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Background

The HELCOM-VASAB WG Meeting 18-2019 agreed that there is a need to create a common understanding on the coherence of the plans and subsequently on common criteria for following that the goal set in the Baltic Sea MSP Roadmap is achieved. The meeting decided to form a task force on the topic. The task force that is led by the HELCOM Secretariats has representatives from Finland, Germany, Latvia and Sweden. VASAB Secretariat contributes also to the work.

The progress of the task force was presented to HELCOM-VASAB MSP WG 19-2019. After that the task force has kept two on-line meetings and developed the report further. Currently the report outline has content-wise three main sections:

- Challenges and good practices for cross-border coherence
- Definition of coherence and approach of the task force
- Cross-border coherence checklist

This document presents the draft list of criteria to assess cross-border coherence. The task force concluded that the most pragmatic approach is to present the assessment criteria in a form of a checklist. Now we are collecting inputs from the members of the HELCOM-VASAB MSP WG to improve the checklist. We are also collecting similar input from the MSP practitioners who are involved in the Planners Forum organized within the Capacity4MSP project.

Action requested

The Meeting is invited to take note and to discuss the current and planned work for the Task Force. The Meeting is invited to comment on process of collecting the input to the draft checklist.

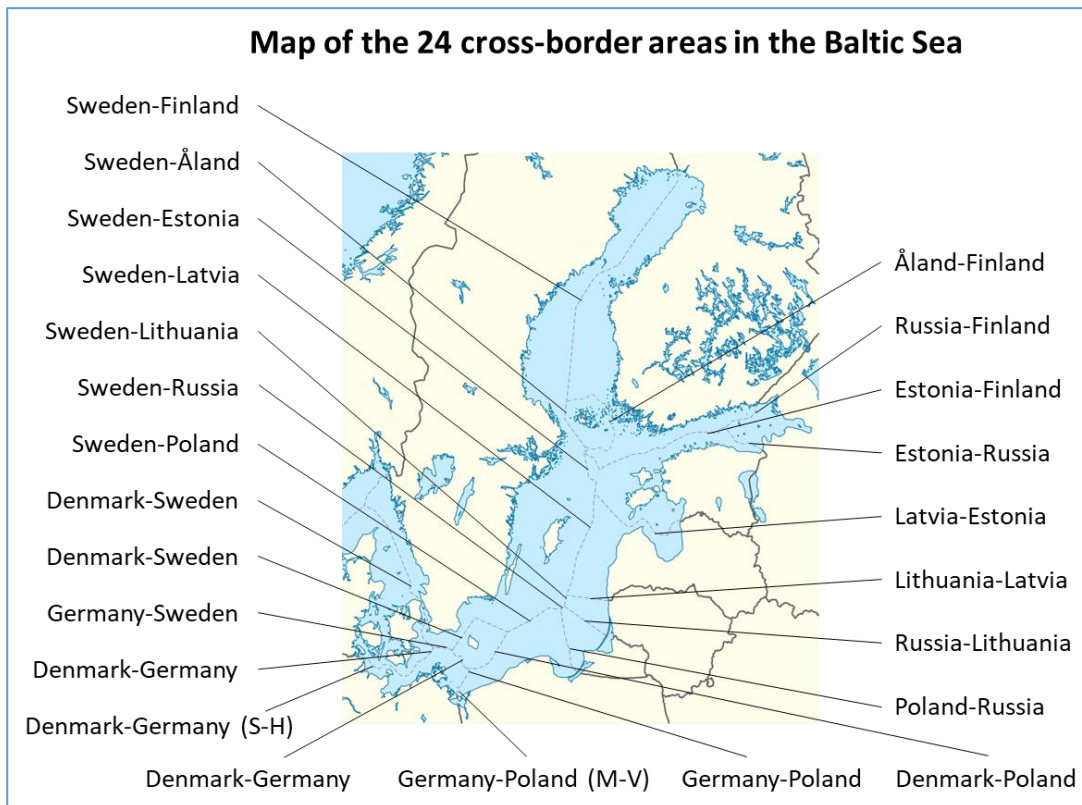# Update of the task force on cross-border coherence

Background

The Baltic Sea countries are committed to implementation of the REGIONAL BALTIC MSP ROADMAP 2013-2020. The common goal of the countries is draw up and apply maritime spatial plans that are coherent across borders and apply the ecosystem-based approach. There have been efforts for defining and instructing the application of the ecosystem-based approach, but we lack a clear definition of cross-border coherence. For this purpose, HELCOM-VASAB MSP working group established a task force that suggests a check-list type of approach for identification of cross-border coherence on MSP plans and for following up the progress towards coherent plans.

