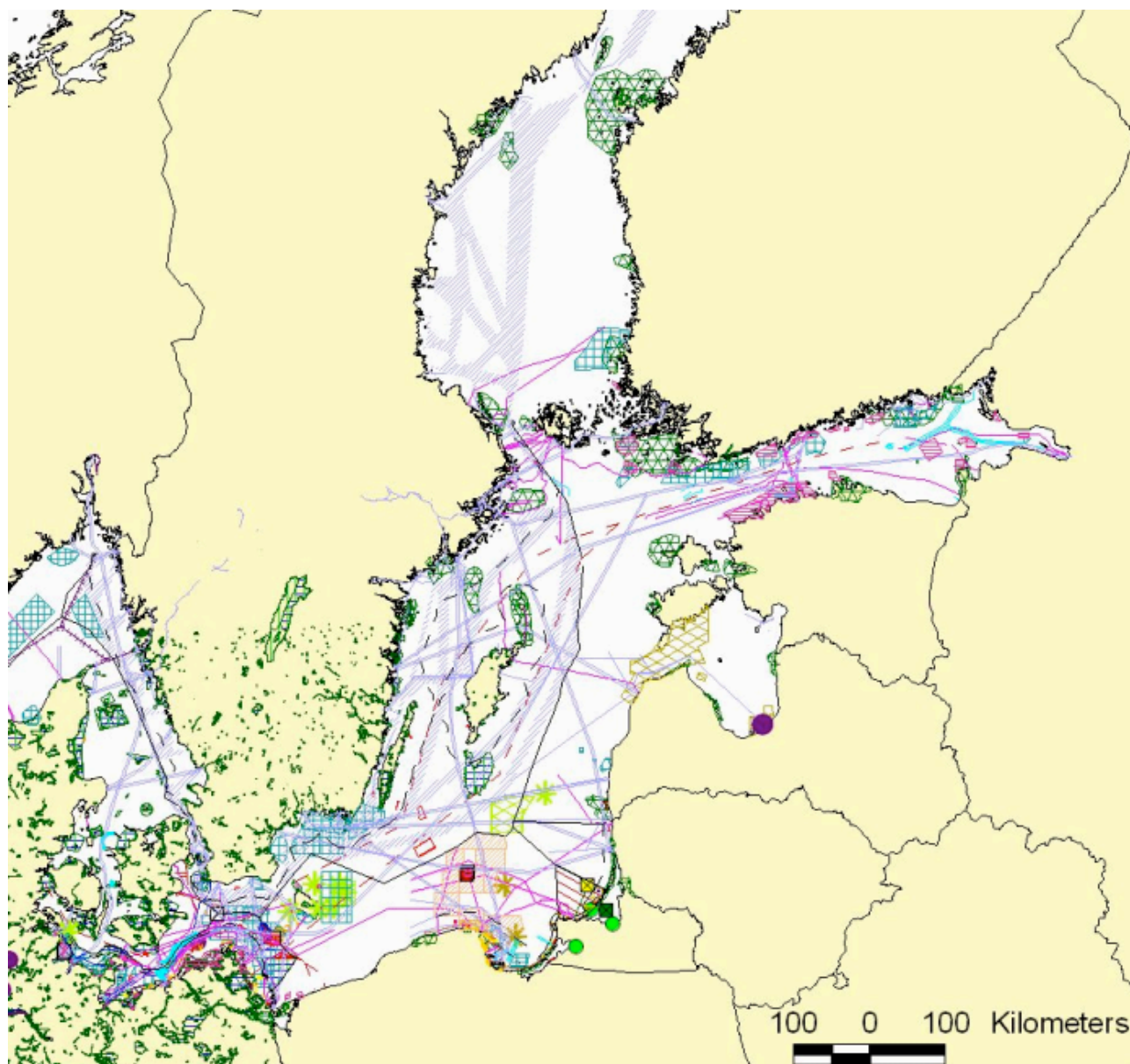


BaltCoast Work Package 1: Co-ordination of offshore uses

Conclusions and recommendations

Executive Summary

March 2005



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1 BACKGROUND: COMMON STUDY

This document is based on a common study covering EU countries Sweden, Finland, Germany, Poland, Lithuania, Latvia, Estonia as well as Russia (Kaliningrad). Not included are Denmark and the Russian BSR part of St. Petersburg-Leningrad Oblast (no Baltcoast partners). Detailed country reports are compiled in a separate volume, and summarised in this report.

