an indirect effect of other demands put on interests groups to get admission to decision making (ibid p241). Since it for example takes resources, in forms of time as well as money and people, to generate knowledge and expert knowledge is highly required to get admission to the planning process, these resources are key. Even though there are intentions to keep a process open, it will be more difficult for interests groups with less resources to get access to power than others, again risking to undermine the perceptions of the procedures as being fair

6.2. Further challenges in the development of an integrated planning model

A level of legitimacy is required for a new planning tradition, with its institutions and procedures, to be able to gain acceptance and consent from interests in different ways being affected by it or having claims in marine areas. A deficiency in consent and acceptance of decisions will make it very difficult for the institutions and procedures to function efficiently and may jeopardize the implementation of decisions (Grimes 2005). A lack of consent in a political system would for example require a high level of coercion and thus high costs for enforcement and monitoring (Tyler 1990). Especially interests unfavored by a certain decision need to consider a new planning tradition legitimate for it to be able to effectively implement policy, since they are usually most likely to contest the content of a plan or the decision to adopt one. This likeliness decreases if they consider the institutions and procedures legitimate. In order to gain legitimacy, a new planning tradition has to reflect values or principles that can be accepted by most, such as political equality, transparency and a diverse supply of information and knowledge to the decision process. Grimes (2005, p37) suggest that these type of values are most easily reflected and communicated through the design of procedures. It is through procedures that democratic values showing that an institution regards different interests as having equal worth, can most easily be expressed.

Because maritime spatial planning to a large extent means restricting freedom of access to certain areas or for certain types of activities and interests, the representation of these interests is key for enjoying and maintaining acceptance of those restrictions. It is important to highlight that

inclusion of interests has to be sought to, throughout the whole decision-making process from initiation to implementation and the earlier interests can be included, the better (Reed 2008, Hansen & Tolnov Clausen 2004).

7. Concluding discussion

In this thesis, I have identified and outlined the wide range of interests holding claims in Swedish sea areas and pointed out the many possible conflicts amongst them. It was shown that very few of the interests claiming space in sea areas are possible to combine in the same spot, which is an issue that a model for planning have to be able to handle.

In addition a survey and analysis of the current planning tradition has been made, with particular focus on its institutions and procedures. The attempt was to discern principles of fairness in the procedures of the current planning tradition. Specific attention was given to the areas of interest representation, information provision and knowledge generation. Here, it became clear that there is no objective definition of stakeholders, which risks creating the perception of planning institutions and processes as unfair and illegitimate.

Finally, the thesis used and combined current research on democracy and pluralism to highlight important aspects of the current planning tradition and the preconditions set by the many interests at hand. The aim was to theoretically explore what aspects that would be required from a partly new model of planning of Swedish marine areas, in order for it to have reasonable chances of contributing to the implementation of the substantial policy objectives. There are many aspects of the current planning tradition that are well developed and positively affecting the notions dealt with in the thesis, but the theoretical and empirical objectives combined also showed some challenges that are essential to deal with in a future developed model for planning of marine areas.

First of all, a planning model have to determine what mechanisms in the current planning tradition that shall represent maritime spatial planning, since the two main mechanisms in the current planning tradition offers somewhat different preconditions for interest representation and provision of information. Especially pressing is the issue of whether or not there shall be binding elements. Binding elements would mean stronger rights, but also a higher level of restrictions for the interests at hand, which will put higher demands on the procedural aspects of the planning tradition, where admission to the planning process is central.

Second, another challenge for a future model for planning is how to define stakeholders and determine what interests should be granted admission to the planning process. Consistency of treatment across different interest groups is an important aspect of fair processes, as well as giving the views of interests due consideration. Without an established way of determining what interest groups should be included and a clear basis on which to base the judgement, it can be very difficult to be consistent in the treatment of interest groups and with inconsistency, due consideration of

interests' views is difficult, if not impossible. This potential lack of consistency might have an effect on the perceived fairness of the plan procedure and the acceptance of the plan, which in turn can make it difficult to implement. In the current tradition, there are no established mechanisms for assessing inclusion of interests and there are no clear criteria of how to determine and define stakeholders. So, there is quite a lot of room for subjective judgement, which makes this a pressing issue for a future model for planning. Routinising an open and transparent form of stakeholder analysis in the initial phases of the planning process could help to come to terms with this challenge as well as establishing some more general criteria for defining stakeholders.