A general dictionary level definition of coherence is for instance the one given in Cambridge University dictionary: "If an argument, set of ideas, or a plan is coherent, it is clear and carefully considered, and each part of it connects or follows in a natural or reasonable way", but a more workable definition is needed for the purpose of checking coherence of the MSP plans.

The goal stated in the MSP roadmap sets cross-border coherence as a clear target. A suggestion from the task force is that the coherence should be understood from a pragmatic, functional coherence perspective. A lack of coherence can unnecessarily cause problems to maritime sectors and damage to marine environment. Improving the coherence, in its turn, can foster synergies across borders and importantly contribute to application of ecosystem-based approach that requires coordination between the countries. In a pragmatic perspective the target is not to prepare plans that are similar, but to produce plans in ways that ensure the functional coherence (lack of mismatches, supporting achievement of common environmental goals, enhancing synergies). Functional coherence consists of planning decisions about different uses of the sea area (the plan text) and how they are presented on planning maps (illustrational coherence).

The focus is on functional coherence in a perspective that goes also slightly beyond the MSP plans. The suggested format is pragmatic starting from identification of possible topics and continuing to consideration of coherent handling of these. In addition to assessing cross-border coherence in concrete terms it is important to acknowledge the role of cross-border processes in enhancing coherence. This element is presented below before the more concrete assessment criteria.

In the long run the considerations of cross-border and transboundary coherence will be applied to following up progress towards cross-border coherence in all 24 borders between MSP planning areas in the Baltic Sea. As all countries have not yet finalized their MSP plans it is not possible to do quite yet. As border areas are different and MSP is not practiced in a uniform manner the suggested format should be used flexibly.

Map of the 24 cross-border areas in the Baltic Sea

Sweden-Finland
Sweden-Åland
Sweden-Estonia
Sweden-Latvia
Sweden-Lithuania
Sweden-Russia
Sweden-Poland
Denmark-Sweden
Denmark-Sweden
Germany-Sweden
Denmark-Germany
Denmark-Germany (S-H)

Åland-Finland
Russia-Finland
Estonia-Finland
Estonia-Russia
Latvia-Estonia
Lithuania-Latvia
Russia-Lithuania
Poland-Russia

Denmark-Germany   Germany-Poland (M-V)   Germany-Poland   Denmark-Poland

But a lot can be already known from practical experience of MSP. The task force consists of MSP practitioners from Finland, Germany, Latvia and Sweden whose expertise has been invaluable. The topic of cross-border coherence has been one of the main focuses of several recent MSP projects in the Baltic Sea, namely Baltic SCOPE, Pan Baltic Scope, Baltic LINes and Plan4Blue. We have developed the approach for assessing cross-border coherence based on these experiences.

Now we are collecting inputs from the broader MSP community in the Baltic Sea region. The input is asked from the members of the HELCOM-VASAB MSP working group and from a slightly larger group of MSP practitioners who are involved in the Planners Forum organized within the Capacity4MSP project. Below you can find a draft checklist and requests for action. The requests are presented in text boxes separately for the main sections:

- Cross-border procedures as a precondition for enhancing coherence
- Step 1. Identification of cross-border issues
- Step 2. Topic-specific criteria for coherence

Cross-border procedures as a precondition for enhancing coherence

Requested action:

Please comment this section that presents procedures for cross-border collaboration. See especially **the textbox and comment if those steps are, in your opinion, sufficient** for organising processes to enhance cross-border coherence.

Please note that unlike with the two next sections that present criteria for assessing cross-border coherence in concrete terms the task force on cross-border coherence concluded that these procedural aspects are presented as something for countries to do, not as criteria for assessment. Therefore, the style of this section is very different.

