Voluntary guidance for assessment of cross-border coherence

Version submitted to HELCOM-VASAB MSP WG 23-2021

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1. Introduction

1.1. Background

The HELCOM-VASAB Maritime Spatial Planning Working Group established a task force in 2019 to enhance a common understanding on the coherence of the Maritime Spatial Plans and subsequently on common criteria for assessing the cross-border coherence. The task force that was led by the HELCOM Secretariat consisted of maritime spatial planning authorities from Finland, Germany, Latvia and Sweden. The VASAB Secretariat contributed to the work, as well.

1.2. Cross-border coherence as a target

Achieving the coherence across borders has functional objectives. Mismatches and incompatibilities in border areas can be avoided when the neighbouring countries coordinate their plans. There are many sea uses that cross borders or have impacts across borders. Furthermore, as the ecosystem boundaries do not respect jurisdictional boundaries countries need to consider natural ranges of species and habitats when coordinating the maritime spatial planning (hereinafter – MSP).

The overall goal of Regional Baltic Maritime Spatial Planning Roadmap 2013-2020 (hereinafter – MSP Roadmap) was to "draw up and apply Maritime Spatial Plans throughout the Baltic Sea Region by 2020 which are coherent across borders and apply the ecosystem approach". This goal was reiterated in March 2018 by the HELCOM Ministerial Meeting that further stressed the importance of using the agreed principles, guidelines, concepts and mechanisms for planning purposes and developing them further as needed.

Several steps towards coherent MSP have already been taken in the Baltic Sea region. International collaboration within the HELCOM-VASAB MSP WG has agreed upon the joint principles in 2010 and the MSP Roadmap 2013-2020 as well as guidelines on transboundary consultations, public participation and co-

operation and on the implementation of ecosystem-based approach. The Baltic Sea Region MSP Data Expert Sub-Group has worked under the HELCOM-VASAB MSP WG since 2015. The expert sub-group supports data, information and evidence exchange for MSP processes with regards to cross-border/transboundary planning issues. In autumn 2018 it finalized a guideline on transboundary MSP output data structure. It suggests a coherent cartographic representation of the national MSP area and the planned sea uses.

The issue of cross-border coherence is complicated due to diversity of border areas in the Baltic Sea. The high number of borders is likely to increase diversity as the border areas can be quite different from each other. The cross-border issues are not always similar and also the types of MSPs can differ.

There are 24 borders between the MSP planning areas in the Baltic Sea when all official MSP planning areas are counted, including sub-national areas of Åland, Schleswig-Holstein and Mecklenburg-Vorpommern that have independent planning mandates (see Figure 1).

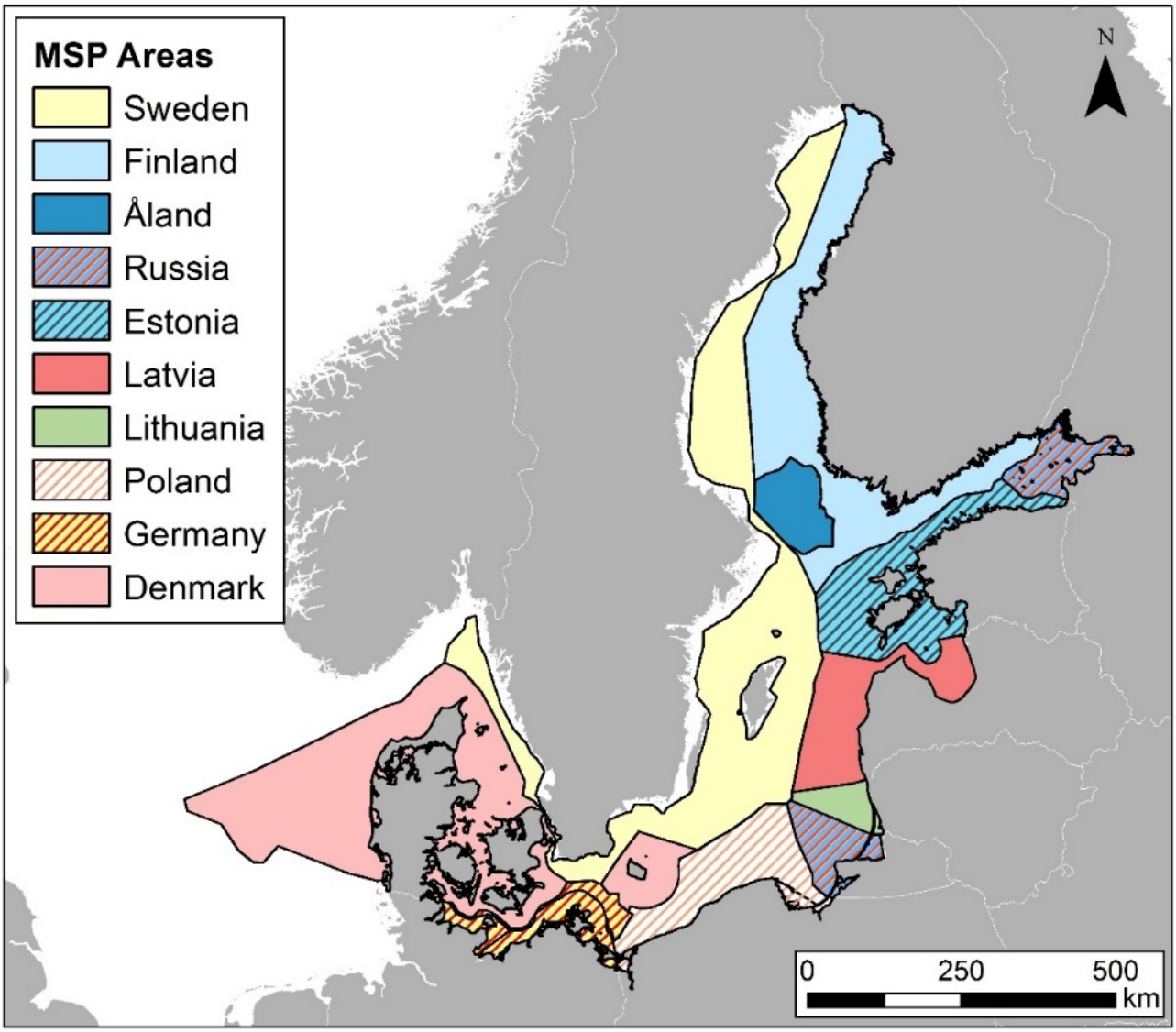


Figure 1: The MSP planning areas in the Baltic Sea. Map created by Marco Nurmi, Finnish Environment Institute. Source for the MSP areas: HELCOM Map and Data Service, the base map provided by Bjorn Sandvik, thematicmapping.org (The original shapefile was downloaded from the Mapping Hacks website: http://www.mappinghacks.com/data/)

1.3. Dimensions of cross-border coherence

In general coherence means a situation when different parts of a broader whole connect or follow in a natural or reasonable way[1]. In relation to cross-border coherence of MSP plans this would mean that the plans should *connect and follow in a natural or reasonable way* across the borders. This is a general starting point also in this document. The goal stated in the MSP Roadmap sets the cross-border coherence as a clear target, but a more operational definition is needed for the purpose of assessing coherence of the MSP plans.