Third and final there is a more fundamental issue in the prevailing planning tradition that might need some consideration. That is, the provision of information to the planning process and how knowledge is defined. Interests are in the current planning tradition given unequal possibilities to function as information providers to the planning process, partly reflecting a predetermined idea of what kind of knowledge is proper to use in planning. It is problematic to base decisions on a specific sphere of knowledge without inviting all possible contributors to that knowledge sphere to define it. This can contribute to undermining the perception of the planning processes as fair. Widening the definition of proper knowledge is not an easy task, but reconsidering how knowledge is defined and who is admitted to provide information to the prevailing sphere of knowledge can be a step on the way.

Even if the way in which procedures are designed is not the only factor influencing consent and decision acceptance, it is a factor that is in the hands of the politicians and planning authorities themselves, something that they have the power over. Therefore it is important to address how the way in which that power is used, could shape the possible consent that future plans will enjoy. This thesis has shown that there are some challenges for the current planning tradition that are in need of attention. If these challenges are given consideration and dealt with there is a good chance that it will contribute to fostering consent and thus facilitate the future implementation of the substantial objectives of the marine policy.

Looking forward, the further prospects for this thesis could be to bring its theoretical explorations to the field. In line with Uhrwing's dissertation, that could mean interviewing key players in the planning process, such as the responsible civil servants at the County Administrative Board or planning administrators in the municipalities. That would could perhaps mean getting an insight in the everyday judgements that planners have to make, what the judgements are based upon and how they are justified. Also, an interview study could perhaps enlighten the more informal processes taking place in spatial planning. If instead following the footsteps of Grimes, a widening of this study could imply turning to the individual level and surveying citizens perceptions of spatial

planning, cause it might not be sufficient that the planning process satisfies interest groups, if the average citizen feels overlooked. Finishing off, this thesis however is a first step in acknowledging that a successful implementation of the EU maritime policy requires institutional change and by pointing out some of the central challenges of today's planning tradition, an initial direction of this institutional change is indicated.

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Appendix 1.

Translations of organisations and authorities

Organisations

Economic Society of Swedish Fishermen = Sveriges Yrkesfiskares ekonomiska förening.

Federation of Swedish Fisheries = Sveriges Fiskares Riksförbund.

Maritime Forum = Sjöfartsforum

National federation of archipelagos = Skärgårdarnas Riksförbund.

Swedish Eco-tourism society = Ekoturismföreningen.

Swedish Federation of Aquaculturers = Vattenbrukarnas Riksförbund.

Swedish Society for Nature Conservation (SSNC) = Svenska Naturskyddsföreningen.

Swedish Society for Wind Power = Svensk Vindkraftförening.

Authorities

Geological Survey of Sweden = Sveriges Geologiska Undersökning

National Defence (Armed Forces) = Totalförsvaret. Försvarsmakten.

National Board of Housing, Building and Planning (NBHBP) = Boverket.

Swedish Agency for Economic and Regional Growth = Tillväxtverket.

Swedish Board of Agriculture = Jordbruksverket

Swedish Board of Fisheries = Fiskeriverket.

Swedish Energy Agency = Energimyndigheten.

Swedish Environmental Protection Agency (SEPA) = Naturvårdsverket.

Swedish Forest Agency = Skogsstyrelsen.

Swedish Fortifications Agency = Fortifikationsverket.

Swedish Mapping, Cadastral and Land registration authority = Lanmäteriverket

Swedish Maritime Administration = Sjöfartsverket.

National Maritime Museums of Sweden = Statens Maritima Museer.

Swedish National Heritage Board = Riksantikvarieämbetet.