Or **would you prefer that there would be checklist type questions** on the procedural aspects similar to the steps 1 and 2 below?

The actual cross-border coherence is tested in how various topics are addressed in both sides of the borders. Such details will be addressed below, but there is also a need to acknowledge important enabling factors that are provided by cross-border cooperation and consultations. The HELCOM-VASAB Guidelines on transboundary consultations, public participation and co-operation that was adopted in 2016 sets a framework for countries to cooperate with each other in order to enhance cross-border coherence.

The HELCOM-VASAB Guidelines on transboundary consultations, public participation and co-operation makes a difference between consultation and cooperation.
- Consultation of more practical topics is arising in the course of elaboration of maritime spatial plans, e.g. transboundary impacts of the plan, or transboundary coherence of the planning provisions. This usually takes place in bilateral or trilateral interactions […] and refers to the formal process, which takes place between affected […] countries and their authorities on specific provisions foreseen in a given Maritime Spatial Plan.
- Cooperation on maritime spatial planning is understood as a more open and preparatory process with focus on information and knowledge exchange as well as development of common understanding.

The guidelines underlines that cooperation as well as consultation at transboundary scale relates mainly to the structured and organised interaction between various government bodies.

The key element in the guidelines regarding the cross-border procedures as an enabler for enhancing cross-border coherence are the steps that are suggested on formal procedures. These steps can be taken as a to-do list for countries to enhance cross-border coherence when they make or review their MSP plans

Establishing a formal process of transboundary information exchange and consultation early in the MSP process

Timing of formal transboundary consultations remains a critical issue. In order to give neighbouring countries a chance to understand the essence of the envisaged plan, and a real chance to contribute not only to the planning provisions/solutions but also to the planning process, it is necessary to start consultations before the maritime spatial plan is fully drafted. The HELCOM-VASAB Guidelines on transboundary consultations, public participation and co-operation suggest the following procedure:

a) All Baltic Sea countries should start consulting neighbouring countries at the early stage of preparation of a maritime spatial plan as a part of the routine MSP process. If the impact of the plan is of pan-Baltic nature, all BSR countries and the relevant pan-Baltic organisations should be informed. This applies to all national, but also to sub-national maritime spatial plans if these are expected to have cross-border impacts.

b) The competent authorities should inform their neighbouring counterparts of their intention to start a MSP process. This should be done in the form of a formal letter/e-mail in English (or national language of the addressees). The information should be sent to the countries affected, as well as to the relevant pan-Baltic organisations.

c) The competent authorities clearly state the intention and the nature of the maritime spatial plan, so other countries can understand the possible influence and the impacts of the plan.

d) The competent authorities (preferably via National MSP contact points) ask for relevant documents and any other information, if available (or public sources of such information) from the neighbouring countries. The requested documents and information should have an impact on the development of the envisaged plan, such as environmental data and information on human uses of the sea, in particular with cross-border elements (e.g. issues suggested under Article 8 of Directive 2014/89/EU of the European Parliament and of the Council).

e) The competent authorities (preferably via National MSP contact points) also inform the neighbouring countries, once the stakeholder process begins in order to give the neighbouring country the option of installing a parallel domestic stakeholder process (or public participation) on issues of cross-border significance. It is suggested that the information is being given in the form of a letter/e-mail in English (or national language of the addressees) describing the location of the plan, its main objectives and possible cross-border impacts.

It is noteworthy that the guidelines does acknowledge the importance of hearing stakeholders also in transboundary matters. It suggests in step e) a practical approach that puts the competent MSP authorities in key positions. The suggestion is that the country that is preparing a MSP plan provides sufficient, understandable material to the neighbouring countries. Then the competent authorities of the neighbouring countries collect input from stakeholders in their countries.

The guidelines underlines also importance of informal discussions and meetings between countries and acknowledges the importance role on pan-Baltic level collaboration between countries within the framework of HELCOMVASAB MSP working group.

Step 1. Identification of cross-border issues

Requested action:

Please comment this section that focuses on identification of cross-border issues. Comment especially are **the questions given in sections 1a-1c** the ones that help in identification of cross-border issues.

- How to formulate the questions better?
- What other questions are needed?