The way that the cross-border coherence is presented in this report acknowledges the importance of **cross-border procedures**. In actual assessment of the coherence as presented in the checklist two dimensions are highlighted. One is the coherence of presentation of the MSP plans on maps. In this **illustrational perspective** matching of planning decisions across borders and potential mismatches are scrutinised. The other dimension takes a **functional perspective** beyond the MSP plan maps, since it is important to analyse also in which ways the planning decisions intend to influence the use of the sea areas and to pay attention to such planning decisions that are not presented on maps. The last perspective relates also to a **political dimension of coherence** as the functional perspective reflect on national preferences on different topics. The political dimension of coherence is also influenced by international commitments that countries have assigned to on the Baltic Sea, European and higher international levels. This can be assumed to increase the coherence.

1.4. Purpose of the report

The report gives guidance that can be used for both evaluating the existing plans for coherence and improving the plans when they will be revised the next time. The guidance is proposed to be used on a voluntary basis by the countries when they assess the cross-border coherence of their MSP plans together with their neighbours. There is a need to test the guidance when most of the Baltic Sea countries have their MSP plans ready. This will give a basis for improving the guidance, if needed, and for further consideration of the status of the report in the future. An earlier version of the checklist was tested in relation to planning of cross-border electricity interconnectors between Germany and Sweden. The key findings are presented in the Annex 1. Testing the checklist helped in improving the final version.

The most important part of the document is the checklist. The task force concluded that the checklist approach is a pragmatic and useful approach. Its purpose is to support Baltic Sea countries for evaluating and improving cross-border coherence of MSP. By using the checklist, the countries can identify the important aspects of cross-border coherence that can be found both in the MSP plans and in the practices of cross-border collaboration (planning and collaboration processes). The checklist will improve understanding of the key elements of coherence and focus the attention on the critical things for achieving the coherence.

[1] https://dictionary.cambridge.org/dictionary/english/coherence

2. Checklist on cross-border coherence of MSP

The purpose of the checklist is to support Baltic Sea countries to evaluate and improve cross-border coherence of MSP. By using the checklist, the countries can identify the important aspects of cross-border coherence that can be found both in the MSP plans and in the practices of cross-border collaboration (planning processes). The checklist will improve understanding the key elements of coherence and focus the attention on the critical things for achieving the coherence. The exact solutions to reach the coherence vary case by case.

The checklist is organized into three sections:

- The first section recalls the cross-border procedures that are already set in the HELCOM-VASAB Guidelines on transboundary consultations, public participation and co-operation. Cross-border **consultations, informal collaboration and sharing of information** are here seen as processes that can help in achieving the cross-border coherence.
- The second section aims to help the identification of what are the issues that may be relevant from the cross-border perspective. This is presented as "step 1" when possible topics requiring cross-border handling are screened and understanding of their cross-border relevance is established. The "step 1" can be considered as a **scoping phase**, before more detailed scrutiny of the coherence.
- The third section presented as "step 2" proposes an approach to assess **how the relevant topics are handled in MSP** in ways that would foster the cross-border coherence. It also gives some examples of pertaining to particular topics and sectors. An exhaustive list of questions is not presented as to some extent these need to be designed for each border area.
- The cross-border collaboration and consultations addressed in the first section take place sporadically throughout the MSP planning processes. The steps 1 and 2 will be conducted then at appropriate stages of those processes as parts of the cross-border collaboration.

The second and third sections of the checklist include lists of questions that focus on important aspects for achieving cross-border coherence. These questions are meant to be used by MSP authorities of neighbouring countries when they together assess coherence of their respective MSPs or planning provisions. A strong recommendation is, indeed, that countries will do this assessment together. In addition, it is advised that the MSP authorities discuss with sectoral experts and stakeholders to check what might be the practical consequences of planning provisions in the MSPs also from the cross-border perspective.

The steps described in the sections 2 and 3 focuses on cross-border topics and how they are handled in the MSP of the countries in question. There the focus is rather concrete, but there is also another level of planning approach where countries may have differences. This level concerns the general approach to MSP. The possible differences relate then, among others, to scales of planning that range in the Baltic Sea from 1:200 00 to 1:1 000 000 and to the functionality of sea use types stipulated in the plans. Table 1 below illustrates the last point showing which type of planning stipulations are used. It reflects also the detailedness of MSP planning.

Table 1. Types of the functionality of sea use types in selected Baltic Sea countries' MSP plans. The types presented in columns are based on the HELCOM-VASAB Guidelines on transboundary MSP output data structure. Source: BASEMAPS, note that this table was filled in 19/08/2021, the data on BASEMAPS can vary according to updates done by the countries.

	Priority function	Reserved use	Allowed use	Restricted	Forbidden
Denmark	X	X	X		
Finland	X				
Germany	X	X			
Latvia	X		X	X	X
Lithuania	X	X		X	X
Poland	X		X		
Sweden	X	X			

One difference may be also in whether the plans are binding or guiding. This distinction needs to be considered carefully as also the guiding MSPs can be, in effect, based on strong pre-existing policies. For instance, Sweden's guiding MSP incorporates in it several national and sectoral policies that have a strong steering effects on the use of the sea. These general level difference and their possible implications on the cross-border coherence could be considered while countries collaborate together.

2.1. Cross-border procedures as a precondition for enhancing coherence

Cooperation between countries, sharing information and cross-border consultations help in achieving the coherence of the MSPs. The HELCOM-VASAB Guidelines on transboundary consultations, public participation and co-operation (hereinafter – HELCOM-VASAB Guidelines on transboundary MSP collaboration) that was adopted in 2016 sets a framework for countries to cooperate with each other. It is recommended that countries will apply the guidelines when planning and organising cross-border cooperation and consultations.

There already exist international conventions and protocols that address cross-border environmental issues: Environmental Impact Assessment in a Transboundary Context (Espoo Convention) referring projects with potential significant negative transboundary impact on environment and the Protocol on Strategic Environment Assessment (Kiev Protocol) for plans and programs, which set frames for projects with significant positive or negative impact on environment and health also in transboundary context. Many of the Baltic Sea countries have applied these protocols in their MSP processes, which has improved transparency of planning and early informing of the neighbours.

The HELCOM-VASAB guidelines on transboundary MSP collaboration remind that focus on environmental issues covered by the existing conventions and protocols does not cover all relevant MSP issues, in particular the socio-economic ones. It is pointed out also that consultations should be extended towards encompassing not only potential conflicts such as detrimental environmental impacts, but also synergies (in particular socio-economic opportunities). Therefore, MSP-related consultations and cooperation need a broader scope and should start even earlier than is required by the Kiev Protocol.

The HELCOM-VASAB Guidelines on transboundary collaboration propose five steps for early communication with neighbouring countries (see the text box on the following page). These steps can be taken as a to-do list for countries when they make or review their MSP plans.

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

The 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 or revise an existing plan**. 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.

* Comparisons of characteristics (i.e. ”nature”) of MSP in the BSR have been done e.g.: **Baltic Lines (2018)** report on planning criteria (table 1, pages 3-4); **Pan Baltic Scope (2019)** report on ecosystem-based MSP and strategic environmental assessment (tables 3 and 4, pages 15 and 17 respectively)

It is noteworthy that the guidelines acknowledge the importance of hearing stakeholders also in transboundary matters. The guidelines also underline the importance of informal discussions and meetings between countries and acknowledges the important role of pan-Baltic level collaboration between countries within the framework of HELCOM-VASAB MSP working group.