The study which is documented in a separate report comprises three parts:

- **Part I:** Inventory of main existing or future expected use demands and conflicts in Baltic Sea offshore water areas including the first-ever pan-Baltic comprehensive mapping of offshore use interests;
- **Part II:** Analysis of instruments for cross-sector and cross-border coordination, particularly through spatial planning
- **Part III:** Recommendations regarding enhanced cross-sector and cross-border coordination using spatial planning instruments in BSR (Baltic Sea Region) countries.

The study was co-ordinated by Holger Platz, PLANCO Consulting GmbH, Essen; hp@planco.de. Co-ordination of country reports for Poland, Russia-Kaliningrad, Lithuania, Latvia, Estonia was done by Magda Jezierska, VASAB 2010 Secretariat, Gdansk, Poland; magdaj@vasab.org.pl.

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2 CURRENT SITUATION

2.1 Offshore use demands in the Baltic Sea

The inventory (documented in a separate volume with chapters on each participating country) demonstrates expanding use demands, including shipping, wind farming, nature protection, coastal and boat tourism, mineral extraction (oil, gas, sand), and utility networks. Many of these demands can be conflicting:

- Shipping (freedom of the seas) may conflict with wind farms, mineral extraction, and with nature protection
- Wind farms may conflict with land-side and sea-side tourism, with nature protection, mineral extraction
- Nature protection may conflict (depending on the type of protection) with most other uses
- Cables/ pipelines may be in conflict with shipping (anchors!), mineral extraction, with nature protection and with fishery (trawlers)

Use conflicts are therefore getting more numerous and more pronounced. Most approaches for conflict minimisation require spatial planning, for example:

- Shipping: assignment of shipping corridors, free of any conflicting uses such as mining, wind farms, cables, nature protection, and others;
- Utility lines (cables, pipelines): concentration of corridors to minimise the burdening of scarce sea areas (possibly parallel to shipping lines);
- Wind farms: limitation to suitable areas (= no conflicting uses, economic-financial feasibility due to favourable wind conditions, good opportunity to establish cable connections to land-side networks, good accessibility for repair and maintenance works etc.)
- Boat tourism: avoidance of coincidence with military training areas; spatial concentration of boat harbours.

2.2 Status of spatial coordination for offshore uses in BSR countries

2.2.1 Regulatory framework

When describing the status of spatial planning in offshore areas of BSR countries, a differentiation is required:

- 12-sm zone (= national territory) and
- EEZ = Exclusive economic zone (=international territory with national exploitation rights).

This differentiation is needed due to:

- different status of regulatory framework
- different responsible institutions
- different status of spatial planning.

As regards spatial planning in the EEZ, a legal-regulatory framework does not exist in most BSR countries. Exceptions are:

- Finland has recently formally established their EEZ and has proposed new legislation concerning the EEZ. But no special spatial coordination has been addressed.
- Germany has adopted a new law in summer 2004. Spatial planning for the German EEZ has been started.

The regulatory framework for spatial planning in the 12-sm zone is more advanced in some countries. Usually, the responsibility is with local/ regional authorities as part of comprehensive planning:

- Sweden (municipalities are responsible)
- Finland (regional councils make; Ministry of Environment ratifies)
- Germany (Länder = the major regions make and ratify)

Poland has chosen a national responsible authority: the Maritime Office (planning) and seeking approval by Minister of Infrastructure. Other countries have no regulations yet. The intention is to prepare separate plans for different coastal sections.

Other countries have no regulations yet. Planning for offshore uses remains the task of different national sector institutions which to different degree seek a cross-sector consultation. (In the absence of spatial plans, even a good cross-sector consultation remains insufficient, because there is no comprehensive view on future use demands and their respective conflicts, relevance and therefore: priority.

2.2.2 Effective spatial planning

Effective spatial planning in the Baltic Sea countries is even less advanced:

- No plans existing for the EEZ (plan preparation is under way in Germany)
- More plans exist for the 12-sm zones, but:
 - Swedish municipalities include only parts of the offshore areas into their comprehensive plans (if any)
 - in the German BSR, only Mecklenburg-Vorpommern has prepared a draft spatial plan (and Lower Saxony for its North Sea part; Schleswig-Holstein is considering to prepare such plan)
 - in Finland, offshore areas are normally not included in spatial plans of local or regional authorities, unless they are part of archipelagos.
 - in Poland, spatial planning for offshore areas has not been started yet.
 - In other BSR countries only the immediate coastal zones are sometimes included in spatial planning, but not the offshore areas.