Suggest also **additional aspects of identifying cross-border issues** (additional to 1a - 1c).

The HELCOM-VASAB Guidelines on transboundary consultations, public participation and co-operation defines cross-border and transboundary issues in the following way:

- Cross-border issues: issues which are relevant for two or more neighbouring countries only.
- Transboundary issues: issues which are pan-Baltic and cross-border where impacts may extend across boundaries, not necessarily only immediate neighbouring countries.

There are several human activities and infrastructures at sea that either cross borders or may have impacts that extent across borders. The impacts may be both negative and positive. When identifying cross-border issues one needs to pay attention also to **human activities** and **infrastructures** as well as **features** such as ecologically important areas or sites of underwater cultural heritage, that can be influenced by impacts coming from other countries.

The EU directive on MSP suggests several topics that countries may consider while preparing their MSP plans. All of them may be relevant for cross-border considerations.

- aquaculture areas,
- fishing areas,
- installations and infrastructures for the exploration, exploitation and extraction of oil, of gas and other energy resources, of minerals and aggregates, and for the production of energy from renewable sources,
- maritime transport routes and traffic flows,
- military training areas,
- nature and species conservation sites and protected areas,
- raw material extraction areas,
- scientific research,
- submarine cable and pipeline routes,
- tourism,
- underwater cultural heritage.

The questions below help in assessing how coherently potential cross-border issues are handled in neighbouring countries' MSP planning. The sets of questions (1a - 1c) should be handled together and in relation to each other.

1a) Coherent coverage of topics
One aspect of identification of cross-border issues is to check which topics are addressed in MSP in the first place. It should be kept in mind that some topics can be addressed only in sectoral planning and decision-making.

- Are the same human activities, infrastructures and features addressed in MSP planning on both sides of the border?
- Are they addressed in comparable ways? (e.g. high priority/low priority, spatial designations/no spatial designations for topics)
- Are some activities, infrastructures and features planned by sectors and not included in the MSP planning?

Output: a list of topics addressed in countries' MSP plans and explanation of how they are addressed. Presentation in a table format.

1b) Identification of cross-border relevance

Another perspective is to consider which human activities, infrastructure and features at sea do have cross-border relevance. This is always a context-specific matter.

- Are there existing or planned activities, infrastructures and features that cross border or within such a distance from the border that they can have impacts or be impacted across the border?
- Is this expected to change in the foreseeable future?
- Which of these are the most relevant ones? Also in terms of synergies. For identification of relevance see "Matrix of Interests" method in Baltic Scope report (link pages 26-31, opens a pdf file)

- Are there activity or feature related dialogues with neighbouring countries? Highlighting the expected most important issues of coherence and forming a mutual understanding of relevance.

Output: a list of existing or planned activities, infrastructures and features with cross-border relevance and possible ranking.

1c) Relevant authorities

A practical consideration is identify who are the relevant authorities that are in charge of MSP planning and who are in charge of the relevant cross-border topics.

- Who are respective MSP and sector authorities in countries? In some cases, also sub-national level authorities are relevant.

Output: a list of relevant authorities that could be presented as part of a table on cross-border topics

Points of conclusion from identification of cross-border issues

The different considerations for identifying cross-border issues and their relevance should be a basis for practical conclusions on how to improve cross-border coherence, if possible isuues were identified. Points of conclusions are, for instance:

- Are there obvious discrepancies between countries in coverage of topics? How can they be addressed? Also in the case that some topics are handled in MSP in one country and by sectoral planning in another country.

- Is the attention given to the most relevant cross-border issues.

- Are contacts established to all relevant authorities? Is it enough to operate through the competent MSP authorities?

Step 2. Topic-specific criteria for coherence

Requested action:

Please comment this section that focuses on specific topics and sectors. Comment especially are **the questions given in bullet points**.

- How to formulate the questions better?
- What other questions are needed?

Suggest in the last section also **which additional topics and should be included** in this report. **Suggest also specific questions for assessing coherence of handling of them** in MSP.