Guiding questions on the transboundary procedures:

Start of the planning

- When did the countries inform other countries about the start of the MSP process?
- How was the informing organized? (e.g. documents and/or meetings and events, websites)
  - What information was included?
  - In which languages the information was provided?
  - Who were informed? (e.g. authorities, stakeholder, HELCOM-VASAB MSP WG)
- Did the procedure follow the Espoo and Kiev protocols?
  - Did the procedure include elements broader than what is required in Espoo and Kiev protocols? Please, elaborate what was included and why such decision was made.
- What kind of feedback and request were received from the other countries regarding the information received and the procedure?

Drafts and final MSP plans

- When did the countries inform other countries about the draft(s) and final plans?
- How was the informing organized? (e.g. documents and/or meetings and events, websites)
  - What information was included?
  - In which languages the information was provided?
  - Who were informed? (e.g. authorities, stakeholder, HELCOM-VASAB MSP WG)
- Did the procedure follow the Espoo and Kiev protocols?
  - Did the procedure include elements broader than what is required in Espoo and Kiev protocols? Please, elaborate what was included and why such decision was made.
- What kind of feedback and request were received from the other countries regarding the information received and the procedure?

Proposed output:

- A brief description of the procedures with explanation of why the procedures were organized in such a way.
- A summary of feedback that was received on the procedure from other countries.
- Try to avoid simple 'yes' and 'no' answers. Instead, write concise and descriptive answers that are understandable for the people who were not involved in the work.

2.2. Step 1. Identification of cross-border issues

This section presents a scoping phase when possible cross-border topics are screened and understanding of their cross-border relevance is established. The "step 2" that follows looks closer on the particular topics and on the coherence of the MSP planning decisions that concern these topics.

When identifying cross-border issues one needs to pay attention to **human activities** and **infrastructures,** but also to **features** such as ecologically important areas, ranges of species or sites of underwater cultural heritage. These features are typically included in countries' planning evidence and may be also marked in the plans. Paying attention to the ecological features is particularly important, because one of the key arguments for improving cross-border coherence is that ecosystem boundaries do not follow administrative boundaries. Paying attention to the cross-border coherence is thus important also for applying the ecosystem-based approach in MSP. The human activities, infrastructures and features that are addressed in the MSP plans or related documents are in this checklist called "cross-border topics" for simplicity.

It is important to be aware of national priority sectors. Another important aspect is that some sectors or topics are regulated at an international level – such as fisheries through the EU's Common Fisheries Policy and shipping by the International Maritime Organisation.

The questions below help in assessing how coherently potential cross-border topics are handled in neighboring countries' MSP. The sets of questions (2.2.1 – 2.2.4) should be handled together and in relation to each other.

2.2.1. Coherent coverage of topics

One aspect of identification of cross-border topics is to check which topics are addressed in MSP in the first place. A table below includes examples of which topics some countries have covered in their MSPs. While identifying the topics that the countries address in their MSP it is important to look beyond the MSP maps as some topics can be handled in the MSP documents, but not included in the map presentations. The table below only contains information what is in the MSP maps. As pointed above, most sectors and topics are addressed also in sectoral planning and decision-making according to the specific national planning laws and regulations, and possibly also at the international level.

Table 2. The topics addressed in national MSP plans. The categories of the topics are the ones used in the BASEMAPS. Source: BASEMAPS, note that this table was filled in 19/08/2021, the data on BASEMAPS can vary according to updates done by the countries.

	Aquaculture	Fishing area	Coastal protection area	Raw material extraction area	Underwater cultural heritage area	Tourism areas	Installations and infrastructures	Submarine cables and pipelines	Maritime transport areas	Military areas	Scientific research areas	Nature conservation area	Undefined activities or general use	More than one sea use areas	Other uses
Denmark	X			X			X	X	X			X	X	X	X
Finland	X	X			X	X	X	X	X			X		X	X
Germany		X		X		X	X	X	X		X	X			
Latvia		X			X	X	X	X	X	X		X	X	X	X
Lithuania				X	X	X	X	X	X	X		X		X	X
Poland			X	X	X	X	X		X	X		X	X		X
Sweden		X			X	X	X	X	X	X		X	X	X	

Guiding questions on coverage of the topics:

- Are the same topics (human activities, infrastructures and features) addressed in MSP planning in both/all countries in question?
- Are some topics planned within sectoral decision-making and not included in the MSP planning?

Proposed output:

- A list of topics addressed in countries' MSPs and related documents with an explanation of how they are addressed.
- Presentation in a table format.
- Try to avoid simple 'yes' and 'no' answers. Instead, write concise and descriptive answers that are understandable for the people who were not involved in the work.

2.2.2. Identification of cross-border relevance

After screening the potential cross-border topics, countries need to assess which of the topics are of particular concern from a cross-border perspective. These are the sectors and topics that are important for the countries and have obvious cross-border dimension. This assessment is best produced by countries in collaboration with each other. A general guidance for approaching the question of cross-border relevance is that:

- Some human activities, infrastructures and natural or cultural features move or range across borders.
- Some topics near the borders may be of a particular concern in a cross-border context, for instance, because they have an influence on topics or features across the border. The influence may be positive or negative.

Planning decisions may influence different topics across the borders, for instance, by introducing intercepting constructions or by generating impacts that range across the borders. The Espoo Convention on transboundary environmental impacts is relevant in this respect. It gives an important framework for discussions on cross-border coherence, but one needs to consider also other than environmental impacts, e.g. economic and cultural.

The influence can also be positive, if countries manage to foster synergies. An example would be planning decisions on both sides of the border to protect a valuable habitat that ranges across the border. The cross-border influences are not limited to environmental impacts only.

Guiding questions on cross-border relevance:

- Which are the topics of particular concern in a cross-border context?
- Are there existing or planned activities, infrastructures and features within such a distance from the border that they can have negative or positive **influence across the border**?
    - What sort of negative or positive influence can be expected?
    - Consideration of influence to other types of activities or features should be included, as well. For example, designation of offshore wind park may interfere with shipping or fishing activities.

Proposed output:

- A list of existing or planned topics with cross-border relevance that the countries should address in the cross-border collaboration. The list should include also justification of the relevance.
- Try to avoid simple ‘yes’ and ‘no’ answers. Instead, write concise and descriptive answers that are understandable for the people who were not involved in the work.

2.2.3. Relevant authorities

A practical consideration to help communication is to identify who are the relevant authorities that are in charge of MSP planning and who are in charge of the relevant cross-border topics. Especially, if there are some topics that are handled as part of one MSP in one country, but the same topic is handled by sectoral authority in another country.

Guiding questions on relevant authorities:

- Who are the respective MSP and sector authorities in countries responsible for the relevant cross-border topics? In some cases, also sub-national level authorities are relevant.

Proposed output:

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

2.3. Step 2. Coherent handling of different topics in MSP

The step 1 screened topics that are relevant to be addressed in cross-border collaboration between countries. This step 2 focuses on how these topics are handled in the actual MSP and the planning documents. **This step presents questions against which one can assess how coherently particular topics are handled in MSP.** As pointed out earlier, answering the questions is easiest when countries address the questions together. Below there are four examples of typical topics that are relevant for cross-border dialogues (sections 2.3.2 – 2.3.5). The topics are shipping, offshore energy installations, areas of high nature value and fishing. There may be several other relevant topics but presenting an exhaustive list here is not possible. Furthermore, each border area may have its own specific topics. These must be scrutinized case by case in cross-border dialogues.