3 RECOMMENDATIONS

Traditionally, sea areas were synonymous with the absence of restrictions ('open seas'). In few cases, restrictions were set to maintain shipping safety. Nature and environment protection have been added to possibly justify use restrictions.

For the first time, the common study provides a comprehensive offshore use map of the Baltic Sea. This map shows a growing need to compatibilise different, sometimes competing demands. Strong overlapping use interests occur in the south-western part of the Baltic Sea, but to a lesser degree also in other parts. Sea traffic continues to expand, as well as other uses such as wind farms, cables, pipelines, oil/ gas platforms, and minerals exploitation, fishing and recreation boating. New future demands may be expected, including aquaculture, industrial activities linked to wind farms, offshore tourist attractions and other use interests not even known yet.

In the past, the coordination of different demands could often be limited to the balancing between two sectors, e.g. nature protection and free shipping. No complex coordination instruments were needed, EIA was an adequate tool. But with growing complexity and intensity of use interests, mutually excluding use interests need to be balanced in a multi-sectoral perspective. EIA remains important, but is not sufficient for the comprehensive consideration of different interests. This is even more so if the growing need shall be reflected to reserve sufficient sea space for future new demands.

A. THE PRINCIPAL RECOMMENDATION: USE THE STRENGTHS OF SPATIAL PLANNING FOR CROSS-SECTOR CO-ORDINATION OF OFFSHORE DEVELOPMENT

Spatial planning has a proven record as a coordination tool for on-land development. This capacity shall be extended to offshore areas in national 12-sm zones and beyond, in the exclusive economic zone (EEZ). Two levels of cross-sector use coordination are recommended:

- *A.1 Strategic level:*
Preparation of strategic spatial plans at scales of 1 : 200,000 or 250,000;
- *A.2 Project level:*
Systematic detailed assessment of the impacts from contemplated use projects across all sectors possibly affected, in the offshore areas as well as in adjacent coastal land areas, considering project location, dimension and technical character. Environmental impacts are an important part of this, but other socially and economically relevant impacts of and on other sectors shall be assessed, too, to allow a comprehensive balancing of interests.

To implement strategic comprehensive plans will take time, and shall start in areas where multi-sectoral use conflicts are already pressing now, or are expected to soon become so in the near future.

B. THE IMPLEMENTATION OF THE PRINCIPAL RECOMMENDATION REQUIRES PROCEDURES & TOOLS, TO BE LAID DOWN IN REGULATIONS AND AGREEMENTS

Few countries around the Baltic Sea have established regulations for spatial planning in offshore areas - some of them for the 12-sm zone only. Many countries do not have such regulations yet. Only one country (Germany) has prepared spatial plans for part of its offshore areas (12-sm zone of Mecklenburg-Vorpommern) or has started to do so (for the EEZ).

This situation provides a unique opportunity to introduce new planning procedures, harmonised between BSR countries and thus facilitating cross-border consultations: There is little need to change already existing methods and regulations. A number of pre-requisites must be created for which transnationally concerted preparations should start soon:

B.1 Improve the availability and accessibility of mapped information

The aim: A GIS-based fact-bank on offshore uses with secured updating routines and easy access across borders.

Background: In most BSR countries existing and planned offshore uses are not systematically mapped. Existing information is scattered and difficult to access.

Recommendations:

- (1) Nominate national contact points with legal competence for organising offshore geo-information compilation, storage (exchangeable GIS format) and distribution;
- (2) Define transnationally agreed standard information to be collected (kind and detail of information; geo-reference);
- (3) Ensure collection and regular updating by various responsible institutions which shall ensure data quality.
- (4) Facilitate free transnational access to relevant information for spatial planning authorities.

B.2 Define basic national policies for offshore development which are coordinated cross-sectorally

The aim: Strategic guidelines for offshore development, incl. prioritisation rules for use conflicts.

Background: Many use interests exclude or limit each other. Little experience exists with use prioritisation in offshore areas. National policies affecting offshore areas are largely sectoral, and in many cases not harmonised. Sea space is limited. Future demands are unknown, but may become important: generous reserve areas must be kept.

Recommendations:

- (1) Prepare, in each country, a governmental document on the policy of using sea areas. Ideally, this would be done before starting the planning process. But it may also be done on the basis of first experience with plan preparation. The document shall contain: (a) a description of basic sector policies relevant for offshore areas; (b) prioritisation guidelines; (c) location of national priority areas; (d) guiding principles for reserving space for future unknown demand.
- (2) Prepare a similar indicative document at BSR and EU levels.