Step 2 presents questions against which one can assess coherence of the plans in terms of how particular topics are handled in MSP. In general the questions to assess the level of coherence are of the following the same approach for each topic:

- Is the topic addressed in MSP planning in both sides of the border?
- Is it addressed in similar or comparable ways?
  - o Do the countries utilize similar or compatible data?
  - o Do the countries utilize similar or compatible planning criteria?
- Are cross-border impacts considered?
- If there are inconsistencies in how countries handle the topic in their MSP, what are the problems or risks caused by that?
  - o What are the possible solutions?
- Can there be major changes in the foreseeable future?
- Who are the competent authorities in the countries to handle the topic?

Below are some examples from different topics to illustrate how the level of coherence can be assessed. These are the most obvious topics for considerations of cross-border or transboundary coherence. We give also some examples of possible methods to support the consideration. As pointed out above there is a need to assess in each border area which topics are relevant currently or could become relevant in the future.

Shipping
General process of designating shipping corridors in MSP vary greatly due to differences in national planning systems. Especially when it comes to the project level, e.g. for shipping in the vicinity of offshore wind farms, thorough risk assessments have to be conducted on a case-by-case basis. Using the similarities and differences of designations of ship corridors in the different national systems, the following 5-step approach claims to be a good example of how to prepare the first draft of ship corridor designations in MSP for national and international consultation (see the information box below, source: Baltic LINes)

Key questions for enhancing coherence:

- Are shipping lanes or corridors marked in the plan on both sides?
- Do middle lines of the shipping lanes or corridors meet at the border?
- Are shipping lanes and their widths determined in similar ways on both sides of the border?
  - o Is similar or comparable data used in both sides of the border? Do countries use similar or comparable planning criteria?
  - o Are safety zones to installations or to high nature areas determined in compatible ways?

- Is the exclusion of shipping handled in the MSP? And if so, is it handled in a similar way?
- If there are inconsistencies in how countries handle shipping in their MSP, what are the problems or risks caused by that?
  - What are the possible solutions?
- Can there be major changes in the foreseeable future?
- Who are the competent authorities in the countries to handle the topic?

Summary of Baltic LINes project results on coherent planning of shipping. See the guidance document: https://vasab.org/wp-content/uploads/2019/01/BalticLINes_Guidance_Shipping_final.pdf

STEP 1: Data acquisition of IMO measures in the national sea area
- Transfer of existent IMO routeing and fixed uses as a basis for initial plan drafting
- Assessment of future plans for potential spatial regulation of ship traffic

STEP 2: Data acquisition and preparation of Automatic Identification System (AIS) data (see figure 13)
- Assessment of current ship traffic patterns for a first draft of ship corridor designations
- Consideration of safety issues

STEP 3: Assessment of political goals and policies that impact the shipping sector (see figure 14)
- Assessment of economic development and industrial developments in the shipping sector
- Assessment of changing natural conditions impacting the shipping sector
- Indication of an area with changing spatial needs for shipping in the future

STEP 4: Assessment of spatial demands across sectors
- Indication of potential conflicts between different uses
- Development of planning solutions

STEP 5: Assessment of transnational ship traffic (see figure 15)
- Analysis of designated ship corridors along borders
- Alignment of ship corridors across borders

STEP 6: Categorisation of areas for shipping
- Designation of shipping corridors

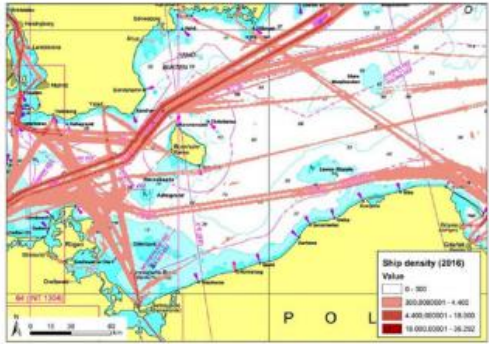Figure 13: Step 2: AIS data needs to be analysed to designate ship corridors.