2.3.1. Similarities and differences in planning of different topics

Countries conduct their MSP in different ways. There may be differences in what topics are covered in MSPs and related documents, how they are prioritised and how the plan is intended to influence different activities. There are also differences in how planning decisions are presented on the maps, but that does not necessarily mean that there are very substantial differences. Countries need to be aware of the differences and analyse the actual problems and risks that may be caused by the differences and, especially, to find solutions to minimise the problems.

The MSP's intended influence of the planned topics is consequential for cross-border coherence, especially in terms of functional coherence. Countries give typically conditions for the use of different sea areas in their plans. Areas may be designated for specific uses, but it is also common to indicate what other uses are conditionally permitted or prohibited in these areas. Furthermore, some countries give general conditions or remarks for some types of sea uses without linking them to any specific area designations or presenting them on the MPS maps. This approach is taken, for instance, in Sweden regarding data and communications cables, carbon sequestration, aquaculture and multi-use.

Countries have different approaches for presenting the planning provisions that determine the steering effect. The following examples show how Finland, Sweden, Latvia and Germany present planning decisions.

- Finland has identified topic-specific significant and potential areas. For each of these there is given
  - General definition;
  - Marking description;
  - Planning principle;
  - Special characteristics and priorities of the planning areas;
  - Land-sea interactions; and
  - Starting points and surveys.
- Sweden has defined for each area
  - Use or uses
  - Comment if special perspectives (defense, cultural heritage or nature) should be considered
  - Prioritisations or suitability for co-existence of uses (and reasoning for them)
- The MSP documentation of Latvia defines three categories of marine space use: Priority uses, Existing uses and objects and General use. The MSP documentation gives also conditions or recommendations for different human activities and further definitions of the types of use.
  - In areas designated for priority uses the Latvian MSP gives conditions for the use of those areas, e.g. requirements for further research or conditions for other activities
  - For general use areas the Latvian MSP gives recommendation for how specific sea uses can be implemented in these areas
- The German MSP of 2009 designates priority and reservation areas for different human activities. In 2021 the revised plan includes, in addition, designations for the protection of the marine environment. The planning documentation gives further information regarding the designations:
  - Targets and principles, including how to consider relations with other human activities and characteristics of sea areas
  - Justifications

Guiding questions on handling of specific topics in MSP:

- Are there differences in how countries handle or present the topic in their MSP plans and related documents?
    - Types of possible differences:
        - Spatial designations/no spatial designation for the topic, types of spatial designations
        - Textual regulations/guidance (topic addressed in MSP documents, but not on the map, incl. requirements on types of data to be used for decision-making based on the plan)
        - Discontinuities at the border (lack of continuity or clear difference in presentation)
        - Intended effect of the plan and the level of details
- If there are differences in how the countries handle or present the topic in their MSP, what are the possible problems and risks caused by them?
- What are the possible solutions to minimise the problems and risks? What are the solutions to foster synergies?

Proposed output on planning of different topics:

A report on similarities and differences of how different topics are handled in the MSPs of the participating countries. It could cover questions such as:

- Which are the important cross-border topics and why are they important?
- Presentation (map and textual planning decisions) of how the important cross-border topics have been handled in MSPs in the border areas, including explanation of:
    - How the MSP is expected to influence the topic in question ("steering effect")?
    - If some important cross-border topics are not included in MSP: why is it so and is planning of the topic handled in other decision-making structure?
- Which are the main issues and problems in terms of cross-border coherence? (see topic-specific questions below)
    - Area designations
    - Planning provisions
    - Cross-border influences
- If there are differences in how the countries handle or present the topic in their MSP, what are the possible problems and risks caused by them?
- What are the possible solutions to minimise the problems and risks? What are the solutions to foster synergies?
- Try to avoid simple 'yes' and 'no' answers. Instead, write concise and descriptive answers that are understandable for the people who were not involved in the work.

In sections 2.3.2. – 2.3.5. there are examples to illustrate how the coherence of handling of the certain topics can be assessed. These are shipping, fishing, offshore energy installations and valuable nature areas that are common topics for considerations of cross-border or transboundary coherence. There are also some examples of possible methods to support the assessment.

Shipping and fishing represent sectors that are mobile and operate across the borders. They are also regulated internationally, which adds particular elements of handling these sectors as the countries need to take into account the international commitments while making their national MSPs. Offshore energy installation is an example of concrete, fixed use of the sea area. Offshore aquaculture could be a similar type of a sea use. The offshore energy installation includes also the cables that can cross borders in some cases. Valuable nature areas and nature conservation interest is not an activity as much as it is a feature in the sea. It introduces special types of challenges for cross-border coherence. Underwater cultural heritage has some similarities to valuable nature areas.

2.3.2. Shipping

Shipping activities are typical cross-border activities. It is regulated internationally through the International Maritime Organisation, which makes it a very special sector from the MSP perspective. Freedom of shipping or "the right of innocent passage" through a coastal state's territorial sea is a fundamental international right stipulated in the United Nations Convention on the Law of the Sea (UNCLOS). This sets limitations also on the mandate of the MSP to influence shipping, which often means that other activities are planned in order not to form obstacles for shipping. General process of designating shipping corridors in MSP vary greatly due to differences in national planning systems (see the information box below, source: Baltic LINes).

Guiding questions on shipping:

Area designations:

- Are shipping lanes or corridors marked in the plan on both sides? If not, what is the reasoning behind the decision.
- Do middle lines of the shipping lanes or corridors meet at the border? If not, explain the reasoning behind the decision.
- Are the widths of shipping lanes compatible on both sides of the border? If not, explain the reasoning behind the decision.
- What are the main differences between the countries regarding the area designations?

Planning provisions:

- What types of activities are considered conditionally permitted and prohibited in the area designated for shipping (fishing, for example, in some countries is allowed in areas designated for shipping)?
- What types of planning provisions there are on shipping in areas where shipping is not the prioritized activity?
- What are the main differences between the countries regarding the planning provisions?

Cross-border influences:

- In what ways are cross-border influences of shipping described and considered? (both positive and negative, e.g. environmental impacts (addressed in SEA), economic consequences on other sectors?
- What are the differences between countries in this respect?

Problems and solutions:

- If there are differences in how countries handle or present shipping in their MSP, what are the possible problems and risks caused by them? Do they represent incoherence in planning?
- What are the possible solutions to minimise the problems and risks? What are the solutions to foster synergies?

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

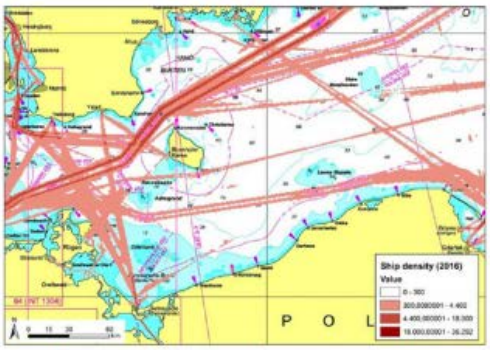


Figure 13: Step 2: AIS data needs to be analysed to designate ship corridors.

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

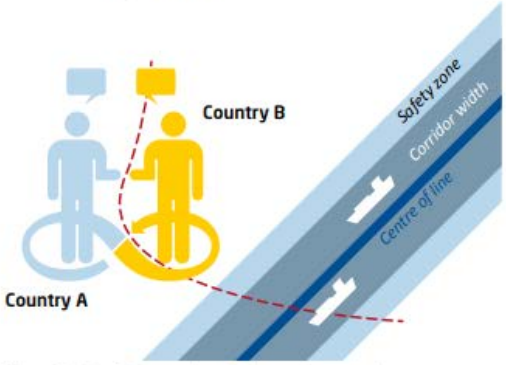


Figure 15: Step 5: Transnational exchange between planners to increase coherency of designations.

