

Necessary common minimum requirements for Maritime Spatial Planning (MSP) in the Baltic Sea

Contribution to the PLAN BOTHNIA work package “Region-wide recommendations on minimum requirements for MSP systems” (component 5.2.4.)

Second Draft

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Preliminary remarks

- This report is not a handbook containing all the desirable elements of an MSP process. Rather, it concentrates on those elements of MSP that require transnational binding agreement to ensure effective transnational co-operation on MSP in the Baltic Sea Region.
- The joint HELCOM-VASAB Baltic Sea Broad Scale Maritime Spatial Planning Principles serve as a yardstick according to the TOR
- This second draft incorporates the comments on the first draft.



The concept of common minimum requirements in this report

- This report is concerned with the minimum required in transnational co-operation to successfully instigate and implement MSP in the Baltic Sea.
- It asks what transnational action is essential at which stage of the planning cycle.
- It sets out those transnational elements that MSP cannot do without, indicating also other elements that are desirable but not absolutely essential.
- The advantage of this “minimalist” approach is to show the fact that much can be done by simply adding some jointly agreed elements to the different national MSP processes without the need to install one unified system for MSP in the whole Baltic Sea.



Main topics

- Minimum requirements for **national legislation on MSP** in the Baltic Sea states
- minimum requirements for the **institutional framework** for transnational MSP (e.g. legal provisions to facilitate MSP at the national level, the interplay of planning and management systems, the institutional set-up required for MSP both nationally and internationally),
- minimum requirements for the **necessary transnational preparation tools** (e.g. data harmonization and maps for stocktaking and the identification of key transnational topics),
- minimum requirements for the **content and scope** of transnational MSP (focusing on the designation of areas that need transnational cooperation).



Minimum requirements for the legal framework in the Baltic Sea states

All Baltic Sea states should have a national law on MSP with the following minimum content:

- Designation of the responsible authority:
 - for MSP in the EEZ,
 - for MSP in territorial waters,
 - for ICZM.
- Specification of the issues to be regulated in the plan,
- the legal effect of the plan (whether the law is binding to public authorities only or to private persons too)
- basic requirements for the participation process,
- requirements for transnational and cross-border cooperation beyond the existing international and EU regulations
- Monitoring and evaluation requirements
- Regular revision of the plan.



Minimum requirements for transnational institutions for MSP in the Baltic Sea

- To achieve a pan-Baltic agreement on minimum requirements for MSP, a **formal ministerial co-ordinating body** for pan-Baltic MSP issues is needed
- This body has to agree on the common principles to be applied and to approve the jointly agreed methods and contents for maritime spatial plans.
- Common methods and contents need to be prepared by a transnational **co-ordinating body at the technical level**.



No new institutions

- HELCOM - VASAB common working group for MSP could be further developed and strengthened to fulfill the requirements of the coordinating body at the technical level.
- The ministers of both, HELCOM and VASAB, could form a corresponding decision making body, that has to approve the proposals of the coordinating body at the technical level.



General information needs for the preparatory stocktake

Information is needed on:

- the physical and environmental characteristics of the sea area in question and wider sea environment,
- the human uses of that area (drivers and pressures, activities in the sea and on land),
- the socio-economic situation on land (demography, economy etc)
- the relevant policy and legal background affecting the sea and sea space.



Topics with transnational relevance in maritime spatial plans

- nature conservation,
- fisheries,
- shipping including fairways
- cables and pipelines,
- offshore wind farming,
- sand and gravel extraction,
- oil and gas extraction,
- military use
- archaeology and cultural heritage
- recreational activities



Inventory of available mapping data and common legend

- Mapping data harmonized between all Baltic Sea countries would be a key common requirement for compatible maritime spatial plans of high quality.
- At present, this ideal solution seems unrealistic .
- It is therefore suggested as common minimum requirement that each Baltic Sea country draws up an **inventory of all their available mapping data**.
- To facilitate the cross border co-operation a **common legend** (common symbols and colors) of the most important topics with transnational or cross border significance should be elaborated.



Zones or Areas?

- This report uses the term “zone” to understand **zoning** as a spatial planning tool that allows certain activities to be restricted or encouraged in specified designated areas.
- “Designated area” is an equally valid option, in particular, if large areas are in mind. It avoids the sometimes negative image of control linked to “zone”.



Minimum requirements for zoning: What types of zones/designated areas?

- General use zone (or area),
- Priority use zone (or area),
- Restricted access zone (or area)

- Targeted Management Zone (or area)



General use zone (or area)

Impact:

- **no use is given priority or restricted by the rules of the spatial plan.**

This is a “white” area where no specific additional zoning is necessary. Naturally, any uses are still subject to the international and national legal restrictions for sea uses.



Priority use zone (or area)

Impact:

- **no use is allowed that would significantly constrain the use that is given priority in this zone.**

Priority use zones could be shipping lanes, nature conservation areas, offshore wind farm sites, fish spawning and nursery areas, material resources, marine archaeological sites, or areas important for tourism.



Restricted access zone (or area)

Impact:

- **certain uses are prohibited.**

A restricted access zone is the opposite of a priority use zone, in that it does not give a privilege to a certain use but prohibits it. That can apply to wind farms, shipping, fishing etc.



Targeted Management Zone (or area)

Impact:

- The underlying basic zone needs to be complemented by detailed management regulations.

Example: Natura 2000 sites



Transnational information and co-operation needs during plan elaboration

- Co-ordination/reconciliation of planned designations of areas/regulations with possible transnational or cross border effects.
- Elaboration of a joint (transnational) plan where necessary (e.g. for cross border linear infrastructure, although this may be better decided on a case by case basis)



Application of MSP regulations

- A main purpose of the maritime spatial plan is to grant or deny permits to private or public sea uses based on the regulations set out in the plan (e.g. for a cable, a wind farm, dredging).
- If the proposed sea use has potential transnational or cross-border implications, consultation with the countries concerned is a minimum requirement.



Implementation of management measures

- Maritime spatial plans need to be complemented by a variety of management measures. For Natura 2000 areas, EU regulations stipulate a management plan.
- A different form of management is called for in case of infrastructure projects in a maritime spatial plan. If that structure has transnational or cross-border implications specific agreement is required among the countries concerned.



Monitoring and Evaluation

Harmonized performance indicators between all Baltic Sea countries on all topics relevant to the objectives of the MSP are desirable, but such detailed agreement seems unrealistic.

- **Minimum requirement:** Each Baltic Sea country draws up an inventory of all their available data that are needed to define the appropriate indicators.
- This inventory would be updated on a regular basis and exchanged among all Baltic Sea countries.

**The need to decide goes further than
the ability to comprehend**

(Immanuel Kant)

This applies to MSP too

Thank you very much for your attention