Policy | Technology | Port development global development | Climate Change

Impacting spatial demands of the shipping sector

Figure 14: Step 3: Future developments need to be studied to estimate future spatial demands.
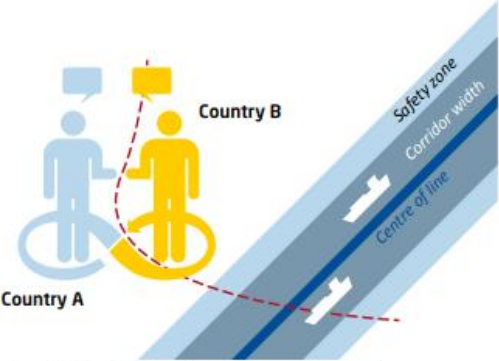
Country B

Country A

Figure 15: Step 5: Transnational exchange between planners to increase coherency of designations.

A Practical Guide to the Designation of Ship Corridors in Maritime Spatial Planning

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HERE WE CAN HAVE AN EXAMPLE OF HOW THE SHIPPING LANE ISSUE WAS HANDLED IN SWEDISH-LATVIAN COLLABORATION

Offshore energy installations

Planning of energy installations (offshore wind, oil & gas, energy transmission) is an iterative process starting from more general considerations of suitability of areas and corridors to more detailed construction planning, which is followed by permitting procedures before the actual construction. MSP planning does not usually go to very detailed technical planning, but still area designations in MSP play an important role in offshore energy development. There are different national approaches, but some similarities exist. Such features are summarised in the information box below.

Key questions for enhancing coherence:

- Are there spatial designations for cable or pipeline (in general physical linear infrastructure) in maritime spatial plans on both sides?
    - Do the planned designations meet at the border?
    - Are safety zones to installations determined in compatible ways?
    - Is similar or comparable data used in both sides of the border? Do countries use similar or comparable planning criteria?
- Are existing and planned offshore energy production areas marked in the MSP plans on both sides?
    - Is similar or comparable data used in both sides of the border? Do countries use similar or comparable planning criteria?
    - Are safety zones to installations determined in compatible ways?
    - Inclusion of basin-wide cumulative environmental assessment?
- If there are inconsistencies in how countries handle energy installations in their MSP, what are the problems or risks caused by that?
    - What are the possible solutions?
- Can there be major changes in the foreseeable future?
- Who are the competent authorities in the countries to handle the topic?

Summary of Baltic LINes project results on coherent planning of offshore energy installations.
See the guidance document: https://vasab.org/wp-content/uploads/2019/01/BalticLINes_Guidance_Energy_final.pdf

Planning guidance for offshore renewable energy installations

STEP 1: Define the need for development and political goals for offshore renewable energy installations
- Clarify what the political goals for the development of offshore wind energy are, what the priority of the development is and be aware of the future trends and technological developments

STEP 2: Mapping the existing designations and installations
- Find out areas already designated for offshore wind energy and areas designated for other uses and activities
- Check your neighbouring countries' area designations for wind energy and other uses
- Take into account in the plan the previously mentioned and incorporate them into the planning process

STEP 3: Mapping suitable areas (general planning criteria - see also below for capacity density)
- Assess the natural and technical conditions, the demand for energy in the coastal area and the possibility for grid connection

STEP 4: Mapping the conflicts and synergies with other uses and activities
- Detect areas/locations with conflicts, find solutions for these conflicts and discuss with other sectors and stakeholders

STEP 5: Defining of the priority areas for offshore wind energy
- Consider again national targets for renewable energy production, identify the priority areas, discuss with other sectors and stakeholders, define specifications for the priority areas

Planning guidance for offshore energy cables

STEP 1: Define political framework/targets
- Clarify what the political energy or climate protection targets are
- Consult neighbours as early as possible to identify further need for cables
- Define future need for offshore energy cables and interconnectors based on political and market-driven framework/criteria

STEP 2: Check suitability of areas
- Geology and seabed conditions

STEP 3: Stocktake: Analysing/Mapping conflicts and synergies with other uses
- Consider existing and planned energy and data cables/cable corridors and include all other relevant planned and existing uses/rights of use and protected areas

STEP 4: Consider land-sea interaction
- Consider connection to onshore power grid

Step 5: Define cable corridors based on the analysis and application of planning criteria/planning principles
- Space needed for the cable itself and its laying, as well as a safety zone around it to ensure sufficient space for potential repairs, space at cable crossing areas and/or specific distances in case of parallel routeing with other uses

Read more: A Practical Guide to the Designation of Energy Infrastructure in Maritime Spatial Planning