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

2.3.3. Fishing

Fishing takes place in most of the Baltic Sea area. Fishing vessels in open sea fisheries can operate in waters of several countries. Similar to shipping, fishing of the EU countries is regulated on an international level through the EU Common Fisheries Policy. This also sets limitations for MSP and typically, MSP plans do not regulate fishing. In some countries fishing is not explicitly addressed at all in the MSP, while some countries have, at least by indicating important areas for fishing. Latvia has also given guidance on the sort of data to be used for fisheries related (spatial) decisions. Due to these substantial differences between the countries the following list of questions include questions that are not relevant for all countries.

Even if MSP does not regulate fishing, there are three fisheries-related aspects that can be considered in MSP. Locations of fishing grounds as well as routes between them and, home ports and landing sites are obviously important to consider 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.

Guiding questions on fishing:

Area designations:

- What kind of approaches are taken in relation to fisheries, e.g. textual guidance, area designations or markings, give guidance for later decision-making?
- What types of important areas for fisheries are included in MSP planning in the countries? Such as spawning and nursery areas or Essential Fish Habitats or fishing grounds.
- What are the main differences between the countries regarding the area designations?
- Are the areas for fishing or important for fishing compatible across the border? (e.g. cross-border synergies)

Planning provisions (if such are given for fishing):

- What types of activities are considered conditionally permitted and prohibited in the area designated for fishing?
- What types of planning provisions are there on conducting fishing activities in areas where fishing is not the prioritised activity?
- What are the main differences between the countries regarding the planning provisions?

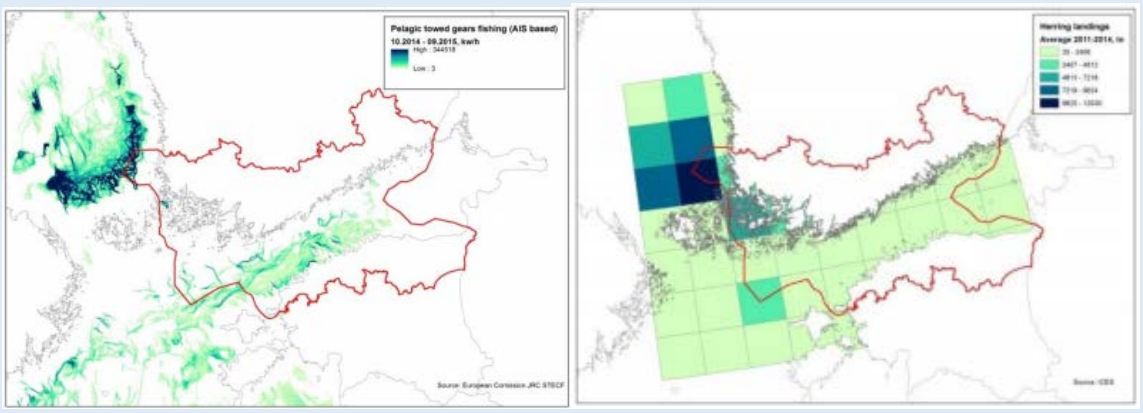
Cross-border influences:

- How are foreign fisheries interests considered in MSP planning? How are cross-border fishing activities mapped for MSP planning in both countries?
- In what ways are cross-border influences of fishing described and considered? (both positive and negative, also influences on other topics)
- What are the main differences between the countries regarding the cross-border influences?

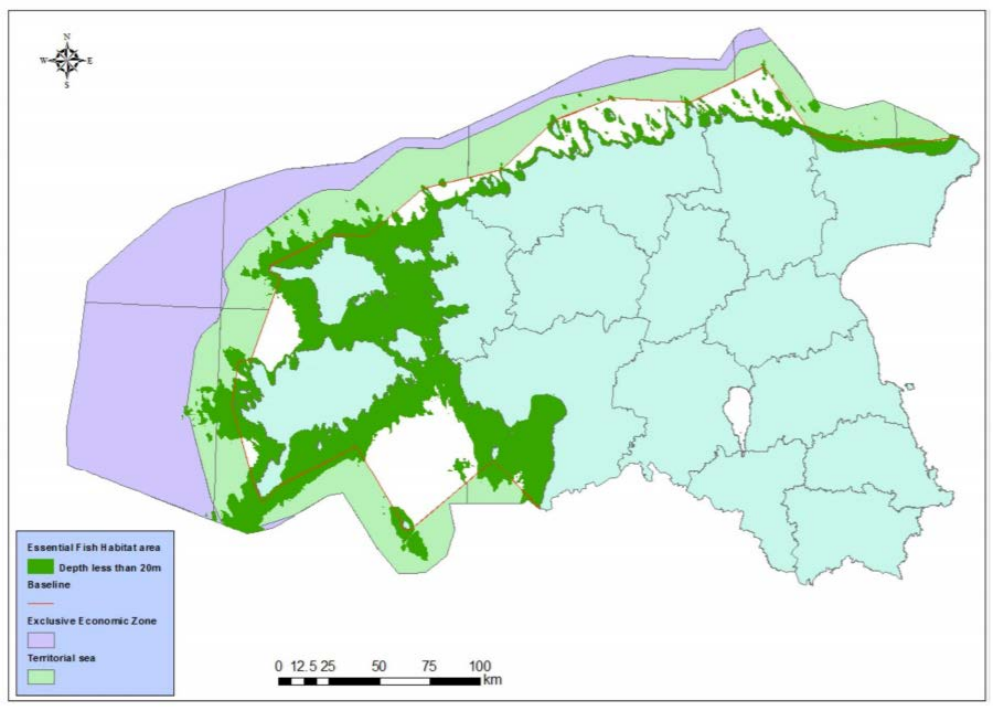
Problems and solutions

- If there are differences in how countries handle or present the fisheries in their MSP, what are the possible problems and risks caused by them?
- What are the possible solutions to minimise the problems and risks? What are the solutions to foster synergies?

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



The assessment of suitability of coastal waters for spawning of different fish species is one way to study importance of areas for fisheries. Another, more comprehensive approach that is being introduced also to the Baltic Sea is called the assessment of Essential Fish Habitats (EFH). These described as a subset of all habitats occupied by a species covering areas necessary to fish for spawning, breeding, feeding, or growth to maturity. The EFH was included as one method in the above mentioned Plan4Blue report (see picture below) and it was also part of the Pan Baltic Scope methodology for determining Green Infrastructure (report).



Essential Fish Habitat potential sea area in the waters under Estonian jurisdiction. Source: Plan4Blue report Robert Aps, Ville Karvinen, Marco Nurmi, Riku Varjopuro 2019. Pelagic fisheries of Baltic herring and sprat and Maritime Spatial Planning. Plan4Blue report: Deliverable D.T4.5.1. (link)

2.3.4. Offshore energy installations

Offshore energy installation either for generation or transmission are examples of large, fixed constructions that may influence other uses of the sea. They may also have impacts on the sea bottom or species. Especially production of wind energy is expected to grow in the future.

Offshore aquaculture that is not handled in this report separately has some similarities to offshore energy generation. Aquaculture facilities are fixed constructions at least seasonally and thus limit the use of the sea area. Aquaculture installations do not cover as large sea areas as wind energy, for instance. Aquaculture may also have transboundary environmental impacts close the border areas.