B.3 Improve the effectiveness of cross-border consultation for offshore development plans and projects

The aim: Effective cross-border consultation with clear contact points and consultation procedures and complete, reliable, easy-to-obtain information across borders.

Background: Conflicting interests across borders do occur and will become more frequent. Ways to compromise or even to obtain mutual benefits can often be found if prepared in time. Current consultation procedures are not sufficient, mutual information and dialogue depend on good will, not on established routines.

Recommendations:

- (1) Identify in each country one responsible national contact point;
- (1) Use, as a model, existing regulations for cross-border consultations regarding the environment (Espoo convention, EU directives), widening these for cross-sector, spatial coordination;
- (2) Prepare bilateral agreements on procedures and time frames for (a) notification of proposed planning or project activity; (b) consultation; (c) dispute settlement; (d) information on the final decision.

B.4 Prepare indicative guidelines for content and procedures of offshore spatial planning

The aim: A tool box for countries wishing to introduce spatial planning for offshore areas; harmonised standards for spatial plans which facilitate cross-border concertation.

Background: Many BSR countries could benefit from indicative guidelines when introducing national planning rules for offshore areas. Cross-border consultation for planned offshore uses would be easier if plans were based on common standards.

Recommendations:

- (1) Agree on harmonised scales of strategic spatial plans;
- (2) Define the minimum content of these plans (use categories considered, levels of use reservation);
- (3) Use uniform systems of plan presentation (graphical, explaining text).
- (4) Apply BSR-standard procedures for plan preparation and concertation (see recommendations B.5 and B.6).

B.5 Apply ICZM principles in offshore planning

The aim: Observance of ICZM principles in the offshore spatial planning process.

The background: Spatial planning and ICZM rely on similar principles and are mutually interdependent. The onshore-offshore interface is not satisfactorily considered in current ICZM. Lacking knowledge on the impact from contemplated new activities call for cautious development.

Recommendations: Apply spatial planning principles used on-shore, for offshore areas:

- (1) Adopt a holistic, forward looking (long-term) perspective;
- (2) Allow gradual development of offshore areas;
- (3) Consider the onshore-offshore interface.

B.6 Ensure wide involvement of stakeholders in planning for offshore development

The aim: Adequate involvement of offshore and onshore stakeholders at all stages of spatial planning.

Background: Proper spatial planning must be based on public participation and stakeholder involvement at an early stage to consider all interests and ideas. Though there are no offshore inhabitants and few industries, many may be affected or may affect offshore developments.

Recommendations:

- (1) Prepare standard lists of stakeholders to be involved: (a) onshore inhabitants and enterprises whose livelihood or economic interests are affected; (b) enterprises interested in offshore projects; (c) institutions having jurisdiction over the sea; (d) those whose actions affect the sea; (e) NGOs.
- (2) Apply participation procedures as used for onshore spatial planning.

C. Improve the transnational discussion and concertation process

The implementation of the above recommendations would strongly benefit from transnational cooperation - leading to harmonised standards, but leaving room for national specificities. Such cooperation shall be arranged by national government bodies responsible for spatial planning and regional development. Transnational organisations such as VASAB, Baltic 21, HELCOM, EU Commission, can support this process by activating their networks and experience in sustainable development. Baltic 21 has proposed to initiate cross-border lighthouse projects involving different sectors from this initiative.

Transnational initiatives for ICZM and, more general, for sustainable development, show significant gaps when it comes to integrated offshore development. They would also benefit from a dialogue with national spatial planning organisations. The following is recommended:

C.1 Conduct a continued dialogue with Helcom, Baltic 21, VASAB and EU Commission on principles for offshore spatial planning

The aim: A coherent vision for offshore development; accelerated implementation of these recommendations.

Recommendations:

- (1) Convene national focal points with transnational bodies to discuss the implementation of the recommendations made under A. and B.
- (2) Prepare periodical pan-Baltic reports on progress in the management of offshore areas using inputs from national focal points.

C.2 Seek continued consultation with the EU regarding recommendation on ICZM, EIA and SEA Directive

The aim: A high degree of synchronisation of different organisations' approaches to sustainable offshore and coastal zone development.

Background: The interrelationship is strong between spatial planning, ICZM, EIA and SEA, all seeking a long-term strategy for sustainable development. The ongoing discussion in the EU Commission on ICZM, EIA and SEA would benefit from experience with offshore spatial planning and vice-versa.