HERE AN EXAMPLE FROM GERMANY-SWEDEN CABLE CORRIDOR CASE

Valuable nature areas/protected areas

MSP planning takes into account existing or planned marine protected areas. These are typically included into the MSP plans. The planning process considers also available ecological information as criteria for planning of the use of the sea areas. Such criteria is not identical between countries, but the topic is taken into account in all countries. The existing HELCOM-VASAB MSP guideline for the implementation of ecosystem-based approach in MSP in the Baltic Sea area on is an important reference on handling valuable nature areas in MSP (link, opens a pdf file). The guideline is being updated during 2020-2021.

Valuable nature areas such as habitats, important areas of species in different life stages (spawning, nesting, nursery, resting areas, etc.) can be close to borders and even can extent across the borders. Pan Baltic Scope project tested methods for determining Green Infrastructure areas. See the information box below.

Key questions for enhancing coherence:

- Are there areas of high nature values that extent across the border or are close to the border?
- Are ecosystems services or Green Infrastructure addressed (equally)?
- Are there important migration routes in the cross-border area? How are functional relations of ecosystem components displayed and addressed in general?
- Are there possible negative impacts to high nature values from activities on the other side of the border? Are sectoral developments coordinated to avoid the cumulation of impacts?
- How are exclusions determined (differently)?

- Are these features addressed in similar/compatible ways in both countries' MSP plans or nature conservation management plans? Is similar or comparable data used in both sides of the border? Do countries use similar or comparable planning criteria?
- If there are inconsistencies in how countries handle valuable nature areas/protected areas in their MSP, what are the problems or risks caused by that?
    - What are the possible solutions?
- Can there be major changes in the foreseeable future? For instance, considering the possible extension of coverage of protected areas.
- Who are the competent authority in the country to handle the topic?

Example of Green Infrastructure mapping as a possible method for identifying cross-border areas with high nature values. See the Pan Baltic Scope report:

http://www.panbalticscope.eu/wp-content/uploads/2019/12/Green-Infrastructure-brochure-print-FINAL.pdf
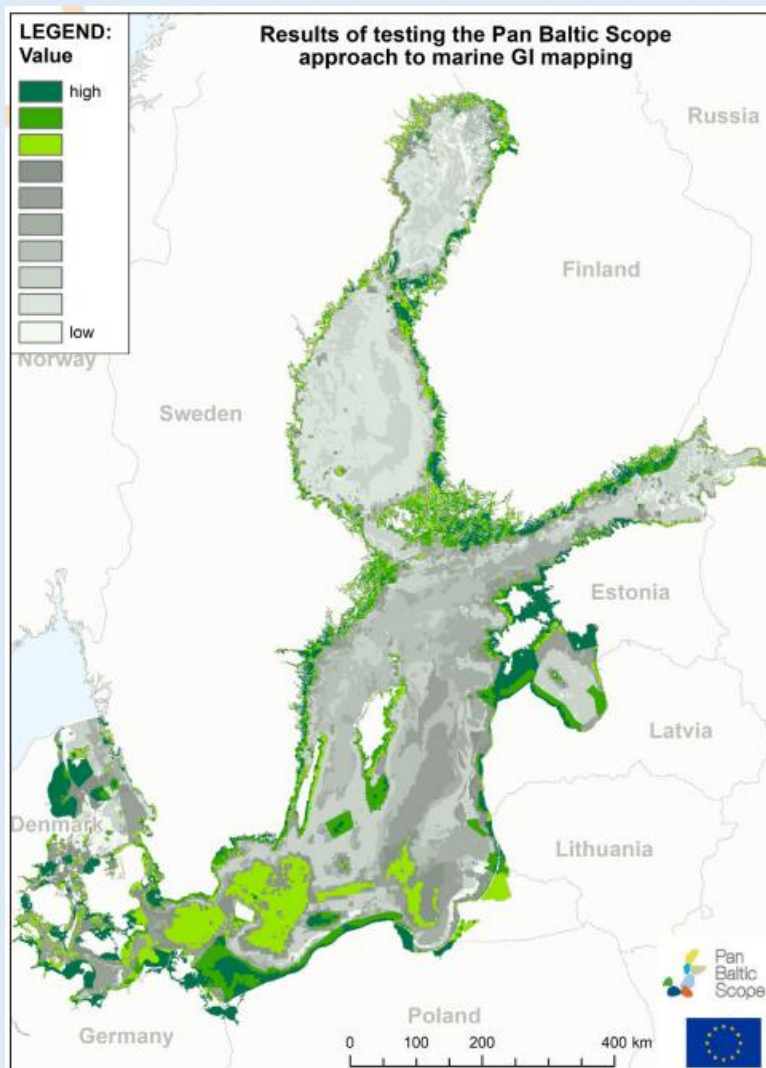