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 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 on the next page.

An earlier version of the checklist was tested in relation to planning of cross-border electricity interconnectors between Germany and Sweden. The key findings are presented in the Annex 1.

Guiding questions on <u>cables and pipelines</u>:
Area designations:

- Are there spatial designations for cables or pipelines (corridors) in maritime spatial plans on both sides? If not, explain the reasoning behind the decision.
- Do the planned designations of corridors meet at the border? If not, explain the reasoning behind the decision.
- Are the widths of the corridors compatible on both sides of the border? If not, explain the reasoning behind the decision.
- What are the main differences between the countries regarding the area designations?

Planning provisions:

- What types of activities are considered conditionally permitted and prohibited in the area designated for cable or pipeline corridors?
- In what ways are the safety zones to the corridors determined?
- What are the main differences between the countries regarding the planning provisions?

Cross-border influences:

- In what ways are cross-border influences of cables or pipelines described and considered? (both positive and negative) What are the differences between countries in this respect?

Guiding questions on <u>offshore energy</u> areas:
Area designations:

- Are existing and planned offshore energy production areas marked in the MSP plans of the countries? If not, explain the reasoning behind the decision.
- Are the existing or planned energy production areas coordinated with cable corridor planning? If not, explain the reasoning behind the decision.
- What are the main differences between the countries regarding the area designations?
- Are the existing or planned energy production areas compatible across the border? (e.g. cross-border synergies)

Planning provisions:

- What types of activities are considered conditionally permitted and prohibited in the offshore energy production areas?
- In what ways are the safety zones to the energy production areas or installations (such as turbines) determined?
- What are the main differences between the countries regarding the planning provisions?

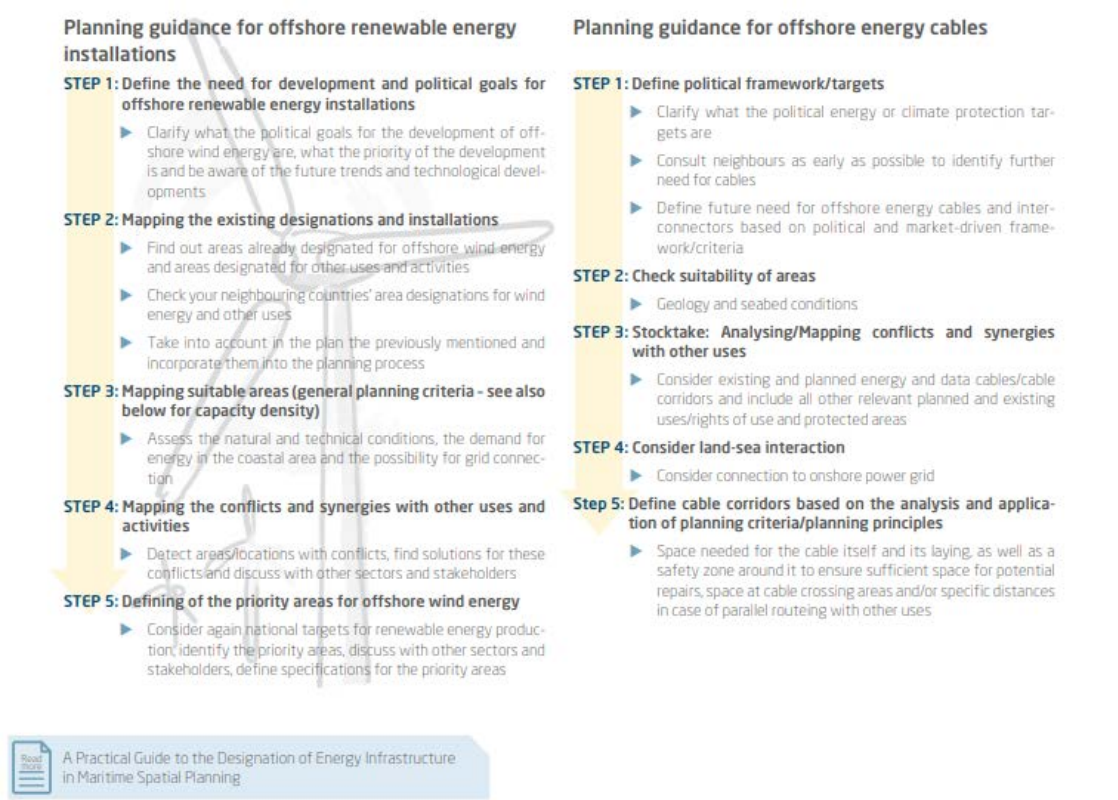
Cross-border influences:

- In what ways are cross-border influences of the offshore energy production areas described and considered? (both positive and negative (incl. cumulative influence), also interactions with other uses influences on other topics)
- What are the differences between countries in this respect?
- Is potential for joint (hybrid) projects considered?

Problems and solutions to increase coherence of handling of all offshore energy installations:

- If there are differences in how countries handle or present offshore energy installations in their MSP, what are the possible problems and risks caused by them? Do they represent incoherence in planning?
- What are the possible solutions to minimise the problems and risks? What are the solutions to foster synergies?

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

2.3.5. High nature values

Areas with high nature values and nature conservation interest is not an activity as much as it is a feature in the sea. It introduces special types of challenges for cross-border coherence. Underwater cultural heritage has some similarities to valuable nature areas.

MSP considers existing or planned marine protected areas. These can be presented in the MSPs or included in background documentation. The planning process considers also available ecological information as criteria for planning of the use of the sea areas. Such criteria are 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 is an important reference on handling valuable nature areas in MSP (link, opens a pdf file). The guideline is being updated during 2020-2021. An important role to ensure the coherency of areas of high natural and cultural/heritage value and protect them properly, can be played by the strategic environmental assessment (SEA) carried out for MSP. The impacts analysed under the SEA, including the impact on the integrity and cohesion of Natura 2000 sites, are assessed in the context of the entire Baltic Sea ecosystem. The SEA allows to assess environmental impacts thoroughly, including cumulative impacts, and to plan appropriate remedial solutions. Due to the fact that SEA is a formal process it makes the results/outcome more applicable.

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 extend across the borders. Pan Baltic Scope project tested methods for determining Green Infrastructure areas. See the information box below and the full report.

Guiding questions on high nature values:

Area designations:

- In which ways have the countries included high nature values in the MSPs or planning documentation?
- In which ways have the countries included marine protected areas in the MSPs or planning documentation?
- What methods or concepts are used for identification of high nature values in the countries? For example, concepts such as Ecosystem Services, Green Infrastructure or Ecologically or Biologically Significant Areas (EBSA).
- What are the main differences between the countries regarding the area designations?

Planning provisions:

- What types of activities are considered conditionally permitted and prohibited in the areas of high nature value?
- What types of activities are considered conditionally permitted and prohibited in marine protected areas? Does MSP add something to the MPA management plans?
- What are the main differences between the countries regarding the planning provisions?

Cross-border influences:

- Do areas with high nature values extend across the border or are close to the border? In what ways are such cases considered in MSPs or documentation of the countries?
- How are possible negative impacts to high nature values from activities on the other side of the border considered? Are sectoral developments coordinated to avoid the cumulation of impacts across the borders?
- What are the main differences between the countries regarding the planning provisions?

Problems and solutions:

- If there are differences in how countries handle or present high nature values or protected areas in their MSP, what are the possible problems and risks caused by them? Do they represent incoherence in planning?
- What are the possible solutions to minimise the problems and risks? What are the solutions to foster synergies?