Recommendation: Discuss among national spatial planning bodies, pan-Baltic organisations and EU Commission how to best consider offshore spatial planning in the mentioned recommendations and directive.

C.3 Develop transnationally concerted plans for offshore infrastructure corridors

The aim: A coherent vision of transnational corridors for international shipping and utility networks (pipelines, cables).

Background: There is good experience with TEN as a coordination instrument for trans-European (transport) infrastructure. Concentrated corridors in sea areas (in contrast to existing non-organised cob-webs) would help to

minimise conflicts with other uses and to ensure careful use of limited sea space. With agreed corridors, project licensing may be accelerated.

Recommendations:

- (1) Let responsible sector institutions systematically provide information on existing and planned uses.
- (2) Prepare transnational priority corridors for respective uses.

C.4 Promote transnational research and pilot projects

The aim: Enhanced knowledge on present and future use demands and their potential impacts.

Background: Available knowledge and information is not good enough to inventorise current offshore uses, to assess future demands and to estimate potential use impacts. Spatial planning for offshore areas needs more practical experience to demonstrate its benefits.

Recommendation:

- (1) Initiate transnational research to improve knowledge (a) on current use demand and area suitability; (b) to assess economic, social and environmental impacts from existing and contemplated new offshore uses.
- (2) Initiate pilot projects for offshore spatial planning to gather practical experience.

C.5 Promote experience exchange with other regions

The aim: Improving the quality of spatial cross-sector use coordination through knowledge exchange.

Background: Countries not experienced in spatial planning for offshore areas can benefit from knowledge gained by those being more advanced. The latter would benefit from a feedback from new experience to refine existing regulations and methods.

Recommendation:

- (1) Arrange conferences and discussion fora on offshore planning
- (2) Install international working groups on specific issues such as legal regulations, stakeholder involvement, impact assessment, cross-border consultation, information exchange etc.
- (3) Interrelate with research and development projects in this field (C.4).

The recommendations at a glance

A. Use the strengths of spatial planning for cross-sector co-ordination in offshore development

A.1 Promote the preparation of spatial plans for offshore areas

The aim: More effective and transparent co-ordination of different use interests; no transfer of unsolved onshore problems to offshore; sea area reservation for unknown future needs.

A.2 Use territorial impact assessment tools for projects

The aim: Comprehensive balancing of interests with sufficiently detailed consideration of all relevant impacts - environmental, social and economical.

B. Introduce tools and methods for spatial coordination of offshore uses

B.1 Improve the availability and accessibility of mapped information

The aim: A GIS-based fact-bank on offshore uses with secured updating routines and easy access across borders.

B.2 Define basic national policies for offshore development which are coordinated cross-sectorally

The aim: Strategic offshore development guidelines and prioritisation rules for use conflicts.

B.3 Improve the effectiveness of cross-border consultation for offshore development plans and projects

The aim: Effective cross-border consultation with clear contact points and consultation procedures and complete, reliable, easy-to-obtain information across borders.

B.4 Prepare indicative guidelines for content and procedures of offshore spatial planning

The aim: A tool box for countries wishing to introduce spatial planning for offshore areas; harmonised standards for spatial plans which facilitate cross-border concertation.

B.5 Apply ICZM principles in offshore planning

The aim: Observance of ICZM principles in the offshore spatial planning process.

B.6 Ensure wide involvement of stakeholders in planning for offshore development

The aim: Adequate involvement of offshore and onshore stakeholders at all stages of spatial planning. d complete, reliable, easy-to-obtain information across borders

C. Improve the transnational discussion and concertation process

C.1 Conduct continued dialogue with Helcom, Baltic 21, VASAB and EU Commission on principles for offshore spatial planning

The aim: Coherent offshore development principles; accelerated implementation of recommendations A to C.

C.2 Seek continued consultation with the EU regarding recommendations on ICZM, EIA and SEA Directive

The aim: a high degree of synchronisation of different organisations' approaches in overlapping themes.

C.3 Develop transnationally concerted plans for offshore infrastructure corridors

The aim: Coherent vision of transnational corridors for international shipping and utility networks (pipelines, cables)

C.4 Promote transnational research and pilot projects

The aim: Enhanced knowledge on present and future use demands and their potential impacts.

C.5 Promote experience exchange with other regions

The aim: Improving the quality of spatial cross-sector use coordination through knowledge exchange.