Fig.14 Results of testing Pan Baltic Scope approach to marine GI mapping based on available spatial data: green colour indicates the 30 % of the Baltic Sea area which represents the highest ecological and ecosystem service supply value (the most valuable areas in dark green, other highly valuable areas in light green).

Fishing

Fishing takes place in most of the Baltic Sea area. Fishing vessels in open sea fisheries can operate in waters of several countries. There are three important spatial aspects to consider in addressing fisheries in MSP. Locations of fishing grounds as well as routes between them and landing sites are obviously important to take into account also in a transboundary perspective. Locations of spawning and nursery areas – so called essential fish habitats – are the third important spatial aspect. Such essential fish habitats can contribute to fisheries in large areas, also across borders.

Key questions for enhancing coherence:

- Is fishing or areas important for fishing included in MSP planning in both countries?
- Are there exclusions for fishery and are there differences?
- Are also foreign fishing interest taken into account in MSP planning?
- Are cross-border fishing activities and areas important for fish species in different life stages mapped for MSP planning in both countries?
- Are these features addresses in similar/compatible ways in both countries' MSP plans? Is similar or comparable data used in both sides of the border? Do countries use similar or comparable planning criteria?
- If there are inconsistencies in how countries handle fisheries in their MSP, what are the problems or risks caused by that?
    - What are the possible solutions?
- Can there be major changes in the foreseeable future?
- Who are the competent authorities in the countries to handle the topic?

Examples of spatial presentation of fishing. Left side: fishing activities of towed gear fishing (AIS based). Right side: herring catch per ICES statistical areas. See the Plan4Blue project report: https://www.syke.fi/download/noname/%7B3A487534-43BF-43E0-8213-5E96C150BB2D%7D/151008
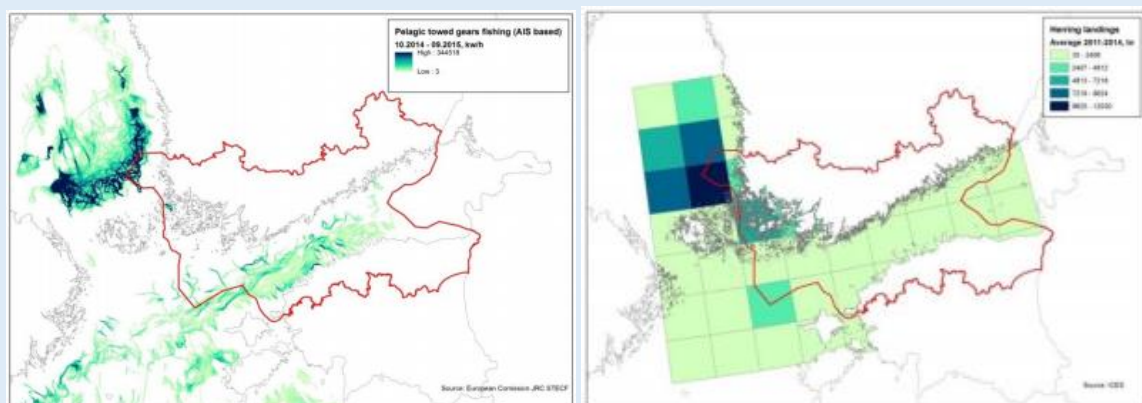
Other examples

- Tourism
- Sand and gravel extraction
- Defence
- Keeping of space free for precaution/future use
- Multi-use
- On a meta level it could be assessed how the EBA is approached in the MSPs. And if or how the (different) SEAs could have an impact on coherence.