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

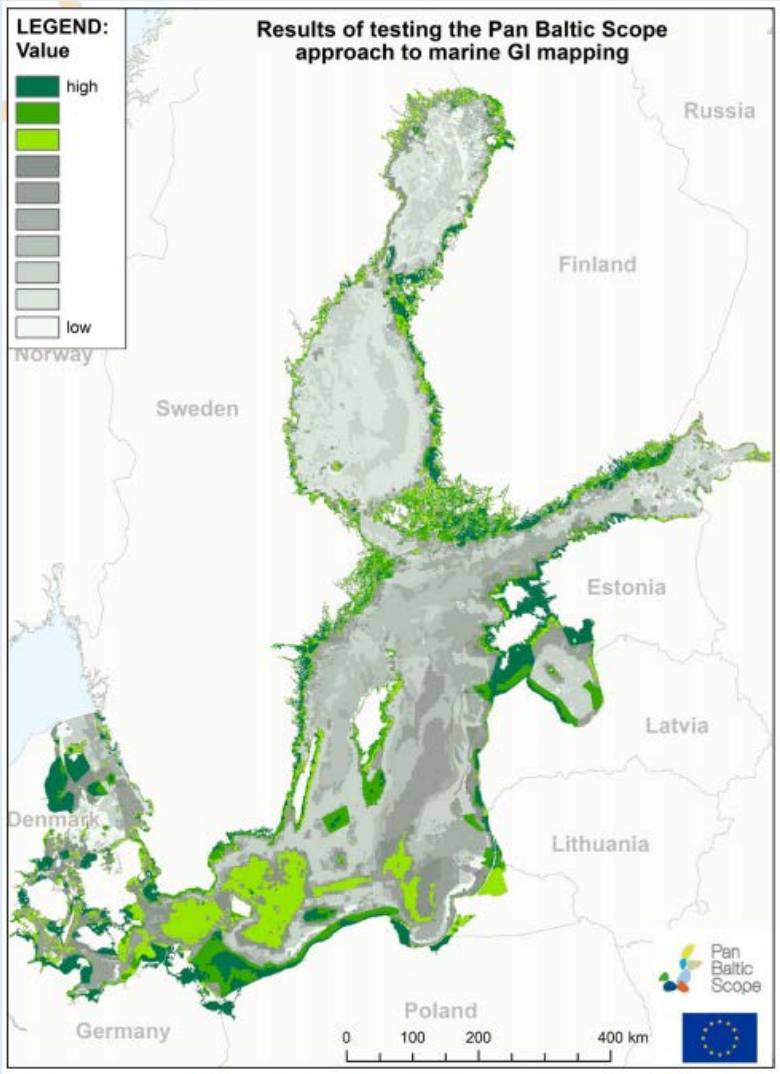


Fig.14 Results of testing Pan Baltic Scope approach to marine GI mapping based on available spatial data: green colour indicates the 30 % of the Baltic Sea area which represents the highest ecological and ecosystem service supply value (the most valuable areas in dark green, other highly valuable areas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

Annex 1. Case study: Electricity interconnector between Germany and Sweden

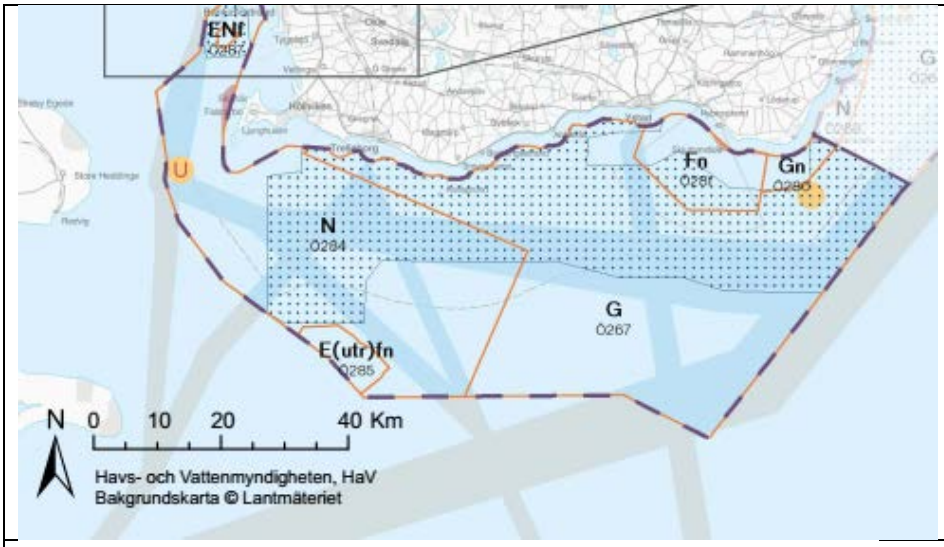
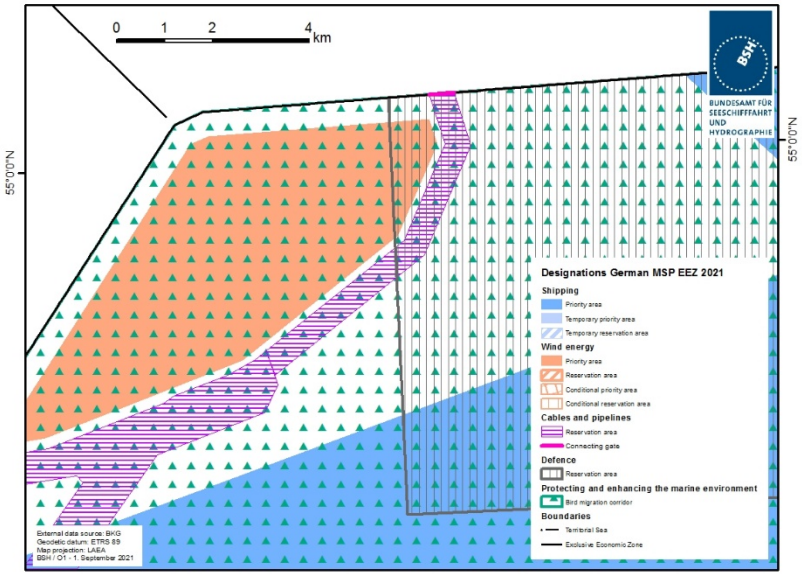
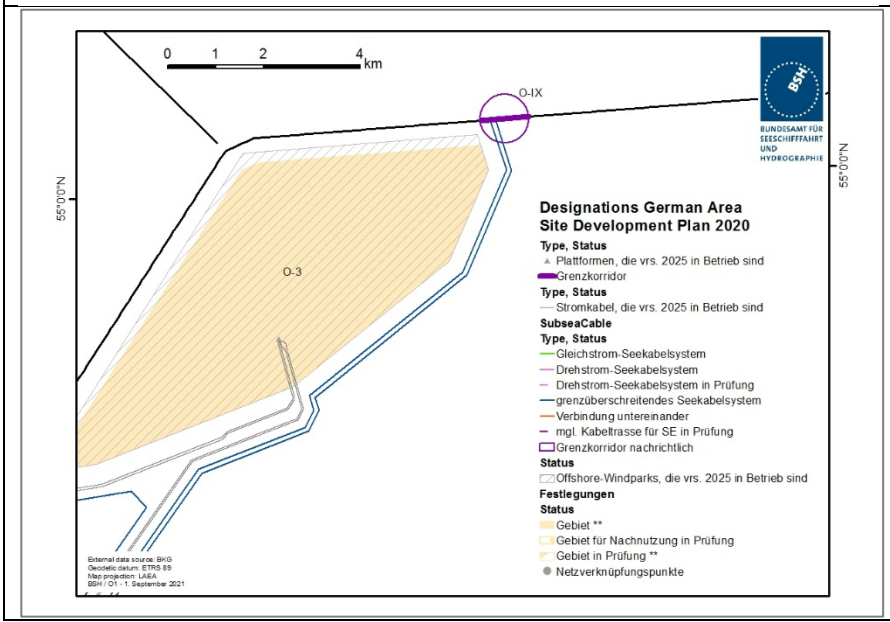
This case study was carried out by Philipp Arndt, The Federal Maritime and Hydrographic Agency of Germany (BSH), and Jan Schmidtbauer Crona, Swedish Agency for Marine and Water Management (SwAM) and based on the current and proposed plans: German MSP 2021, Swedish MSP proposal 2019, German sectoral Site Development Plan 2021 (FEP 2021). The case aimed to test an earlier version of the checklist.

Background information:

- No interconnections in Swedish Marine Spatial Plan because sectoral planning procedure (planning per application), but interconnecting cable mentioned in MSP-document. In discussion to include the application processes of interconnections into the Swedish MSP.
- Sectoral planning for interconnections in both countries. Germany plans cable corridors for future use. Svenska Kraftnät publishes a 10-year investment plan including investments in specific transmission lines. The exact location is defined in the application phase.
- Hansa PowerBridge is planned, will be applicated and built by Svenska Kraftnät & 50Hertz.
- Submarine cables for the connection of offshore wind farms are planned in Germany as part of the sectoral Site Development Plan FEP. In Sweden the cable corridors are not shown in the plan map, instead there are general provisions on future cables in the overall guidance of the plans.

Step 1. Identification of cross-border issues

Table 1: Current planning status

	Swedish MSP proposal 2019
	German MSP 2021
	German FEP 2020

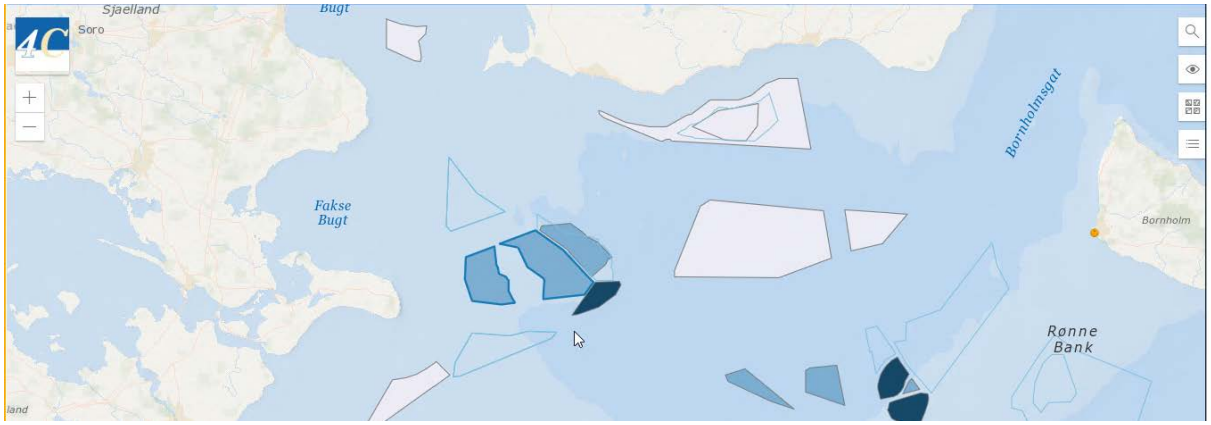


Figure 1: Offshore wind areas (https://www.4coffshore.com/offshorewind/)

Table 2: HANSA PowerBridge on the Swedish (left) and German (right) sea areas

	
https://www.svk.se/contentassets/9aa99f9a2df64cd69b7b86be2134006a/bilaga-1-1-oversiktskarta-hansa-powerbridge_4.pdf	https://www.50hertz.com/de/Netz/Netzentwicklung/ProjekteaufSee/HansaPowerBridge

Are the same activities and features addressed in MSP planning on both sides of the border? Are they addressed in comparable ways? Are some activities and features planned by sectors and not included in the MSP planning?

- The Swedish 2019 draft MSP does not contain interconnectors at the German/Swedish-EEZ-border. Based on the Site development plan 2020 (FEP) linear cables and pipelines are designated in the MSP 2021. At boundaries to neighbouring EEZs, connecting gates are designated in the MSP.
- Interconnectors are included in the German sectoral plan (2020 FEP) and on the Swedish side in the National Energy Transmission Plan of Svenska Kraftnät (2015, timeframe: 2016-2025).
- Cables are not included for future offshore energy areas in the Swedish MSP.

Are there existing or planned activities and features that cross border or within such a distance from the border that would require cross-border or transboundary considerations? Which of these are the most relevant ones?

- Interconnections are planned from German side, but not included in MSP-plan map from Swedish side. Maybe also not from Danish side.

Who are respective MSP and sector authorities in countries? Who are major stakeholders?

- Sweden: SWAM / Swedish Government responsible for the MSP, Svenska Kraftnät as the Transmission system operator (TSO) and 50Hertz as the electricity network company in question.
- Germany: BSH (MSP authority and electricity sectoral planning), BNetzA as the TSO.
- Hansa PowerBridge as the connector project.

Step 2. Identifying topic-specific criteria for coherence and suggestions on how to enhance it

Is the topic addressed in MSP planning in both sides of the border?

- No. Interconnections are planned at sector level in both Germany and Sweden but not included in Swedish MSP-map. .

Is it addressed in similar or comparable ways in MSP?

- No

Are cross-border impacts considered?

- Yes

If there are inconsistencies in how countries handle the topic in their MSP, what are the problems or risks caused by that?

- For the Hansa Power Bridge there are no risks involved. The Swedish plans do not hinder interconnections. If there would be mismathes in other cases it could potentially have negative financial concequences as bad or no planning might lead to higher investment costs (eg. due to longer cable distance).

Is this topic a coherence problem of MSP?

- Responsibility issue. MSP can communicate this issue to the sectors / sectoral planning. MSP can plan openly to avoid blocking possible interconnections in the future.

Dimensions of coherence

- Regulated coherence: Check how this is regulated in the European interconnection plan.
- Functional coherence: Yes, as an interconnection is possible (not blocked).
- Illustrational coherence (plan):
  - See offshore wind plans for the trilateral area above.
  - No illustrational coherence as the interconnection is not displayed in the Swedish MSP-map, but the interconnection cable is mentioned in the Swedish plan proposal.
- Political coherence: Yes, the interconnection is following a common approach of strengthening offshore wind energy and strengthening crossborder connections for a stable european network.

What are the possible solutions?

- MSP can communicate this issue to the sectors / sectoral planning.
- MSP can plan openly to avoid blocking possible interconnections in the future.
- Sectors / sectoral planning are communicating this issue crossborder.
- Step 2: Decision about integrating Interconnectors within the Swedish plans.

Conclusions

- The case study is showing that bilateral assessment of incoherences helps raising the awareness, strengthens the communication of maritime spatial planners and related sectoral stakeholders and may lead to common solutions.
- MSP and sectoral planning should consultate each other to understand the extent of different types of coherence.